

MAINE STATE LEGISLATURE

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Wm. F. Hill
DOCUMENTS

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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. 11.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 8, 1856. }

THE Committee on Elections, to whom was referred the remonstrance of Moses Woodman against the right of Alden B. Weed to a seat in this House, have had the same under consideration, and ask leave to report a statement of facts, as contained in the material portions of the evidence, herewith submitted:

STATEMENT OF FACTS.

By the returns from the town of Oldtown, the vote for Representative, as recorded at the last September election, stood thus:

For Alden B. Weed,	349
“ Moses Woodman,	331

The remonstrant claims a seat in this House upon the ground that the votes of several persons, not legal voters in the town of Oldtown, were thrown for Mr. Weed, and that several other persons, who were legal voters in said town, and who tendered their votes for him (Woodman) were denied the privilege of voting, and their votes were rejected; the illegal votes received, and the legal votes rejected, being sufficient to entitle said remonstrant to the seat claimed by him.

Said remonstrant also alleges that many persons, through the

misconduct and unjust, oppressive and illegal course of the selectmen of said town, in direct and flagrant dereliction of duty, were debarred from the exercise of their just right of voting.

Relative to the first branch of his claim said remonstrant introduced evidence touching the right of Eben Curtis, Francis Averill, John Furbush, L. H. Averill, John Bachelder and J. W. Haffy, to vote in said town.

In relation to these the evidence was clear that five of them cast their votes for Alden B. Weed at the election. As to the sixth, (Bachelder) it did not appear for whom he voted, nor that he had no right to vote, and the committee were fully of opinion that the remonstrant failed in making out both these points.

As to EBEN CURTIS, the deposition of *Jona. Hodgdon* was introduced, and is as follows :

Am 67 years old ; I resided in Miramachi from July, 1819, to the fall of 1847 ; I am acquainted with Ebenezer D. Curtis who lives in Oldtown on the Pushaw road, he married my daughter ; I first became acquainted with him in 1836, in the Parish of Northesk, County of Northumberland in the Province of New Brunswick ; the common report was that Curtis' father was born in Liverpool, England ; Curtis was then a lad about 10 years old ; his father never told me how long he had lived in that country ; Curtis mother's father was a refugee by report, and they were married at Northesk, where she was born and always lived according to report ; I never knew or heard of the father and mother of Curtis living in the United States. I can't say where Eben D. Curtis was born any more particularly than I have stated ; I always believed that he was born in the Provinces ; the first time I knew him to be in the States he came with me in the month of February, 1850 ; he told me he had been here the year before. He was not in the United States till 1849 that I ever heard of. He worked for Samuel Pratt last summer.

[Taken December 21.]

Samuel Pratt (called by Mr. Weed) testified that he was one of the selectmen; that said Curtis had lived in Oldtown some five or six years and owned a house there; that a long time prior to election he told him (Pratt) that he was born in Frankfort, Maine; that he had voted two or three years; that he was not put on oath at the polls or prior, nor was his vote challenged; that he (Pratt) did not know where he was born; that he did not see his vote, and that it was doubled up; that his name was transferred from the old list.

In regard to FRANCIS AVERILL, *Geo. P. Sewall, Esq.*, testified that the selectmen admitted his vote upon the ground that his case was similar to that of one Wadleigh who was permitted to vote, but that Wadleigh stated that he left Oldtown when a minor upon temporary business for his father, and returned after transacting it, and that he did not state any intention of returning to said place of his sojourn; and that he has continued to reside in Oldtown since his return.

Henry W. Averill deposed as follows:

I have a brother by the name of Francis Averill, who lives in Williamsport, Pennsylvania; he went there five years ago last September; the first time he was in Oldtown after he left here for Williamsport, was the 23d day of last June, I think; he staid home till sometime in September last, when he left for Williamsport; he is a single man; he always wrote when he was gone, that he should come home to stay; I saw him for the first time after he got home on Monday next after the Saturday he got home; he told me then that he should go back to Williamsport. He was not born in Oldtown; he was born in Bath; I don't know whether or not he always claimed this to be his home; he had lived in Oldtown before he went to Williamsport about fifteen or sixteen years; his mother lives in Oldtown; she has lived here about twenty-three years; his folks all live in Oldtown. My father died in Oldtown in the year 1846.

[Taken December 27.]

Stephen Cowan also deposed: I am acquainted with Francis Averill, and have known him from a boy; he left Oldtown about four years ago, and I have not seen him since he left until the month of July or August last, when I saw him in Oldtown; he told me he was going back again to Pennsylvania; and he went away some time since the September election.

[Taken December 27.]

Samuel Pratt, (called by Mr. Weed,) testified: Said Averill is a young man; his folks have lived in Oldtown for several years. He went to Pennsylvania and staid two or three years. Do not know of his residing in Oldtown any considerable time for five years past; think he was sworn, and said Oldtown was his home; his vote was not challenged. Thought the case like Wadleigh's.

As to JOHN FURBUSH, the deposition of *Zachariah Tibbets* is as follows:

I am acquainted with John Furbush, now of Oldtown; he moved into Oldtown, from Bradford, with his family and goods some time in the month of last April I think, and took up his residence at Upper Stillwater, and lived there until somewhere about the first or middle of last June, and then with his family and goods removed to Bradford; then returned to Upper Stillwater to work, leaving his family and goods at Bradford; and about six weeks ago brought back his family and goods to Upper Stillwater, where they now reside; I think he visited his family at Bradford from time to time during the summer; I have no doubt he supported his family while at Bradford; he went up during the haying and grain crops to Bradford to get his hay and grain; he hired a house at Bradford, in which his family lived until they returned to Upper Stillwater. My wife and Furbush's wife are own sisters. Said Furbush voted at the September election in Oldtown as I was informed by him. I know he was there, but didn't see him vote. I know of my own knowledge that Furbush moved all his things from Upper

Stillwater to Bradford; I helped load his goods; he boarded with me a day before he moved; he said nothing to me about any intention to return to Oldtown; I didn't hear him say that he intended to return until a little before or after the September election, I am not certain which.

[Taken December 27.]

Samuel Pratt, (called by Weed,) testified:

Furbush came to the polls on election day; was challenged; stated that he moved into town in April; that he afterwards moved into Bradford with part of his things; that he had bought a house in Oldtown and should return as soon as his house was finished; that he went to Bradford to do his haying. Do not know that he was taxed in Oldtown; think his name was put on the tax list after election. His right was not challenged.

In the case of L. H. AVERILL, *Joshua Buck* deposed: I am acquainted with Luther H. Averill; the Saturday before the last September election I saw said Averill on Sutton's platform in Upper Stillwater and shook hands with him; since April last he has not been at home to my knowledge except at that time, when he remained two or three days; when Averill resided in this town he lived with his father, who resides about 75 rods from where I live. When said Averill was in Oldtown in September last, I asked him if he intended to stop, and he told me he did not; I asked him if he expected to vote, he replied that he didn't think he had a right to vote. I should think he is about 32 years old. He told me next day, or next day but one after election, that he did vote, it might have been sooner than that. From the information I had of his father I should think he was born in this town.

[Taken December 18.]

William A. Ellis also deposed: I have lived in Oldtown about 20 years, and am acquainted with Luther H. Averill, who was elected last spring one of the selectmen of Oldtown; he

left Oldtown in the month of April and returned there I believe on Saturday, the 8th day of last September; he remained here until the Monday or Tuesday following, and has not been here since to my knowledge; if he had been in town since I think I should have known it. Said Averill has resided since April last at Berlin Falls, New Hampshire. He has a wife; he was married about the 1st of October last. I have received letters from Averill since the election and before; I hold in my hand a letter from him dated Berlin Falls April 28th, 1855, in which he says: "with regard to town affairs in Oldtown, I think they are rather snarled up; I guess it is lucky for me that I came away." Averill was elected selectman about the last of last March. His father and mother-in-law live in Oldtown. Said Averill has not been home but once since he left in April that I know of; if he had been I should have been likely to have seen him; before he left he lived with and made his home with his father in the same village where I live, and has corresponded with me ever since he has been out at Berlin Falls.

[Taken December 24.]

George P. Sewall testified that Averill is a single man; was elected one of the selectmen last spring; left Oldtown soon after, did not return until shortly before election and left immediately after. Never knew him to exercise his office until election. Sat at the polls most of the day, and left when they were counting the votes. He was born and bred in Oldtown. His vote was challenged.

Samuel Pratt, (called by Weed,) testified that Averill helped take the valuation; that he left Oldtown the last of April; did not see him again till the morning of election; he stated that he had been at work in New Hampshire, for Mr. Little; said he considered Oldtown his home; he has not lived in Oldtown since April last; did not know he was married till the depositions were taken.

The case of J. W. HAFFY was classed with the case of JOHN SPRUCE, and it was contended that both should have been permitted to vote, or the vote of both rejected. Haffy voted. Spruce was refused.

The evidence in these cases was as follows;—as to HAFFY :

George P. Sewall testified that he administered the oath to him at selectmen's office. He stated he was born in the Provinces; went to Fish river; was on the territory of Madawaska at the time of the treaty; that he was born outside of the territory claimed by the United States; that he challenged his vote, but told Mr. Pratt that men living on the territory at time of treaty, had a right to vote.

Samuel Pratt, (witness for Weed,) testified that Haffy's name was put on the list on Friday or Saturday. He was examined. Mr. Sewall said he thought he had a right to vote. He stated he was born in the Provinces, above Woodstock, and was at Fish river at time of treaty.

As to SPRUCE, his own deposition was as follows :

I was born in Upper Canada, and am about 34 years old; I have been in this town ten years last October; I left my father and went to Fort Kent, in this State, in the year 1841; when I left my father's, I left with the intention of never returning, and I never have. I remained at Fort Kent about four and one-half years, when I came directly to Oldtown. At the last September election in Oldtown, I went to the polls to vote; I offered a vote to the selectmen, but they did not receive it, and I afterwards, at the same time, gave it to Mr. Sewall. If I had been permitted to vote, I should have voted for Mr. Woodman for representative. I have a wife in this town. For the last ten years I made it my home in this town; I have worked in the woods in the winter and river driving in the spring. Was naturalized at Fort Kent, by Messrs. Madigan, Vinal, and Esquire Hunnewell. I kept my papers about two years and then lost them. I was married in Oldtown. I never

presented my papers to the selectmen but once, and that was at Fort Kent. My wife lives at William Green's, at West Great Works, in Oldtown; I was married the 2d day of last August. Prior to my marriage, I had just come off of the drive for Frost & Dwinel; the drive had been down some time, but I had done no work, prior to my marriage; my wife has not lived at Green's ever since; she boarded about three weeks with Mrs. Brooks and three weeks at Marshall's, and the rest of the time at Green's. When these men gave me the papers I was at work in the woods for Mr. Hall, who then lived at Fort Kent; I came out of the woods. The selectmen gave me no reason why they would not let me vote; they said they didn't want my vote; Mr. Pratt asked me where I was born; I told him in Canada; he asked me where I was naturalized; I told him at Fort Kent; I was asked where I was at the time of the treaty; I told them at Fort Kent; I was asked by Mr. Pratt where my papers were; I told him I had lost them. At the time I received my papers I voted; I voted in Oldtown a year ago last fall, and also the year before that.

[Taken December 29.]

George P. Sewall testified that Spruce stated to the selectmen that he was at Fort Kent at the time of the treaty. It was on this ground we claimed that his name should be put on and that he had a right to vote. He tendered a vote for Woodman at the polls, which was rejected. Certificates were given by Hunnewell and others to certain persons, setting forth that they were in Madawaska at the time of the treaty and had voted there.

Samuel Pratt, (called by Weed,) testified—Spruce stated he was born in Canada, came to Fish river, was naturalized by Hunnewell and others. Said nothing about being there at time of the treaty. He voted in 1854. Had we understood Spruce's case, as now, we should have permitted him to vote. Don't know that he said when he was thus naturalized. Don't think he said he lived at Fish river at time of treaty.

On the second branch of said Woodman's claim, in addition to the testimony above given in relation to Spruce, he introduced testimony relative to John Smart, David Kittredge, William Cormier, Freeman Markee, William S. C. Page, Joseph Devou, Nathaniel Staples, James O. Kelly, Michael O'Brien, Violet Cyr, Shepard Parmenter, Franklin Clay, Nahum Stackpole, Richard Tibbadoux, William F. Patten, and Josiah T. Ellis.

As to the two first named, the committee were unanimously of the opinion, that the evidence failed to establish the facts alleged.

The evidence as to WILLIAM CORMIER, is derived from the following depositions of said Cormier, John Cormier, and Charles Blanchard, and the oral testimony of Messrs. Sewall and Pratt.

William Cormier states—I am 22 years old, and was born at a place called Grand River, in Madawaska, on the American side of the St. Johns river; I have lived and made it my home in this town five years next spring; I was present at the selectmen's office a few days before the September election, and I applied to the selectmen to put my name on the list of voters. Mr. Sewall requested the selectmen to take my statement on oath as to my right to vote. The reason Mr. Blanchard, the chairman of the board, gave for not swearing me, was, that he would not take my oath or word because I was a Catholic. I afterwards at the town meeting tendered a vote to the selectmen for Mr. Woodman as representative; the selectmen did not let me vote; I delivered the vote afterwards to Mr. Sewall, at the meeting, and before I left the polls. When I went up to the selectmen's office to get my name on as above stated, about from 15 to 20 Frenchmen residing in Oldtown were there for the purpose of getting their names on said list. When the selectmen decided they would not take the oath of a Catholic the others started and went away, and concluded it was no use to try to get their names on to the list; and didn't

get their names on. It was the talk by the inhabitants of the town at and after that day, that the selectmen had decided that those citizens of Oldtown known as the French should not vote at said election. My residence in Oldtown has been steady and continued for five years, as above stated; I lived with Isaac Staples in Oldtown about two years; after I left Staples I went home to Madawaska, where I staid a year and a half, and then came back to Oldtown, where I have remained since, excepting when temporarily at work in the woods. The selectmen refused to take my oath because I was a Catholic. I cannot read. I offered a vote for Moses Woodman at town meeting last September; I received the vote from Mr. Hunt, who read it to me and said it was a vote for Moses Woodman. I suppose the reason for not taking my vote was because I was a Catholic; I heard them say so at the time I was there to put my name on the list; I am an American; was never in Canada.

[Taken December 17.]

John Cormier states—I was born in Madawaska; am 43 years old; came to Oldtown, in 1832; staid here four or five years, and returned to Madawaska; staid there about a year, and then returned to Oldtown; I worked at Fort Kent, for the State of Maine, under Stover Rines; I acted as interpreter for the Commissioners under the Treaty of Washington, and as interpreter, went with the Commissioners through the Madawaska and Chatauqua settlements. After I got through, went to Fish river, where I staid about a year, and from Patten went to No. 1, where I lived about six years, and then came to Oldtown. I know William Cormier; he was born in the State of Maine, opposite Grand river; he is 22 years old, as he calls himself; he has lived in Oldtown three years, to my own knowledge; he is my brother's son; I believe he is 22 years old. Since I left Madawaska the first time, it is twenty-three years. When I left Madawaska in 1832, William Cormier was then a small child. He was in the woods last

winter; it seems to me he said he worked for Mr. Boody. He was in Oldtown in 1851. In 1853, he was part of the time in the woods and part of the time in Oldtown. He made his home in 1853, in Oldtown, on the river road, to West Great Works; he boarded some time with Dudley Miles, and part of the time with Lizziot. In 1851, he boarded with his father, I suppose, in Madawaska. He boarded at Lizziot's this last summer, a spell; he boarded there also, some time the summer before. He says he is 22. He is now at work for Mr. Parlin, East of Bradley. He has made his home in Oldtown for the last three months. Part of the time in Oldtown and part of the time on the east side of the river.

George P. Sewall testified that he saw said Cormier tender a vote at the polls for Moses Woodman for representative which was refused; that on the Friday before election Cormier requested to have his name put on the list; Mr. Pratt was asked to interrogate him, Mr. P. replied that you (Sewall) may ask any questions; Mr. Blanchard said he would not take his word nor his oath, he was a Catholic; he was not sworn; the objection made was as to his age; did not know that his residence was questioned; one question was to whether the testimony of the Frenchman should be taken; the selectmen agreed to decide, put it off and did not decide at all till election.

Charles Blanchard * (deposition taken by Weed) deposed. I came into this town in June, 1839, and moved my family into the town June, 1840, and have lived in the town since that time, except four years that I lived in the town of Trenton; I have lived here constantly for four years since last April; my profession is clerical; I lived in Augusta three years before moving into Oldtown; I am one of the selectmen of this town; I was town clerk of this town six years, from 1841 to 1846

* This deposition was objected to; and evidence was introduced showing that notice was left at 9 1-2 o'clock, A. M., at Woodman's house to take the deposition at 10 A. M., during his absence. The caption shew that he was not present.

inclusive; I recollect that one William Cormier appeared before the selectmen at one of their sessions before the September election for the purpose of having his name entered upon the check list; his name was not put upon the check list, it not appearing that he had resided in town for the three preceding months; I never made the statement to Cormier or to any other one that his name could not be put upon the check list because he was a Catholic; I did not make any statement to him in regard to Catholicism in any shape. Mr. Sewall asked me if I would have Cormier put under oath. I replied that it was of no consequence as I would as lief take his testimony without as with the oath; I did not object to his statement at all. Mr. Sewall asked me why I did not want him put under oath. I replied that it was an established principle of Catholicism that an oath to a Protestant government was not binding. When Cormier was present there were four or five other Frenchmen present, and that was the greatest number present at any one time according to my recollection. Barzillia Gonyez appeared at the selectmen's office to have his name put upon the check list; he could not talk English, and answered through an interpreter; he stated that he was born upon the American side of the St. John river, but could not tell in what locality or who any of the neighbors were; the selectmen made no decision, but Mr. Sewall told him to go away; it was so plain a case that Mr. Sewall did not ask to have his name put upon the check list.

The selectmen had several sessions for the purpose of correcting the list of voters, and I was present at every one of them; they had no list of voters except the legal list of voters, and I heard of nor saw no other; I had no paper with names upon it that I used to consult, nor heard or saw any such, except such as were brought in by persons going out or in.

The appearance and bearing of Alfred Nelson who appeared there for the purpose of getting names upon the check list was abusive, insulting and threatening.

Mr. Sewall was present most of the sessions of the selectmen

for the purpose of correcting the list of voters; what little time he was not present John H. Hilliard was present.

[Taken December 24.]

Samuel Pratt (called by Weed) testified:

William Cormier came in with Markee, Gonyez, Michoux and Lizziot; after questioning them Mr. Sewall asked me to swear Cormier, also asked Blanchard; he replied I will believe him as soon without oath as under oath, or any other Catholic; I did not decline to put him under oath because he was a Catholic; I did not understand Blanchard as objecting to his being examined not under oath. I said I would try and determine these cases next day. This was on Friday—only Gonyez was examined. Cormier's name was not put on because he had been away from the fall of 1854, till just before election. Said he had been at work for Boody, haying, up the Aroostook river. It was on a large farm in the woods. There are houses and mills there. He was a single man—with no father or mother in Oldtown—said he had made Oldtown his home for the last five years. His uncle had lived in Oldtown only fourteen or fifteen months—had before lived in Bradley. Rejected him as having lost his residence. I told Sewall to swear him. Sewall asked Blanchard to do so. Cormier, Markee, and Tibbadoux's cases were postponed.

FREEMAN MARKEE, it was proven, tendered his vote for Woodman at the polls, and it was rejected. His deposition was as follows:

I live in Oldtown, at my uncle's, near the lower mills; have resided in Oldtown two years come next spring, and am 22 years old; was born in Madawaska, on the American side, about 28 miles above the Grand Falls. I offered the selectmen a vote for Moses Woodman at the September election; they did not receive the vote; gave the vote to Mr. Sewall afterwards at the polls; never was in Canada; the reason assigned by the selectmen for not receiving my vote was they thought I was not of age; cannot read; the vote was read to

me; I now live in Oldtown with my uncle Lizziot; have made my home at Lizziot's five years, since I lost my father and mother; before that I lived with my father in Madawaska; Mr. Pratt who is here present acting as counsel with Mr. Weed, is the same man who presided at the polls as one of the selectmen.

Mr. Pratt stated that his vote was rejected because he had told him in the spring of 1855 that he was in his 20th year. No questions asked him at the polls.

WILLIAM S. C. PAGE tendered his vote for Woodman at the polls. The deposition of *R. F. Kinsell* was as follows:

I have been acquainted with Page nearly 20 years; he is about 30 years old, and has resided and made his home in Oldtown for the last five years; have no knowledge of his family except his wife, who I think I have seen here two or three times within the last five years; think I have seen him a dozen times in town within the last six months; don't think I have seen his wife within the last six months; he never spoke to me in relation to his wife to my knowledge; have seen a woman said to be his wife; have heard as a matter of public report in this town that the woman alluded to went off from this town and left said Page.

Mr. WEED introduced the deposition of *Caleb Page*, who deposed: I have lived in Oldtown twenty-four years next February. William S. C. Page is a son of mine. He resides in Portland, I expect now. He went there and we have had a letter from his wife since. His family has resided in Portland four years last September or August. Previous to that she had lived with him about two years. He sent her a small trifle three years ago, and the last spring he sent her eight dollars at one time and seven at another. I know of no other William Page in this town except my son.

[Taken December 24.]

Mr. Pratt testified that said Page claimed a right to vote; that he (Pratt) knew that he had a family in Portland; that Page had worked for witness nearly all the summer of 1855. He had a wife and children; had called on me for money to send his family, and used some for that. He has since gone to Portland, as witness understood; of intemperate habits; was examined at the office; said his wife was at that time in Oldtown; she come there a few days before election; he claimed Oldtown as his residence, and had never changed it; that he had continued his residence there; did not deny that his family lived in Portland; don't recollect that anything was said whether they had left him; he said that he had never left Oldtown, and never lived in Portland.

JOSEPH DEVOUX, in his deposition, stated: I have lived in Oldtown about twelve years, and was born in Madawaska, and about twenty miles above the Grand Falls, on the American side. I have a family in this town, and brought them with me. At the last September election I tendered to the selectmen of this town, at the polls, a vote for Moses Woodman, as representative. The selectmen refused to receive said vote. I gave the vote to Mr. Sewall afterwards, and at the polls. I have for the last ten years voted in this town. I know the vote I offered was for Moses Woodman. Because they told me of it; they took me there to vote for him, and I wanted to vote for him.

Mr. Sewall testified that Devoux tendered a vote for Woodman at the polls; that Pratt stated that he had been helped by the town within three months. The vote was refused, and Devoux was sent to one of the overseer's to ascertain the fact. It proved that he had not been helped. Before he returned the polls were closed. Mr. S. thought that it was upon his (Sewall's) motion that the polls were closed on that day.

Mr. Pratt confirmed Mr. Sewall's statement.

NATHANIEL STAPLES, as was proven by Mr. Sewall, tendered his vote at the polls for Woodman. His own deposition was as follows:

I came to live in Oldtown in 1833, and have resided there ever since, excepting two years that I lived in the Provinces; am 43 years old; resided in the Provinces at the period of the Aroostook war. At the last September election in Oldtown, tendered a vote at the polls for Moses Woodman, for representative, and it was refused. During the time above mentioned, my family has been in Oldtown, I think, not far from seven years; can't state positively. My family has not resided in Oldtown for the last three years. Have helped support my family within the last three years. I have not heard from them for over a year, and don't know where they are, and never expect to hear. The last time I sent money, I told her it was the last she would ever receive from me; she was in Brunswick then, about two years ago. My wife abandoned me and left this town. She left and took all the bedding and clothes; she came back afterwards and I let her have five dollars to go away with, and she went off. I have not established a residence in any other town than this within the last ten years; have always made it my home here since I left Brunswick. Within the time above mentioned, should think I had furnished her somewhere about three hundred dollars; it may be more or less. She kept house in Brunswick, a while ago; think a year ago last spring that I heard of it; heard she worked in Brunswick factory, and that is the last factory I heard of her working in; my boy is in Lowell, as I have heard. After I built the new house where Rich lives, we lived in it for about a week peaceably and quietly, and then she left and went off; know of no other reason for her leaving, except that she smelt my breath.

[Taken December 21.]

Samuel W. Hoskins (deposition taken by Weed) deposed: * I am acquainted with Nathaniel Staples, and have been about ten years. During that time I should think his family had lived

* This deposition was objected to. The caption shew that Woodman was not present; and evidence was introduced tending to show that the notice was left at his house during his absence, at 9½ o'clock, P. M., to take the deposition at 10 o'clock, A. M., of same day.

in this town over half of the time. His family now live in Brunswick. He has told me that he had contributed to the support of the family within the last two years; has asked me for money, and gave it as a reason that he wished to send part of it to his wife; has told me within three months past that I might not have been afraid to have his name upon the check list, for he had two votes in his hand and intended to vote for Alden B. Weed. Mr. Staples's habits are very intemperate. When he is sober he speaks of his family as any other person would, and when intoxicated talks like a drunken man; was present when William Cormier was, and heard the conversation about his name being put upon the check list. Mr. Hilliard asked to have him put under oath, to which Mr. Blanchard replied that he would believe him without an oath as quick as with. Mr. Sewall asked why he would believe him as soon without as with an oath. Mr. Blanchard answered that he was a Catholic, and would believe him as quick without an oath as with. I was present every day that the selectmen held sessions for correcting the list of voters, and saw no list except the legal list of voters.

[Taken December 24.]

Mr. Pratt testified that Staples had a family living in Brunswick; that he was examined and did not deny this. He said his family had once lived in Oldtown. They left because they were obliged to on account of his intemperance. Is a likely man when sober.

JAMES O. KELLY and MICHAEL O'BRIEN were rejected on account of their naturalization papers not being recorded three months before election. The Committee was unanimously satisfied that they would have been legal voters had this been done. They presented their naturalization papers, and tendered their votes for Woodman at the polls.

VIOLET CYR, as was proven by Mr. Sewall, tendered a vote for Woodman at the polls which was refused. Remonstrant introduced Cyr's deposition, in which he states:

I was born in Madawaska, on this side of the St. John river, about twenty-one miles above the Grand Falls; am 36 years old, and have lived in Oldtown three years. I was present at the polls at the last September election in this town, and offered a ballot at said election for Moses Woodman, as representative for said town. I reside in that part of Oldtown called West Great Works.

[Taken December 21.]

Mr. Weed introduced Cyr's deposition, taken subsequently, in which he states:

I was at the annual election in September last, at the town house. I voted for Moses Woodman as representative. I put it into the box myself. Am at work for Moses Jackson of Bradley. I gave Mr. Sewall or Mr. Pratt a vote, and it was passed back to me, and I put it into the box. At the polls some one said I had no right to vote, and made me swear when I was born, and where I was from, and asked me my name, and I stated it. I don't remember who it was. I don't know who else beside Mr. Pratt and Mr. Sewall was in the desk. Mr. Weed was there. I think Mr. Sewall gave the vote to me that I put in the box. After I swore I handed Mr. Sewall the vote. After I handed Sewall the vote I immediately left, after I had put it in the box. I worked last fall and summer for Moses Jackson, since the 17th of July last. Since I was up at Hiliard's after taking my deposition, talked a few words with Mr. Jackson about this matter. John Devoux went with me up to where the selectmen were. I can read and write English. I have lived in this town three years ago last March. It was not reported among the French folks that those among them that were voters, were not going to be permitted to vote. I did not have any talk with the French last fall before election, about their voting.

[Taken December 22.]

Mr. Pratt testified that Cyr did not vote; that he so told Mr. Weed; that he told him so before the taking of this second

deposition; first told him at the time the first deposition was taken. Weed then wanted to ask Cyr if he voted, and I told him that he did not, in answer to his (Weed's) inquiry why I did not wish to have the inquiry put. I was present at the taking of the second deposition on Saturday evening of the same week, at Cyr's house. Cyr's vote was not received because he had at some time previously told me he was born in Canada.

SHEPARD PARMENTER tendered a vote for remonstrant at the polls, which was refused, as testified to by *Mr. Sewall*.

Said Parmenter deposed as follows: I am 25 years old; was born in China, in this State; have been in Oldtown constantly, since the last of July; was in Oldtown in April last, where I came, when I left the woods; went from Oldtown when I went into the woods the fall before; came to Oldtown in September, 1854, and staid there till I left for the woods; went to China, in July, of this year, and was gone three weeks, on a visit, to see the folks; it is my practice to visit China once a year; at the last September election in this town, I went to the polls, and claimed the privilege of voting; they refused me the right to vote; the ballot I intended to carry I delivered to Mr. Sewall on the same day, before I left the polls. Had no doubt of my right to vote. Was not at China last spring; was at home in this town, and this is what I call my home. Am not taxed out of Oldtown, to my knowledge; went up river in the fall of 1854, for Jesse Wadleigh of Oldtown; have not a family; never voted in this town. During the three weeks I was at China, was driving about town visiting; worked a few days helping my father. Did not vote a year ago last fall at all; was in Oldtown at the time; was not interested enough in the election to vote. When I came to Oldtown from China, came to work; have not voted in China since I came to Oldtown. The reason the selectmen assigned for not receiving my vote, was because I had been on a visit to China, and returned to Oldtown. Think I worked five days in China. Since my return, stopped with

George Garland a part of the time, and part of the time with D. Springer. When I first came from China went to Pratt's tavern, where my things were; boarded at Mr. Pratt's; think a fortnight. Am a blacksmith by trade; have worked for D. Springer, and for the last three weeks for Staples; was at work for Springer when he sold out, and kept along in the shop at work for Staples, after he sold out. Worked at my trade in the fall of 1854, for Darius Springer of Oldtown; also worked for him in the fall of 1853, and winter; worked for F. Weeks, in Oldtown, at blacksmithing, in 1852; began in September, 1852, and worked until April, 1853; then went to New York, where I remained till the next September. When I came from New York came to Oldtown. While in New York worked at my trade when I did any thing. In 1853, after I quit work for Springer, went to see my folks in China, where I remained about a month; did not work while there; returned to Oldtown.

Mr. Pratt stated that Parmenter came to the polls. We asked him if he had been in town for the last three months; he said he had not; had been out of town three or four weeks. I told him he could not vote. He said he went in July and returned about the last of August; said he got back from the drive about the first of July, and settled up, and went away soon after; said he had been over home; don't think anything was said about Oldtown being his home.

FRANK CLAY deposed as follows:

I am 25 years old; have lived in town five years come next June; live at lower Oldtown, in the French settlement; was born in Madawaska, on the other side of the river, at a place named Green River, about twelve miles above Grand Falls, on the shore of the St. Johns river. My father, when I was a little boy about three years old, moved to the west side of the St. Johns, where I lived until I came to Oldtown. A day or two before the town meeting in Oldtown last September, I went to the selectmen's office to get my name put on the list of voters; they did not put my name on; and the man said he would not

take a Catholic man to swear. If I had voted I should have voted for Mr. Woodman for representative. The day I made application to have my name put on the list, I should think there were twenty Frenchmen or more there to get their names put on; they went off—I don't know the reason; some of them left after the selectmen said they wouldn't swear a Catholic; don't know how many. Some of the Frenchmen who went off as above stated, William Cormier, Joe Mishew, Freeman Markee, Anthony Lizziot, I recollect was there; also saw Frank Mishew and Barzilla Gonyez there; saw other Frenchmen there, but didn't know their names; some of them were standing on and about the stairs that lead into the selectmen's office; I went into the selectmen's office; there was a man there said he would not take a Frenchman Catholic to swear, and I went home; didn't ask the selectmen to put my name on the list; the man who said he wouldn't swear a Catholic was an old man, with gray hairs; suppose he was one of the selectmen; he sat at the table. I lived at the place called Green River when I was a little boy, and came on to this side when I was about three years and a half old; can't tell how long I lived on this side; William Cormier's father lived by me, and Richard Tibbaddoux and others. During the last six months, part of the time I worked for Mr. Pratt on the boom, and since that I came down to Oldtown and loafed; was up river last April; came to Oldtown the tenth day of June; worked for Mr. Norris of Bradley; settled with Mr. Norris two weeks after I came down; the drive had not come in when I settled; did not make it my home in Bradley at any time before town meeting. The day I was up at the selectmen's office as above stated, Mr. Sewall was there acting for the Frenchmen; Mr. Pratt, who is now present, was sitting at the table close by the old man; took it that he was one of the selectmen. When the old man said he would not swear Frenchmen Catholics, Sewall sat by the corner of the table; Barzilla Gonyez is a Catholic I think; guess they did not swear him while I was there; they asked him questions; don't know that they didn't swear him; can't tell the difference

between a Catholic and other men very plain, for I can't speak good English. There are a good many things which Catholics do when they go to church which other folks don't do; can't tell the difference between the Catholic oath and the Protestant oath; understand that when I take an oath I must tell the truth.

[Taken December 31.]

Mr. Sewall testified, that he would not swear positively that he saw Clay tender his vote. It was his strong impression, amounting to a belief, that was the fact.

Nathaniel H. Hunt testified, that he was in the town house, but not standing at the polls when Clay tendered his vote—saw him pass through the passage-way by the polls, through which persons passed to vote—this was a narrow walk with a railing on one side—quite a crowd was going through at the time—did not stand so as to see every act distinctly—cannot swear that I saw him in the act of offering his vote.

John Devou testified, that he had lived in Oldtown twenty-five years—was at town meeting in September last—knows Frank Clay—he is of French origin—saw him there—saw him go to the polls—saw him go through the alley where we went to vote—and after he came out of it.

Mr. Pratt did not recollect seeing him on the day of election, nor of his being at the office prior thereto, to get his name on. There may have been persons who came to get their names on, whom I cannot name.

WILLIAM F. PATTEN tendered his vote at the polls for Moses Woodman, so *Nathaniel H. Hunt* testified. He saw the vote tendered, and it was passed to Mr. Hilliard. It was for Woodman and was refused by the selectmen.

Mr. Sewall testified that Patten was put on the list after examination, and afterwards was struck off because he paid a tax in another town. The rule laid down by the selectmen was

that if a man paid a tax elsewhere he was not a voter in Oldtown. Afterwards they changed the rule so that persons paying a poll tax elsewhere should be considered voters in Oldtown. He was asked if he intended to make Oldtown his *permanent* residence.

Alfred Nelson deposed: I am acquainted with William F. Patten of Oldtown; he requested me last September to get his name put upon the list of voters; I accordingly went to the selectmen's office on Friday next before the election, and addressed Messrs. Pratt and Blanchard, selectmen, and asked them if they would enter said Patten's name and two other names on the list of voters; I told them the men were in the mill at work and couldn't get time to come up; the selectmen said the men must be present themselves; I then returned to the mill, hired a man to take the place of one of them, and went with him to the office; he went in and made his statements before the selectmen; I think he said he had made it his residence here for eleven years; this was his home and intended home; that he paid no taxes out of this place, and owned no property out of this place to pay taxes upon; this man was William F. Patten; I then returned to the mills and took the second man up; they questioned the second man about as they did the first; he testified that he had been here several years; I then returned and took up the third man, who was questioned like the others; he left and went back to the mill; the two last men I carried before the selectmen were Seth H. Patten and A. P. Chapman, but I am not positive which of them went first; after the men had left the office I asked the selectmen if they would put the names of the three men on the list; Mr. Blanchard answered that they would not; then asked him if there had been any alteration in the law respecting voters since I had been gone from this country; his answer was that there was not any alteration; then told him I considered these men were legal voters here as much as I was; Mr. Blanchard then got a law book and read the law; I then told him they

were legal voters; his answer to me was that he didn't thank me for instructing him or the selectmen in law—he said the selectmen knew the law as well as I did, and probably better; told him if he was not an older man than I was I would heave him out of the office; then told them that if these men were legal voters in this town, and were not allowed to vote, they never should turn the polls unless under the muzzle of a six shooter; then went out and Mr. Pratt went out with me into the entry; I asked Pratt what the reason was that they didn't accept those names; he said they had had a committee or men that had been through those mills and canvassed the mills to ascertain who were voters and who were not, and those men were not voters. After they refused to put on the names of these men, I went and saw Mr. Sewall, who went into the office; I returned to the mills again, got a man to take the place of one of these men, who went with me to the selectmen's office (it was Wm. F. Patten); Mr. Sewall was present; the selectmen put Patten under oath, questioned him what they chose, and entered his name on the list of voters; I then went back and got the second man, and after putting him under oath and questioning him, they put his name on the list; and afterwards the third man's name was put on the list; after their names were put on, the men left and returned to work in the mills. I saw Wm. F. Patten at the polls on Monday following; he told me there that he should vote for Moses Woodman for representative, but that they would not let him vote; said Patten has gone home to his mother's in Pittsfield, so I understand; he worked here till the mills shut down about two weeks ago; I last saw him in Bangor. Mr. Weed objected to all of the above testimony that is hearsay. Mr. Pratt is present acting with Mr. Weed and has heard my testimony given in this deposition. I came into Oldtown in August, 1829.

Charles Blanchard (witness for Weed) deposed: William F. Patten and Seth H. Patten came before the selectmen and had their names entered upon the check list; subsequently

William F. Patten appeared again, and upon further inquiry the selectmen were satisfied that he was not a voter, and his name was erased from the list.

Mr. Pratt testified that Patten's name was on the list once and stricken off. After putting his name on, some one came in and said he owned a place at Pittsfield, or somewhere else. We had before concluded that any one who paid a poll tax and tax on real estate in another town had no right to vote in Oldtown. He would not say he had a residence there. The rule was not confined to a real estate tax. He said he supposed he was taxed in — that year. [Mr. Pratt subsequently stated in relation to taxes, that such was the rule unless men would say they had abandoned their residence where they paid such tax.]

NAHUM STACKPOLE tendered his vote at the polls for Woodman, as proved by *Mr. Sewall*, who stated that he had known him for twenty years—was a resident in Oldtown in 1836, and had known him to vote there frequently.

James B. Twist deposed: Have lived in Oldtown since the spring of 1841; know Nahum Stackpole, and have known him ten or twelve years; he came from Augusta, as he told me; since I have known him he has always made his home in this town, except when up river in the woods; he left the woods and came down to Oldtown this last season, about the last of March or first of April; he boarded, I believe, at James Knox's in Oldtown, the last summer; remained there until some time after the September election, when he left for the woods. He left the woods where I was, the last of last March, or the first of last April, and told me he was going to Oldtown. Was gone three or four weeks and came back, and when he came back he told me had been at Oldtown; he worked on the drive and came to Oldtown when the drive came down; the drive came in sometime between the 10th and 17th of June, I think. He was gone between three and four weeks, at the time he left the woods, until he came back; he was on the drive and drove in,

and was here until after the September election; don't know how many days he was here, but I saw him here frequently during the summer; he stopped at Pratt's a week or ten days, sometime in the summer; I was tending bar then for Mr. Pratt, and know of his being there; I hold now in my hand, the register of the Tremont House, kept by Mr. Pratt, and where I tended bar. Mr. Pratt is now dead; the name of said Stackpole is registered on the 9th day of April last, and credit by cash, \$3.50 entered against his name, said 9th of April. By said register, it appears that Stackpole was also at said house, on the 13th of said April, and again on the 19th of June, and again his name appeared on said register the 8th of last August. His name is also entered August 26th. Stackpole worked last winter for Rufus Dwinel, the same man that I worked for. Can't say I ever knew him (Stackpole) to have a trunk or valise. His home was no more likely to be in one place or another than my own; I make my home in Oldtown. Don't know how long he has worked on the Merrill farm, but know he has worked there a good deal of the time. I have been out of the town of Oldtown within the last three years as much as half of the time. He had no particular business that I know of. He told me he had paid Mr. Bakeman taxes; Bakeman was collector of taxes of Oldtown for two or three years. I paid tax to Bakeman two years ago this fall; suppose he was collector then; that is the last I know of his being collector.

[Taken December 26.]

Alvin Moore also deposed: I have lived in Oldtown about nineteen years; am acquainted with Nahum Stackpole; have known him 18 or 19 years; during that time I have not known of his having a home anywhere besides in Oldtown; heard Stackpole say that he applied to the selectmen to put his name on the list of voters in Oldtown last September; I was present when J. T. Ellis applied to the selectmen to put his name on to the list of voters; Mr. Blanchard was present; he had in his

hand a list of men's names which he held under the table; he took out said list to examine it while I was there; O. Pearson was present at the time; Stackpole was in Oldtown more than three months the last year I think; don't know where he boarded all the time; he boarded some of the time at the tavern; some of the time he worked for me at Sunkhase; my opinion would be that he was here some three months or upwards; he has worked for Dole and for Spaulding & Merrill in the town of — for four or five winters last past; think he has worked one summer on the Merrill farm for Dole; he was in Oldtown when the teams came down in the spring the year he worked for Dole, staid a while, went back and drove down, and staid here during the summer; this was two or three years ago; do not know when Stackpole came to Oldtown this season; he drove down this spring in the east branch drive; I think he is now in that town; left here some time in September last; it might have been in October; he told me he was going up for Dole; Dole lives in Brewer, I think; the selectmen said Ellis was not a voter; Mr. Blanchard looked at his list; I saw on the list held under the table what I supposed to be names, but I didn't read any; know it was a list of names because Mr. Blanchard acted to me as if he was reading names—and it looked like a list of names. Mr. Pearson, Mr. Pratt, Mr. Ellis, Mr. Willey part of the time, Mr. Blanchard and another man or two were present, whose names I didn't know; think Mr. Sewall might have come in; cannot tell whether it was Friday or Saturday; it was one of the days set to take names. Said Stackpole during the time mentioned made this town his home—going into the woods in the winter, and returning in the spring, except the year he worked on the Merrill farm. Don't know of his making his home any where else. The Merrill farm is in the forest, in an unincorporated place.

[Taken December 24.]

Mr. Pratt testified, that Stackpole was a single man—a transient man—sometimes in Oldtown—sometimes in Bangor

—sometimes up river—had no trunk or valise—knew of no home except where he happened to be—was in Oldtown in 1836–37—went away—did not come back for some years—came out of the woods on the 19th of June—was in meantime wherever it happened—home where night overtook him—saw him at Oldtown a number of times that season—don't know where he stopped—swore Oldtown was his home—he claimed that as his home—don't think he has voted there of late years.

RICHARD TIBBADOUX tendered a vote for Woodman at the polls, as was testified to by Mr. Sewall.

John Cormier deposed:

I know Richard Tibbadoux; he is now gone to Minnesota; he was in Oldtown a year ago this fall, when he left for the woods, and was gone during the winter; returned last spring, and remained here till this fall; but I don't recollect whether he left here after or before the September election; he was born in Madawaska, on the Green river, twenty miles above Grand Falls; he is about 21 years old, can't say whether 21 or 22 years old; I understood him to say that he was 21 or 22 years old last fall, I don't know which. Said Tibbadoux lived, at the time of the Treaty of Washington, in the spring of 1842, up at Fish river. I saw Tibbadoux in Madawaska, at the time of the Aroostook war. I know that he was born in Madawaska. Because his folks told me he was born there; his father and mother. His father and mother live above Fish river, above the Block house. They told me he was born in Madawaska, when I was at Fish river for the State. He was at Madawaska in 1851. Tibbadoux lived in 1854, in Oldtown; he boarded with Gonyez when not at work in the mills. Last May and June was in Oldtown; he boarded with Gonyez near where I live. He is now in Canada; am not certain—may be up river.

N. H. Hunt testified that he was at the office on Friday when Cormier, Tibbadoux and others requested to have their

names put on. Their cases were postponed to Saturday. On Saturday they were again postponed. Mr. Blanchard said he would not take a Catholic's word or oath. The selectmen did not question Tibbadoux; he said he voted the year before; saw him at the polls; he told Mr. Pratt that he (Pratt) wanted him to vote for him (Pratt) the year before. Think Blanchard did not say that he had as lief take a Catholic's statement as his oath. The ground taken was that these men were American citizens and entitled to vote. Pratt said both at office and at the polls that he would not receive Tibbadoux's vote.

John Devoux testified that he had known Richard Tibbadoux from a little boy; he was at the polls and offered his vote, which was refused. He told Mr. Pratt he had voted before, and that the last year he (Pratt) wanted him to vote for him and gave him \$1.00 for his day's work. I said if my oath was good his was. He was from Fish river; son of Francis Tibbadoux. I knew him there when a very small child; he was born near where I was born and bred; is 23 or 24 years old; his parents lived there, near where I lived; was born on the American side; did not see the names on his vote; saw him try to put it in; I voted; saw Tibbadoux frequently from his childhood to manhood.

Mr. Pratt testified that Tibbadoux had told him at some time previous, that he was born in Canada—think he was examined at the office—don't recollect that any question was raised at the polls relative to him—nor of seeing him there—his was one of the cases postponed.

JOSIAH T. ELLIS offered a vote at the polls for Woodman, as was admitted.

Mr. O. Pearson testified that Ellis had resided at Oldtown the most of the last year—that he worked for Mr. Burgess in said town, prior to working for him (Pearson)—that he commenced working for witness the 19th of June; was a single man; went with him to the office on Saturday, to get his name on—

the selectmen refused to put it on because he owned a piece of land in Guilford and paid taxes there—he said he had voted in Orono for two or three years, and came to Oldtown about the first of April, and claimed that as his home. Mr. Pratt said they had made a rule not to let a man vote who paid a tax elsewhere—cannot state whether he was asked about paying a poll tax, or if he considered Oldtown his home—said he had been on the river four or five years and had voted two years. Pratt asked him if he paid a tax in Guilford.

Mr. Sewall testified relative to the tax rule laid down, as given above, and that one BLAISDELL, was permitted to vote, and did vote for Mr. Weed—that he was a sailor and stated he paid a tax at Mariaville—that he (*Sewall*) stated that this case was similar to that of Patten and Ellis—that the selectmen at first refused to put Blaisdell's name on—that Henry Richardson afterwards asked the board to review their decision. They did so, and put his name on, though Blaisdell's statement was the same as before. The question as to residence put to Ellis was if he would say that he intended to make Oldtown his *permanent* home.

Mr. Pratt testified, that Ellis' vote was rejected because he was taxed a poll and real estate tax in Ripley, or some other town; he was examined; said he would not say he considered Oldtown his home.

DAVID KITTREDGE, it was testified by *J. H. Burgess*, applied to have his name put on the list. This was refused because he would not say he intended to make Oldtown his *permanent* home.

In this case and that of JOHN SMART the remonstrant failed to show that either tendered a vote at the polls.

Evidence was offered touching several other persons, but there was a failure of proof as to the tender of votes by them; and in some instances of other important facts—and it is deemed unnecessary to give the evidence relating to them as having no bearing on this part of the case.

II.

Upon the second branch of the case a large amount of testimony was adduced upon both sides. The charges of official misconduct on the part of the selectmen were grounded upon various acts, rules and declarations of said officers, as partially developed in the testimony before given, and more fully in that which follows. They relate principally to the treatment of foreign-born persons, and of persons of Roman Catholic faith, as also to other matters alleged to have been oppressive, partial and unjust.

George P. Sewall testified that on Friday before election, a large number of persons of French extraction, who were considered as voters, applied to have their names put on the list; should say there were 20 of them. I desired them to examine and decide each case as they went along. Cormier, Tibbadoux and others applied on Friday. We had taken originally a list of all the residents of French origin; sifted it thoroughly, and found between 40 and 50 whom we thought voters; made two lists of these; one set to go on Friday and the other on Saturday. The selectmen would not swear them, nor decide their cases; gave me to understand they would decide on the next day. Next day they did not decide, and continued the cases till Monday morning. They did not decide them at all, except those at the polls, to my knowledge. They decided other cases, but we could get no decision in these. Pratt said he knew who were voters and who not. About 40 of these French people voted the year before; only 12 or 14 were on the list of last year. On both days these men were presented to settle their right of voting. One question was whether they should be allowed to testify and their testimony be considered in establishing their right. On Saturday morning I had a conversation with the selectmen; I asked if they would determine this question, or if they had determined the French cases; they said they had not. I called up the decision of the day before, and said to Mr. Blanchard that he said he would not take the

word or oath of a Catholic. He then went on to state his reasons—similar to those in his deposition—that he did not consider it binding; that an oath to a Protestant government did not bind the conscience of a Catholic. The point of the conversation was whether these men should be permitted to swear. I recollect no instance where the name of one of these was put on upon his own statement. Mr. Pratt assumed to know who were voters. There was time enough on Saturday to determine these cases. The names of most of the French who voted were on the list originally. The selectmen observed a general silence as to reasons.

Mr. Sewall also stated that the number of names on the list put up was 599. On the list after election there were 780 to 800; that he kept a list of all the names put on from Friday to the close of election and there were 110 names added. How the rest got on he did not know. These were the days for correcting the lists.

Mr. S. said (on cross examination) that he said after election that he thought Mr. Pratt had behaved better than he expected, and Mr. Blanchard much worse—that Pratt's judgment was badly warped and that Blanchard was guilty of most outrageous conduct.

N. H. Hunt testified to the same facts substantially (as given already in his statements) and also that Mr. Pratt said that there were only a half dozen or so French voters there and that he knew just how many were born in the Madawaska territory. I said to him, I suppose you would not refuse a legal voter. He said the others were not voters and should not vote. Blanchard on these days had a list of names which he held under the table, but referred to it when settling the question as to men's right to vote.

John Hutchins deposed: There is in this town what the people call a know nothing lodge. I can't answer by what name it is organized. I consider it a political organization; am not now a member of it, but have been. Have seen Alden

B. Weed at the hall. Have seen Charles Blanchard and Samuel Pratt at meetings of said organization, in said town of Oldtown. Said Weed, Blanchard and Pratt were inside the room when said organization met at the time; the entrance of any room where said society met, was guarded by one of its members; the members only were allowed to enter and those who went for the purpose of becoming members. Nahum Godfrey, the collector of taxes, was a member, and acted as clerk. There was an oath or obligation administered to all persons upon becoming members of said organization. It is impossible for me to tell the exact language, but the oath taken in the first degree is similar to the one here recited:

"I, _____, of my own free will and accord, and in presence of Almighty God, my left hand resting on my breast, and my right hand raised toward Heaven, in token of my sincerity, do solemnly and sincerely promise and declare, that I will not disclose or make known to any person or persons any of the signs, secrets, mysteries, or objects of this organization, either of those that I have taken or am about to take, only unto him or them whom I shall, after due examination, or lawful information, find worthy of my confidence and fraternal regard as such; and I furthermore promise and declare, that I will not cut, carve, paint, write, stamp, or stain, any of the secrets or objects, nor suffer it to be done by others, if in my power to prevent it, except it be for lawful and legitimate purposes; and I furthermore promise and declare, that I will in all things, political or social, so far as this order is concerned, comply with the rule of the majority when expressed in a lawful manner, though it may conflict with my personal preferences, so long as it does not conflict with the national, state, or subordinate constitution. And I furthermore promise and declare, that I will not, under any circumstances whatever, recommend an unworthy person for initiation, nor suffer it to be done, if in my power to prevent it. I furthermore promise and declare, that I will not vote or give my influence for any man for any

offices in the gift of the people, except he be an *American born citizen*; in favor of *Americans born ruling America*, nor if he be a *Roman Catholic*. Nor will I, under any circumstances whatever, reveal the name of any member of this order, or the existence of such an association. All the foregoing obligation, I do solemnly promise and declare, to the best of my ability, to sustain, under the no less penalty than the fearful apprehension of being an outcast from my God, and universally despised by my fellow men, as a willful traitor and perjurer to God, my Maker, and the land that gave me birth. So help me God, and keep me steadfast."

I can't say it (the oath) is substantially correct; I say it is similar. I have heard the oath administered several times. Can't say whether that recited differs from that administered; don't know but it does, and don't know as it does. I never communicated to Mr. Sewall one word concerning the oath, nor did I ever communicate it or any part thereof to any one. Mr. Pratt, above spoken of, is now present.

[Taken December 26.]

Stephen L. Cowan deposed: I was into a certain place one evening which I suppose to be a know nothing lodge; think I saw Mr. Pratt, the selectman, there; was admitted that evening, and several others were, also. The members of said lodge at that time admitted, took upon themselves an oath or obligation; I think nothing very binding. Said Pratt, now present, has offered to save me harmless if I would refuse to answer the above questions.

[Taken December 27.]

S. H. Burgess (on cross examination by Mr. Weed) stated that he was once a member of a know nothing lodge; remained such ten days; got out as soon as he could; Woodman and Pearson were then members; it was a political order. I went to the State Convention at Portland; they decreed that I must vote for A. P. Morrill; told them I couldn't do it, and soon left the order.

Mr. Hunt also stated that he was present when *Mr. Pratt* offered to deposit money with *Mr. Cowan* to indemnify him if he would not answer certain questions when his deposition was being taken. Was also present when *Hutchins'* deposition was taken; when he stated that he had seen *Mr. Pratt* in a know nothing lodge, *Mr. P.* denied it and said it was not so.

Mr. Pearson testified that on Friday and Saturday *Mr. Blanchard* sat at the table and held a list of names under it; that when we brought persons in he would take the list from under the table, look at it himself, and then object to the person's being a voter; when the *Morrill* men would bring a man, he would glance at the list and say "he did not see why he was not a voter." I could see it was a list of names. When taking some one of the depositions and after it was the talk that the check list was lost, I asked *Mr. Pratt* if he had seen it; he said he had not—that *Mr. Sewall* had probably taken it.

J. A. Purinton deposed: I am clerk of the town of Oldtown; was at the town house on the day of the last September election; kept the check list and checked as they voted; if a person whose name was not on the list, presented themselves to vote and voted, I entered his name on the list and checked it; all who voted had their names on the list and were checked. (To *Woodman's* attorney.) I don't know where the check list is; the last time I saw it, I delivered it to *Samuel W. Hoskins* at the clerk's office; asked him for it last Saturday; he told me it was taken out of his draw. I took the list from town meeting with me, and left it that night in the clerk's office; on looking for it in the morning I missed it; my clerk in the store told me it had been taken away by *Mr. Blanchard*; went directly over to the selectmen's office and there found *Mr. Blanchard* and *Esquire Sewall* looking it over; inquired about it; *Esquire Sewall* asked if he could take it for examination; think I did not reply; he asked *Mr. Blanchard* if he could take it; he let it go; *Mr. Sewall* or myself took it and both of us went over to the store together. Said list was copied by *Nathan D.*

Rockwell who was writing for me in my store; it was copied at Mr. Sewall's request; was copied in the town clerk's office; he commenced immediately the day after town meeting and copied it; I took the copy, and Rockwell took the list, and we proved it, and when finished, it was a correct copy. (To Mr. Weed.) I came in and inquired of my clerk who took the list, and he told me Mr. Blanchard called for it and took it. It was on the morning next after election day I saw Mr. Sewall and Blanchard examining it. I was at the town house all day of election, exception one hour to dinner, and the rest of the time I was there; can't tell who acted in my place while I was gone; left the list with the selectmen. On examining to-day the book in which the check list was copied, I don't see any alteration in it, but I won't swear positively that none have been made. Said book has been here at the taking of my deposition and offered for inspection to Mr. Pratt.

The depositions of W. Cormier, (p. 9,) F. Clay, (p. 20,) A. Nelson, (p. 23,) A. Moore, (p. 26,) were cited, and the testimony of Messrs. Sewall, Hunt, Pearson and al., already given, under the various cases was referred to.

Mr. Weed introduced the second deposition of *Samuel W. Hoskins*, who deposed:

The selectmen laid down the rule, that such men as paid a poll tax in other towns had not their residence in this town so as to entitle them to vote. I presented to the selectmen at their session before the election, a list of seventeen names that I thought were voters; told them the fact about the men; they told me there was but four or five that could vote; I drew a pen across the names that they said were not voters, and left the list upon their table; have no recollection of taking any man into the selectmen's office. From the conversation I had with the seventeen men before mentioned, I thought they would vote for Alden B. Weed; that was the object I had in carrying in the names; to get their votes for Weed. The selectmen decided that Samuel Clark, Alphonzo White, and Eli Denico,

whose names were upon that list, were voters; can't name those that were rejected; the others were mostly young men; presume the whole seventeen were mostly what we call transient men; Clark and Denico had families in this place; White had worked here year after year; Denico moved his wife here about one year ago, and has resided here since. No man went in with me, that I remember of, to get his name on; went up to see if they were on; Clark's name was on—the others I think were not; believe said names were put on by the selectmen afterwards; did not see them; think they all voted. From 75 to 80 saws are running in Oldtown in the sawing season, including gangs. This is the second deposition Mr. Weed has requested me to give. My opinion is that there is from fifty to a hundred, and always has been, that cast their votes that have no fixed or permanent residence in this town, although they claim a residence when they apply to vote. The check list used by the selectmen at the September election was in my possession, but is not now; do not know where it now is, or who took it from my possession; kept it in the draw in the desk where I wrote, in Mr. Staple's counting-room, where I am book keeper; I wished it last Friday—looked to find it, and it was gone. George P. Sewall is frequently in there and sits down to talk; he has been in several times since they commenced taking these depositions and while I had the check list. Mr. Staples, in whose employ I am, was a friend of Mr. Weed and voted for him as I suppose from his talk. He has one clerk besides myself, and Nath'l Staples, his brother, in his store. My counting room is on the back end of the store, and a large window between it and the store. I got the check list the first day of taking these depositions, four weeks ago last Monday, for the purpose of consulting it in reference to names; got it of John Blanchard at the selectmen's office; kept it in a draw at the right hand of me where I stand to write; won't undertake to specify any time that Mr. Sewall was in, but am willing to state that it is my impression that he has been in during last week. When I missed the check list, I supposed Mr. Sewall

might have taken it as a joke; asked him and he told me upon his honor that he did not take it, and I believed him. Mr. Weed and Mr. Pratt have both been into the counting room since I had the check list; Mr. Weed called for the list, and I looked for it and it was gone; should think Mr. Weed and Mr. Pratt called several times after Monday and before I missed it on Friday. We did not examine the list since I had it in my office, neither Mr. Pratt and myself, nor Mr. Weed and myself. Do not recollect any particular time Mr. Sewall was at said counting room, except at the time he talked with Mr. Pratt there about the time Woodman's notice was served on Weed, and the evening that he called there with Mr. Pratt, and went home with me. Doct. Bradbury was present with us in said counting room at the time Sewall was last there. Mr. Staples wants Nathaniel in his store when he is sober and steady, to work about the store—he (Nathaniel) gets his living in that way.

Mr. Weed put in the certificate of the town clerk, showing the vote of Oldtown to have been—

In 1853.—For Governor, (whole number,)	609
For Representative, “	602
In 1854.—For Governor, “	686
For Representative, “	677
In 1855.—For Governor, “	677
For Representative, “	670

Mr. Blanchard's deposition (p. 11,) on this part of the case was cited by Weed.

Mr. Pratt testified, that he never heard the rumor that the Board had ruled that the Frenchman should not vote—or that the oath of a Catholic should not be received; that he did not know of Mr. Blanchard's doing or saying anything to dissuade them from coming. I acted in good faith—I did nothing to prevent men from voting that had a right to vote. Mr. Blanchard consulted me in all cases so far as I know. I concurred in the decisions made.

No question made as to the effect of the treaty. We considered the persons on the territory at that time as American citizens. Said to Hunt, that some years many Frenchmen voted who had no right to, and that I meant that those who had a right should vote, and those not having right, should not at any rate. 30 or 40 families of French reside of my land.

Mr. Sewall administered nearly all the oaths to persons applying on Friday and Saturday. I did not swear any. Think that in one or two instances Mr. Blanchard did so, but am not positive.

Don't recollect about the list of Frenchmen handed in. The postponement was not of French cases generally—only of Cormier, Markee, Tibbadoux, Michoux, Gonyez, and one or two others. Gonyez only was examined; think he was sworn.

Don't recollect of any Frenchman who was put on that had been examined. Lizziot was put on without examination.

Those which were put on were put on from my personal knowledge of them.

The cases referred to were suspended because we had as much as we could do. No other cases than the French were suspended.

I did not know that the Frenchmen were Catholics—only what I had heard. My impression was that the Devoux's were Protestants.

I did not act in the matter with any view to their religion. The cases were put off to consult Mr. Blanchard, as the office was full.

The French population are generally understood to be Catholics—know of only one or two exceptions.

I cannot say whether I ever took an oath similar to that recited in Hutchins' deposition. If have not should be willing to as to the Catholics. I took an obligation—cannot say whether it differed from that—that as to natives and Catholics I think is correct. Have not been in a Lodge since last winter. I aided Weed in taking all the depositions except Hoskins'.

I have the original check list—I got it from Hoskins' desk,

before Hoskins testified—I had it while he was testifying—did not speak of having it—took it to see if Patten's name was erased. I was present when Parmenter's deposition was taken—did not then inform any one that I had it. The list is in Weed's possession. I gave it to him yesterday morning—gave no intimation to him or any one else that I had it, until a short time before I gave it to him—never said what Nelson says about a committee going through the mills. Mr. Smith, in a deposition taken by Weed, and not introduced, speaks of a secret list held by Blanchard; I know nothing about it. Most of the names added were added on Friday and Saturday, and election day. There was a prior session the week before at the town house, but no one appeared, I think—some might have been added—could not say who, or how many—do not recollect settling any case till Friday. It was the decision of the board to admit no naturalized citizen to vote unless his papers had been filed. Mr. Woodman, on the morning of election day, said I had conducted myself fairly and had done the honest thing. He complained of Blanchard as conducting very unfairly—said he was disappointed in his conduct—expected better things of him, and that he would do differently. Blanchard did not, to my knowledge, decide any cases without my knowledge and concurrence.

As several questions of importance are involved in this case, and among them one of a constitutional nature, the committee have agreed to report the accompanying resolve, leaving the name blank, to be filled by the house, as they may judge to be required by the facts in the foregoing statement contained.

All which is respectfully submitted.*

Per order.

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

STATE OF MAINE.



Resolved, That ——— ——— having been legally
2 and constitutionally elected as representative from the
3 town of Oldtown, is entitled to a seat in this house.



STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 8, 1856. }

ORDERED, To be printed for the use of the House.

DAVID DUNN, *Clerk.*