

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1860.

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SIEVENS & SAYWARD, PRINTERS TO THE STATE.

1860.

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# THIRTY-NINTH LEGISLATURE.

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HOUSE.

No. 6.

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## REPORTS

OF THE

### COMMITTEE ON ELECTIONS,

*To which was referred the credentials of Reuben A. Rich of Frankfort, together with the remonstrance of John Perkins.*

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### MAJORITY REPORT.

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The Committee on Elections to which was referred the certificate of the election of Reuben A. Rich of Frankfort, in the county of Waldo, together with the remonstrance of John Perkins of Frankfort, against the right of Reuben A. Rich to a seat in this House from the Representative district composed of the town of Frankfort, in said county of Waldo, and claiming that a majority of all the legal votes given in Frankfort on the second Monday of September, A. D. 1859, were given for him, the said John Perkins, and thereby entitle him to the seat in this House occupied by said Reuben A. Rich, as Representative from Frankfort aforesaid, have had the same under consideration, and

#### REPORT:

That your Committee have examined the credentials of Reuben A. Rich, and that they are in due form of law, as follows:

#### STATE OF MAINE.

At a legal meeting of the inhabitants of the town of Frankfort, in the county of Waldo, qualified by the constitution to vote for

Representatives, holden on the second Monday of September, being the twelfth day of said month, in the year of our Lord one thousand eight hundred and fifty-nine, the said inhabitants gave in their votes for a Representative to represent them in the Legislature of the State; and the same were received, sorted, counted and declared in open town meeting, by the Selectmen who presided, and in presence of the Town Clerk, who formed a list of the whole number of ballots given in, and of the persons voted for, and made a record thereof, as follows, to wit :

The whole number of ballots given in, was eight hundred and seven, (807.)

The persons voted for severally received the number of votes following, viz :

For Reuben A. Rich, four hundred and three votes, one of which is in pencil mark ;

John Perkins, four hundred and two votes ;

Daniel Toby, two votes.

ELISHA CHICK, BIDFIELD PLUMMER, BENJ. P. HALL,	}	<i>Selectmen.</i>
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Attest: H. N. WHITE, *Town Clerk.*

The remonstrant appeared by his counsel, Adams Treat, Esq., who read the remonstrance and notice, and presented sundry depositions, and introduced divers witnesses, as follows :

### REMONSTRANCE.

*To the House of Representatives of the State of Maine :*

I, John Perkins of Frankfort, hereby notify and inform your honorable body, that I remonstrate against the right of Reuben A. Rich of Frankfort, to a seat as a member of the House of Representatives from said town of Frankfort. I further inform you, that I claim to be the legally elected Representative from said town of Frankfort, and desire to take my seat as such from said town of Frankfort. I further inform the House of Representatives, that I have served legal notice on said Reuben A. Rich that I should con-

test his right to a seat in the House of Representatives of the State of Maine for the year 1860.

JOHN PERKINS.

January, 1860.

## SPECIFICATIONS.

FRANKFORT, December 5, 1859.

To REUBEN A RICH :

SIR :—I hereby notify you that I shall contest your right to a seat in the next Legislature of the State of Maine as a member of the House of Representatives from the town of Frankfort. And you are further notified, that I am and claim to be the legal and constitutional member of the House of Representatives of the State of Maine for the year of our Lord eighteen hundred and sixty.

I claim the right to contest your right to a seat on the following grounds :

First, one Charles F. Spencer voted for you who was not a legal voter. Also, one William Marsh, who was not a legal voter. These two votes not being counted for you, would rightfully elect me as Representative for the town of Frankfort in the next Legislature, and I claim to be elected. But the foregoing is not the only grounds on which I shall contest your right to a seat. You are further notified that I shall contest your right to a seat as member of the next House of Representatives, for the other reasons, viz : That Thomas Kenney, Arnold G. Tibbets, George W. Rich, Jr., and many others appeared at the polls on election day and offered their votes for me (John Perkins) and were unjustly and wrongfully deprived of the right of suffrage by the Selectmen—all of whom would have cast their votes for me. You are further notified that I contest your seat on the ground that many persons voted for you who had no right to vote. And you are also notified that the Selectmen of the town of Frankfort, at the Town House, on the day of the last State election, openly in town meeting declared that there was no legal choice of Representative to the next Legislature of Maine from said town; and on this ground I also contest your right to a seat.

JOHN PERKINS.

I, Nathan E. Hall, of Frankfort, Waldo County, State of Maine, of lawful age to testify on oath, do testify, depose and say in answer to interrogatories:

1. By A. Treat, (counsel for John Perkins.)—What is your age?

Answer.—Twenty-eight years of age last February.

2. By same—How long have you resided in the town of Frankfort?

Answer.—Ever since I was born.

3. By same.—How far is your place of business and residence from the residence of Mrs. M. A. Welch?

Answer.—My place of business is perhaps four rods, and my place of residence perhaps eight or ten rods.

4. By same.—Has Charles F. Spencer, to your knowledge, ever made it his home previous to June 18th, 1859, at the house of Mrs. Mary A. Welch.

Answer.—No.

5. By same—Where did said Charles F. Spencer say he had been at work on his return from the West, June 18th, 1859?

Answer.—In Vermont State.

6. By same.—What did said Spencer say his business was in Vermont?

Answer.—Painting.

7. By same.—Have you ever seen Charles F. Spencer at or about the residence of Mrs. M. A. Welch, previous to June 18, 1859, except upon brief occasional calls or visits?

Answer.—No.

8. By same.—What is the reputation of Mrs. Mary A. Welch for truth and veracity?

Answer.—Not so good as it should be.

9. By same.—Did Charles F. Spencer in the fall of 1858, on his leaving for the West, say to you that he was going to leave these parts for good and reside elsewhere?

Answer.—He did, or said it in my hearing; I think the assertion was addressed directly to me at the time.

10. By same.—Are you acquainted with Samuel S. Spencer?

Answer.—I am.

11. By same.—Is not said Samuel S. Spencer evidently dependent on Mrs. M. A. Welch and Charles F. Spencer for his support?

Answer.—Yes, I should think he was.

1. By Reuben A. Rich.—Does not said Samuel S. Spencer labor for you?

Answer.—He is not now in my employ, although he has worked for me some. There is one job of work that he has lately done unsettled for.

2. By same.—What amount of dealings have you had with said Spencer since he came to Frankfort?

Answer.—I cannot really tell; our dealings have not been very extensive.

3. By same.—How long have you lived in the house you now live in?

Answer.—Since the twentieth of last May.

4. By same.—Did Mrs. Mary A. Welch ever tell you a falshood?

Answer.—She has. In our dealings she has not come up to the truth; has represented things different from what she ought to. I sold a shirt to William Welch and charged it to the town, and she told a lie about it.

5. By same.—Has not Mrs. M. A. Welch kept her account with you—and has not that account been correct?

Answer.—I don't know that she has any account.

6. By same.—Did you attend town meeting Sept. 12th, 1859—and if so for whom did you vote for representative to the State legislature?

Answer.—I did attend and voted for John Perkins.

7. By same.—What relation is John Perkins to you, if any?

Answer.—He is my wife's father.

8. By same.—Does Nathan Ellingwood's family call on the Spencer and Welch family?

Answer.—I think not.

9. By same.—Did you ever tell Charles F. Spencer that he was a voter in Frankfort?

Answer.—I don't know that I ever told him so, but I was questioned in relation to that at the town house; I replied I thought he was a voter; I think I made statements to the same effect at other times.

10. By same.—Have the selectmen of Hampden ever told you or your brother to let Jesse W. Rhines or his family have supplies from your store—if yea, when?

Answer.—They have not told *me* to that effect; I don't know what they have told my brother.

11. By same.—Have you ever let him have things on account of the town of Hampden—if yea, when?

Answer.—Yes, lately.

12. By same.—Did he have anything from your store on account of the town of Hampden, within three months of September 12th, 1859, or three months previous to said September 12th, 1859?

Answer.—He did not by me to my knowledge; there is no charge to that effect.

1. By A. Treat, (for John Perkins.)—When you remarked that you thought Charles F. Spencer was a voter, was you not then under the impression that said Spencer had resided in town three months immediately preceding the last State election?

Answer.—I was.

2. By same.—Are you not now satisfied that said Spencer had not resided in town three months immediately preceding the election?

Answer.—I am fully satisfied.

N. E. HALL.

I. Timothy G. Knowlton of Frankfort, Waldo county, of lawful age to testify on oath, do depose and say in answer to interrogatories:

1. By John Perkins.—What is your age?

Answer.—Forty years last March.

2. By same.—How long have you resided in this town?

Answer.—In all, about eight years.

3. By same.—How far is your place of residence and business from the residence of Mrs. M. A. Welch?

Answer.—My residence is about eighty rods; place of business is inside of twenty—near twenty.

4. By same.—Are you acquainted with Charles F. Spencer?

Answer.—I have been since the latter part of June last.

5. By same.—What is public opinion in the place where you live, in regard to the character of Mrs. M. A. Welch for truth and veracity?

Answer.—She does not bear a good name as a citizen of the place. The general report is that her character for truth and veracity is bad.



6. By same.—Have you ever known of Charles F. Spencer being at the residence of Mrs. M. A. Welch, excepting on occasional visits, prior to June 18, 1859?

Answer.—I never have known that there was such a man in existence until this summer—about the 20th of June.

By R. A. Rich —Might not said Charles F. Spencer have been at Mrs. Welch's on Sundays, during the summer of 1858, and you not know it?

Answer.—Certainly, he might have been there.

2: By same —Do you of your own knowledge, know any thing against Mrs. M. A. Welch's character for truth and veracity?

Answer.—That is my business.

3. By same —Who did you vote for on September 12, 1859, for Representative to the Legislature of this State?

Answer.—I voted for John Perkins.

4. By same.—Who requested you to come out here to-day to give in your deposition?

Answer.—There were two if not three, that asked me if I was coming to-day to the village. I think Mr. Perkins and Nathan Hall and Benjamin Hall asked me if I was coming out to the village to-day.

5. By same.—You speak of your place of business. Will you please state what your business is?

Answer.—I am called a shoemaker by trade.

6. By same.—Do you or not, in connection with your shoemaking, sell rum?

Answer.—I have no answer to make on that.

TIMOTHY G. KNOWLTON.

I, Joseph Shaw, of Frankfort, Waldo County, of lawful age, do testify, depose and say, in answer to interrogatories:

1. By A. Treat, (for John Perkins.)—What is your age?

Answer.—Forty years last September.

2. By same.—How long have you lived in Frankfort?

Answer.—Ever since the day of my birth, excepting ten years.

3. By same.—How long have you lived near the residence of Mrs. M. A. Welch?

Answer.—Near two years.

4. By same.—Are you acquainted with Charles F. Spencer?

Answer.—I have seen the man.

5. By same.—Did you ever see said Spencer at or about the residence of Mrs. M. A. Welch, before June 18th, 1859, excepting on a few brief, occasional visits?

Answer.—I never saw him there at all, did not know there was such a man in existence. I live within eight rods of Mrs. Welch.

6. By same.—What is the reputation of Mrs. Welch for truth and veracity?

Answer.—Public opinion is that it is bad. It is suggested so to me.

1. By R. A. Rich.—What time in the summer of 1858 did you move near to Mrs. M. A. Welch's?

Answer.—The twentieth of July, 1858.

2. By same.—Might not Charles F. Spencer frequently have been at the house of Mrs. M. A. Welch during the summer of 1858 and you not know it?

Answer.—I dont know but that he might. I have no knowledge of his being there in 1858.

3. By same.—Who have you heard say that Mrs. M. A. Welch's character for truth and veracity was bad, besides the persons who have testified here to-day?

Answer.—Not any particular one that I know of. The whole vicinity as a general thing express that idea in our manner of conversation amongst us.

4. By same.—Do you of your own knowledge know anything against the character of Mrs. M. A. Welch, for truth and veracity?

Answer.—I do not, excepting one thing. I decline answering farther.

5. By same.—Who requested you to come out here to-day to give your deposition?

Answer.—Mr Perkins asked me if I was coming out; I told him if I was needed I thought I should.

6. By same.—What relation is John Perkins to you?

Answer.—He is my uncle.

7. By same.—Did you have a conversation with Washington Carlton in regard to Charles F. Spencer's being in Frankfort prior to his going West? If yea, what did you tell said Carlton?

Answer.—Mr. Carlton asked me the question where Mr. Spencer was. I told him he had gone into the woods. He wanted to know when he came here. I told him I thought it was not far from a week after the railroad meeting.

JOSEPH SHAW.

I, Henry A. Hall of Frankfort, Waldo county, State of Maine, of lawful age, on oath do depose and say in answer to interrogatories:

1. By A. Treat, (for Mr. Perkins.)—What is your age?

Answer.—Nineteen years of age.

2. By same.—How long have you resided in Frankfort?

Answer.—Ever since I was born.

3. By same.—How near do you live to the residence of Mrs. M. A. Welch?

Answer.—Eight or ten rods.

4. By same.—Are you acquainted with Charles F. Spencer?

Answer.—I am.

5. By same.—Previous to June 18th, 1859, did you ever see said Charles F. Spencer at or about the residence of Mary A. Welch except on a few brief and occasional visits?

Answer.—No, sir.

6. By same.—Did you not hear said Charles F. Spencer declare his intention in leaving for the West in the fall of 1858, to leave these parts for good and take up his residence elsewhere?

Answer.—I did.

7. By same.—What is the reputation of Mrs. M. A. Welch for truth and veracity?

Answer.—It is bad in that place and thereabouts.

1. By R. A. Rich.—How long have you lived in Bangor, and when?

Answer.—I stopped there in haying in the summer of 1858 about three weeks. I was there about a month 1859.

2. By same.—How long has your father's family resided in Bangor?

Answer.—They were there about four months 1858; about six months the past season.

3. By same.—How many times did Charles F. Spencer come to Frankfort with you during the three weeks you worked in Bangor in the summer of 1858?

Answer.—Once.

4. By same.—How long has it been since you have heard Mrs. M. A. Welch's character for truth and veracity called in question?

Answer.—Ever since she has been in the place.

5. By same.—Do you know anything of your own personal knowledge as to her character for truth and veracity?

Answer.—No, I do not know as I do.

6. By same.—Have you not heard more said about her character for truth and veracity within a few days than ever before?

Answer.—No, sir.

7. By same.—Who requested you to come out here to give this deposition?

Answer.—There were two or three asked me to come out: Nathan Hall, Benjamin Hall.

HENRY A. HALL.

I, Patience Clark of Frankfort, Waldo county, of lawful age, on oath do depose and say in answer to interrogatories:

1. By A. Treat, (for John Perkins.)—What is your age?

Answer.—Forty-five years of age.

2. By same.—How long have you lived in Frankfort?

Answer.—Ever since I was born.

3. By same.—How long have you been acquainted with Thomas Kenney?

Answer.—I have been acquainted with him ever since he was a week old.

4. By same.—What is the age of said Thomas Kenney?

Answer.—He was born in the fall of 1837, a few months after my daughter Eliza was born, and she was twenty-two years old the nineteenth day of last August.

1. By Reuben A. Rich.—What relation are you, if any, to the Kenney family?

Answer.—I am a cousin to Thomas Kenney.

2. By same.—How many children have you, and what are their names?

Answer.—I have *seven*, living—Albion, William H., Eliza E., Belinda, James E., Sarah A., Frederick Treat.

3. By same.—When were they born?

Answer.—Albion will be twenty-seven years old the 23d January 1860; William was twenty-five the 25th of last September; Belinda was nineteen years of age last June; James was fifteen last October; Sarah was twelve last March; Frederick was four last June.

4. By same.—When was your attention first called to the age of Thomas Kenney, and by whom?

Answer.—Last week I heard the matter talked of. I heard they was having a fuss with Thomas. Mr. Perkins never said anything to me about it. I don't know the man. Webster Treat came after me this morning to give this deposition.

5. By same.—Do you keep a family record?

Answer.—Yes, sir.

PATIENCE CLARK.

I, Amos Milliken, of Frankfort, Waldo county, of lawful age, on oath depose in answer to interrogatories:

1. By A. Treat, (for Mr. Perkins.)—What is your age?

Answer.—I am forty-five years of age.

2. By same.—How long have you resided in Frankfort?

Answer.—Just as long as I have been born.

3. By same.—Have you known Thomas Kenney ever since he was born?

Answer.—Yes, sir.

4. By same.—What is said Thomas Kenney's age?

Answer.—He was twenty-two years old sometime about the middle of last November. This I know by the age of my son Charles, who was born October fourteenth, 1837. The said Thomas Kenney was born four weeks afterwards, not over five weeks. That is the best of my recollection. But it wont exceed six.

1. By Reuben A. Rich.—Who requested you to give in this deposition?

Answer.—Hiram Treat first spoke to me about it, and had a talk with Adams Treat about it; but he never asked me to give this deposition.

AMOS MILLIKEN.

I, Daniel Tobey of Frankfort, Waldo county, of lawful age, on oath depose in answer to interrogatories:

1. By A. Treat, (for John Perkins.)—What is your age?

Answer.—I shall be seventy-seven years of age the 29th of this month.

2. By same.—How many years have you resided in Frankfort?

Answer.—It will be fifty years next May, that I have resided in Frankfort

3. By same.—How many years have you held the office of town clerk of Frankfort?

Answer.—Not far from twenty years.

4. By same.—While you held said office, did Captain John Atwood, father of Fred Atwood, bring in to you a list of his children's names and ages to be recorded?

Answer.—He did.

5. By same.—Was Frederick or Fred Atwood of that number?

Answer.—Yes.

6. By same.—Did you record the birth of the family of John Atwood according to the list which he handed you?

Answer.—I did.

1. By Reuben A. Rich.—Have you been the town clerk of Frankfort, for the last three years?

Answer.—I have not.

2. By same.—Have you examined the record with reference to the matter you have been testifying about?

Answer.—I have not of late. I have never examined them for that purpose. I have not examined the records since I was clerk.

DANIEL TOBEY.

I, George A. Pierce of Frankfort, Waldo county, of lawful age, on oath depose in answer to interrogatories :

1. By A. Treat, (for J. Perkins.)—What is your age?

Answer.—Forty-seven years of age.

2. By same.—How long have you resided in Frankfort?

Answer.—Ever since I was born—excepting about ten years.

3. By same.—Have you supplied Charles Curtis or family with any articles or aid on account of the town of Swanville or Frankfort, since May 21st, 1859?

Answer.—No, I have not. My brother kept the store and books, and the date of the last charge is May 21st, 1859.

GEORGE A. PEIRCE.

I, Nicholas West of Frankfort, Waldo county, on oath, do state in answer to interrogatories, as follows :

1. By A. Treat, (for John Perkins.) What is your age?

Answer.—Sixty-three years of age the 12th day of last September.

2. By same.—How long have you resided in Frankfort?

Answer.—My life time, excepting six years I resided in Prospect.

3. By same.—Did Charles Curtis pay you or your wife his house rent in labor or otherwise, from the 1st June to 1st of October, 1859?

Answer.—He did. Mr. Staples called on me the last of May, 1859, and paid the rent then due, and said he was not going to be holden any more, and if I could not get it of him to turn him out of doors. He came up to my house last December, and inquired how much was due, and my wife told him the pay for about two months, and that he paid one dollar. This was in December.

4. By same.—Was there not the amount of one dollar or more due on rent from Curtis after the last annual election?

Answer.—Yes, there was.

5. By same.—Did not Charles Curtis pay you and your wife in his labor, the full amount due on his rent for the three months immediately preceding the last annual State election?

Answer.—He did from May up to the annual election.

NICHOLAS WEST.

*Elisha Chick* testified that he was Chairman of the board of Selectmen of Frankfort; had held the office four years; presided at the September election, 1859, all day; that there was some hesitation with the officers what they should do; we did state that the meeting would be adjourned; upon reflection concluded not proper to throw out vote written in pencil, and declared the vote as in the certificate—Reuben A. Rich, four hundred and three votes, one in pencil. John Perkins, four hundred and two votes. Daniel Tobey, two votes. The certificate was made out the evening of the meeting; all other matters were made out and inserted since the day of meeting. I know the polls were closed, and have no doubt it was announced. Colson had not been helped in Frankfort, in the three months preceding election; nothing paid by us for the support of Colson. Thomas Kinney offered his vote; we rejected it; the record showed he was not twenty-one years of age.

*Benj. P. Hall* testified; one of the Selectmen of Frankfort; don't think any formal announcement of the close of polls; Treat came with Arnold G. Tibbets and Rich; they offered to vote; my reply was, box is turned; they went away without saying anything; acquainted with Charles F. Spencer; he stopped for some time at his sisters; he left in fall of 1858, and said he was never going to step his foot in the State again; he returned Saturday, following Railroad meeting; meeting 11th June, he returned Saturday after; reputation of Mary A. Welch not as good as might be; Jona. P. Hardy did not vote to my knowledge; no one held the box but Mr. Chick and myself; I checked every man that voted; Thomas Kinney refused; not far from sun down, when Tibbets and Rich offered to vote; I put Spencer's name on the voting list prior to time the list was posted up; he applied to have it put on and said he was a voter; his name was put on the list at a meeting of the board; no discussion was raised; he came up alone; I had charge of the ballot box toward close of the day; I saw Washington Carlton receive a vote from window; I suppose he had an opportunity to change the vote; I heard him call the attention of Mr. Chick to the vote; this was the vote of Edmund Clements; his name was checked on the list; Clements is a sick man; can't tell for whom he voted.



*Bidfield Plummer* testified; he was a Selectman of Frankfort; helped check the names; think I checked the names of all on my list; saw Carlton take the vote of Clements; saw him put it in box; could not have changed it; do not know Jona. P. Hardy, or that he voted; can't say whether polls closed before Rich and Tibbetts came; don't recollect any announcement of polls being closed; we had a long consultation about vote in pencil; the certificate signed by us before election. Thomas Kinney offered to vote; refused on account of age; Charles Curtis received no assistance from Frankfort, three months before election; his settlement is in Swanville; Fred Atwood's vote refused; Spencer Cuillard's vote refused; Tibbetts and Rich came after box was turned; only dispute was about the vote in pencil; we counted the votes and declared them as for Reuben A. Rich.

*George White*, was at the meeting all P. M.; did not hear the Selectmen say the poll was closed; Rich and Tibbetts came into the house, and the talk was the box is turned, and they turned and went away quietly; Varnum's vote went through the window—do not know what become of it.

*John T. Rowe*, at town meeting P. M.; heard no declaration of closing polls; it was sundown when Rich and Tibbetts came to vote; I did not see the box turned.

*Capt. Hiram Treat*. Tibbetts and Rich offered to vote; they went within ten feet of desk; the talk was the box is turned; Rich did not go to polls; can't say that Tibbetts did.

*Freeman S. Dean*. Been acquainted with Mr. Marsh twenty years; live twenty rods from his house in Frankfort; he came to Frankfort middle of April, 1858, and broke up September, 1858; he then went to parsonage with his son in Frankfort, who is regular preacher there; I pay and support that preaching; son left May 1st, 1859; father left about same time, or before; he has not kept house; he left goods and furniture at parsonage: I don't know that he voted; suppose he had no residence there.

*Elisha Chick*, re-called. Wm. Marsh voted; his vote was challenged; I do not know how he voted.

*Bidfield Plummer*, recalled. Varnum passed his vote to Allen who was in the carriage with him; Allen passed it to me, and I checked his name and put it in the box; I do not know who he voted for; the certificate was given to Reuben A. Rich as genuine.

*Adams Treat* testified, was present at the election, September, 1859; went to poll box with Arnold G. Tibbetts, with vote in his hand; Hall said the box is closed, and he being a political friend, I made no fuss about it and Tibbetts went away; I was there from two till after he offered his vote; not absent more than one minute, when I went out of the door; about five minutes before they arrived they began to sing out close the polls; Chick said it is about time to close the polls; went to polls with Thomas Kinney; he offered to vote for John Perkins; I have told Mr. Rich if he would present no petitions for the division of Frankfort, nor use any influence in that direction, we would take Mr. Perkins and go home. Here the remonstrant closed his testimony, and Reuben A. Rich appeared by counsel, Joseph Baker, Esq., and put in sundry depositions, as follows:

I, Samuel Spencer of Frankfort, in the county of Waldo, of lawful age, do on oath depose in answer to interrogatories, as follows:

1. By Reuben A. Rich.—What is your age, and how long have you resided in the town of Frankfort?

Answer.—My age is fifty-nine years. I have resided in Frankfort since May 22d, 1858.

2. By same.—Do you know Charles F. Spencer? If yea, what relation is he to you, if any?

Answer.—I do know said Charles. He is my son.

3. By same.—When did said Charles first come to Frankfort to live?

Answer.—Two days after I came.

4. By same.—With whom do you make your home?

Answer.—With my daughter, Mrs. Mary A. Welch.

5. By same.—How long has said Charles made his home with Mrs. Welch, if at all?

Answer.—It has been his regular home since his mother died six years ago last October.

6. By same.—Where was said Charles during the summer of 1858?

Answer.—Part of the time in Frankfort with us, and part of the time at Bangor attending to the business he was doing.

7. By same.—How often did he return to Mrs. Welch's in Frankfort during the summer of 1858?

Answer.—He was there about every week, except once or twice it stormed and he did not come down.

8. By same.—When did said Charles leave Frankfort to go West and how long was he gone?

Answer.—I never charged my memory to know what day he left or what day he returned. He returned last summer to Mrs. Welch's and made his home there afterwards.

9. By same.—How old is said Charles?

Answer.—He was twenty-one years old July 8, last. His age is put down in the Bible at Mrs. Welch's.

10. By same.—Where is said Charles now?

Answer.—He is in the employ of Capt. Nathan Ellingwood on the Molunkus.

11. By same.—When was said Charles married and who did he marry?

Answer.—He married Sarah M. Hall of Frankfort, Sept. 15th, 1859.

1. By John Perkins.—How long did Charles remain with you when he first came to Frankfort?

Answer.—From the 22d to the last of May when he went to Bangor to work.

2. By same.—For whom did Charles work in Bangor?

Answer.—For John Brown.

3. By same.—How long did he remain in Bangor altogether?

Answer.—That was his place of labor from the last of May until he went out West.

4. By same.—How long was Charles at Mrs. Welch's house after he left Bangor before he went West?

Answer.—I cannot say exactly, the best part of a week; it might have been more than a week. When he left Bangor he had done work for Brown.

5. By same.—State what said Charles said to you about want of employment, and about going West for employment, if anything?

Answer.—His brother come home from the West, and wanted Charles to go with him because he could do better at the West.

6. By same.—What was left by your son, or was there anything left by him at your house at the time of his going West, except a chest marked for Albert Spencer, your other son, and a coat which you now have on?

Answer.—He left shirts, vests, a small wooden trunk, paint brushes, paint pots, a hat, an umbrella, and handkerchiefs.

7. By same.—Were those brushes and pots there on his return from the West; if not, what become of them?

Answer.—Yes, they were.

8. By same.—Where did your other son reside at the time Charles left Frankfort to go West, and was he married?

Answer.—He made his home in Boston, he was not married.

12. By Reuben A. Rich.—After Charles left Frankfort with his brother, was he located in any particular place, or was he traveling?

Answer.—Traveling the whole time.

9. By John Perkins.—Did you or not write to Charles to come home; if yea, where was he at that time, and what had been his employment?

Answer.—I did not write him.

his  
SAMUEL X SPENCER.  
mark.

Attest: N. H. HUBBARD.

I, Mary A. Welch of Frankfort, in the county of Waldo, of lawful age, do on oath, depose in answer to interrogatories, as follows:

1. By Reuben A. Rich.—What is your age, and how long have you resided in the town of Frankfort?

Answer.—My age is thirty years; I have resided in Franfort, since May 22, 1858.

2. By same.—Do you know Charles F. Spencer of Frankfort? if yea, what relation is he to you, if any?

Answer.—I do know said Charles F. Spencer. He is my brother.

3. By same.—How old is said Charles, and where is he at this time?

Answer.—He was twenty-one years old in July last. He is in the woods with Capt. Nathan Ellingwood.

4. By same.—Did said Charles come to Frankfort with you, and for how long has he made your house his home?

Answer.—He came himself to Frankfort, two days after I did. His things came when I did. He has made his home at my house, ever since his mother died, six years ago last October.

5. By same.—Where was said Charles during the summer of 1858?

Answer.—Part of the time at my house in Frankfort, and part of the time in Bangor; he came home every week, and I did his washing and mending.

6. By same.—When did said Charles go West, and how long did he remain?

Answer.—He left my house the second Sunday in October, 1858, and returned June 15, 1859.

7. By same.—Did his things remain at your house during his absence, and did he make your house his home after he returned?

Answer.—The most of his things, all but his clothing, which he took with him, remained there; he did make my house his home after he returned.

1. By John Perkins.—Did Charles visit you every week during the summer of 1858?

Answer.—He was there every week or fortnight; he came every week unless it was stormy.

2. By same.—Where did said Charles have his home in the summer of 1858?

Answer.—At my house

3. By same.—How much of the time during the summer of 1858, did said Charles spend at your house?

Answer.—I think about one-half of the time.

4. By same.—What day of the week did said Charles return from the West?

Answer.—I am not certain; I do not recollect.

5. By same.—What furniture or articles did Charles leave at your house, when he went West?

Answer.—He left a trunk and some clothing.

6. By same.—Where was said Charles located during his absence West?

Answer.—He was traveling through the western country; he was not over three weeks at a time in any place.

7. By same.—When was said Charles married?

Answer.—September 15, 1859.

8. By Reuben A. Rich.—Whom did Charles marry?

Answer.—Sarah M. Hall of Frankfort.

8. By John Perkins.—What was the occupation of said Charles while absent at the West?

Answer.—Different kinds of business.

9. By Reuben A. Rich.—Did you hear any one tell Charles that he was a legal voter in Frankfort? if yea, who was it?

Answer.—I never did.

9. By John Perkins.—Did said Charles, at the time of his leaving your house to go West, state where he was going, or how long he intended to remain, or what if any thing, did he say about it?

Answer.—He said he going traveling, and when he got tired he should come home; he did not state where he was going; he went with an older brother who was always traveling; I do not know how long he remained with his brother.

MARY A. WELCH.

I, Otis C. Couillard, of Frankfort, in the County of Waldo, of lawful age, do on oath, depose, in answer to interrogatories, as follows:

1. By Reuben A. Rich.—What is your age, and how long have you resided in the town of Frankfort?

Answer.—My age is forty one years. I have always resided in Frankfort, with the exception of the years 1844 and 1845.

2. By same.—Did you attend the town meeting held in Frankfort on the twelfth day of September, 1859? If yea, did you see Arnold G. Tibbetts and George W. Rich, Jr., at the town house on that day?

Answer.—I did attend said meeting, and saw said Rich and a man with him by the name of Tibbetts at the town house that day.

3. By same.—Did said Tibbetts and Rich vote at that meeting? If not, why?

Answer.—They did not vote, because they did not get there until the poll was closed. One of the selectmen told said Rich the poll was closed when he offered his vote, and refused to receive it. Tibbetts did not offer to vote.

4. By same.—At what time of day was the poll closed?

Answer.—I cannot say, I think it was after sunset.

5. By same.—Did you hear the declaration of the vote cast for representative on that day? If yea, who made the declaration and what was it?

Answer.—I did hear Elisha Chick declare the vote cast for representative on that day. The declaration was, John Perkins 402 votes, Reuben A. Rich 403, one of which is written with a pencil, or in pencil mark, I do not remember which, and some for another, but do not remember who.

6. By same.—At what time was this declaration made?

Answer.—I do not remember the time, but it was after the lamps were lighted.

OTIS C. COUILLARD.

I, Albert E. Fernald, of Frankfort, in the County of Waldo, of lawful age, do on oath, depose, in answer to interrogatories, as follows :

1. By Reuben A. Rich.—What is your age and how long have you lived in the town of Frankfort?

Answer.—My age is twenty-one years last May. I have always resided in Frankfort.

2. By same.—Was you present at the town meeting in said Franfort on the twelfth day of September, 1859? If yea, did you hear the declaration of votes cast for representative on that day? If so, who made the declaration, and what was it?

Answer.—I was present at said meeting, and heard the declaration of the vote cast for representative on that day. The declaration was made by Elisha Chick. The declaration was, 402 votes for John Perkins, 403 for Reuben A. Rich, one of which is in pencil mark, or written with pencil, I do not remember which, and two for Daniel Tobey.

3. By same.—Did you hear said Chick call for Reuben A. Rich to come and get his certificate of election?

Answer.—I did.

4. By same.—Was said Rich present? If not, what did said Chick say?

Answer.—Rich was not present. Mr. Chick said, I can hand it to him in the morning.

5. By same.—At what hour was this declaration about the certificate made by said Chick?

Answer.—It was after the delaration of votes, and I think between 9 and 10 of the clock in the evening; a few minutes past 9.

6. By same.—How many people were in the town house when said Chick called for me to get my certificate?

Answer.—I do not remember; there may have been a dozen or more.

1. By John Perkins.—Was the call for Mr. Rich, as before stated, immediately after the declaration of the vote?

Answer.—I do not remember; it was soon after, I think.

2. By same.—How long after this before the meeting broke up? Did you, previous to the declaration of the vote, hear anything said about adjourning the meeting?

Answer.—I should think it was about an hour and a half after the call for Rich before the meeting broke up. I did not hear anything said about adjourning the meeting before the votes were declared.

3. By same.—Did you hear the selectmen say anything about adjourning the meeting after the votes were declared?

Answer.—I did hear them say something about adjourning the meeting after the returns were all made out.

7. By Reuben A. Rich.—Who was present when this talk about an adjournment was had?

Answer.—No one but the selectmen, Adams Treat and myself and the town clerk. I think, I saw no others.

8. By same.—After this talk of adjournment and when there was no one present but Mr. Chick, the town clerk and yourself, did Mr. Chick tell you that Mr. Rich would have his certificate of election.



Answer.—Mr. Chick told me so, but whether before or after the talk about an adjournment, I do not remember. It was sometime after he had called for Mr. Rich to come and get his certificate.

ALBERT E. FERNALD.

I, John Atwood, Jr., of Frankfort, in the county of Waldo, of lawful age, do on oath, depose in answer to interrogatories, as follows :

1. By Reuben A. Rich.—What is your age, and how long have you resided in the town of Frankfort ?

Answer.—My age is 36 years ; I have always resided in Frankfort.

2. By same.—Was you present at the town meeting in said Frankfort, on the 12th day of September, 1859 ? if yea, did you see Arnold G. Tibbetts and George W. Rich at the town house on that day ?

Answer.—I was present at said meeting ; I did see said Tibbetts and Rich at the town house on that day.

3. By same.—Did said Tibbetts and Rich vote at said meeting ? if not, why ?

Answer.—They did not vote ; the poll was closed before either of them came into the town house.

4. By same.—Did you hear the selectmen say to said Tibbetts and Rich that the poll was closed ? what time in the day was the poll closed ?

Answer.—I did hear Elisha Chick tell them that the poll was closed. The poll was not closed until after sunset.

5. By same.—Did you see Thomas Kinney at the town house on that day, and hear him offer to vote ?

Answer.—I did see said Kinney there that day and heard him offer his vote ; his vote was refused because said Chick said he was not of age ; Chick had the town records there and examined them, and then told Kinney he was not of age and could not let him vote.

6. By same.—Have you examined the record of births in the town of Frankfort, for the purpose of ascertaining the age of said Kinney ? if yea, when was he born according to said record ?

Answer.—I have examined the record ; according to said record said Thomas is the son of James and Phebe Kinney, and was born November 17, 1838.

7. By same.—Did you hear the declaration of the vote cast for Representative at said meeting; if yea, who made the declaration, and what was it?

Answer.—I did hear the declaration; Elisha Chick made it; it was, John Perkins, 402 votes; Reuben A. Rich, 403, one of which is written with a pencil mark, and Daniel Tobey, two votes.

8. By same.—At what time in the day was the declaration made?

Answer.—I should think it was past nine of the clock in the evening.

9. By same.—Did the people immediately leave the town house after the vote was declared?

Answer.—Most of them did so.

JOHN ATWOOD, JR.

I, John Haley, of Frankfort, in the County of Waldo, do on oath, depose, in answer to interrogatories, as follows:

1. By Reuben A. Rich.—What is your age and how long have you resided in Frankfort.

Answer.—My age is fifty years. I have always resided in Frankfort.

2. By same.—Did you attend the town meeting in Frankfort on the twelfth day of September, 1859? If yea, did you see Arnold G. Tibbetts and George W. Rich, Jr., at the town house on that day?

Answer.—I did attend that meeting. I saw said Rich and another man with him come into the town house on that day with votes in their hands. I do not know said Tibbetts.

3. By same.—Did said Rich and the man with him vote? If not, why?

Answer.—They did not vote, because the selectmen told them the poll was closed.

4. By same.—At what time of day was the poll closed?

Answer.—It was not closed till after sunset.

JOHN HALEY.

I, George W. Rich, of Frankfort, in the County of Waldo, of lawful age, do on oath, depose, in answer to interrogatories, as follows :

1. By Reuben A. Rich.—What is your age and how long have you resided in Frankfort.

Answer.—My age is thirty-one years. I have resided in said Frankfort about 27 years.

2. By same.—Did you attend the town meeting in said Frankfort on the twelfth day of September, 1859? If yea, did you hear the declaration of votes cast for representative on that day; and if so, who made the declaration and what was it?

Answer.—I did attend the last September election in said Frankfort and heard the vote for representative declared. Elisha Chick made the declaration. The declaration was, John Perkins, 402; Daniel Tobey, 2; R. A. Rich, 403, one of which is written with pencil.

3. At what time in the day was the declaration made?

Answer.—I think a short time after the lamps were lighted.

4. Did you hear either of the selectmen call for Reuben A. Rich to come and get the certificate of his election? If yea, which of them?

Answer.—I heard Mr. Chick call for Reuben A. Rich, and before he called, as he picked up a paper to put into his pocket, he said, I suppose Mr. Rich may as well have them to-night as at any time. Mr. Rich did not answer. I then called loudly for Mr. Rich, and some one said, he is not present. Mr. Chick then said, it makes no difference, he can as well have them in the morning as now, or something to that effect.

5. By same.—Did you see the certificate made out for Reuben A. Rich, at the town house on the evening of the election?

Answer.—I did see something I supposed was the certificate. I saw Chick and the town clerk sign it.

1. By John Perkins.—Did you hear any one of the selectmen protest against the vote for Rich written in pencil, and against his election?

Answer.—I heard Mr. Hall, and Mr. Plummer particularly, protest against the vote in pencil being counted.

6. By Reuben A. Rich.—Did or not this protest come from Hall and Plummer after Adams Treat had called them both out of the desk and talked with them?

Answer.—I think they both protested against it before Adams Treat called Hall out of the desk. I do not recollect that Plummer left the desk.

2. By John Perkins.—Did you hear Adams Treat call Hall out of the desk? Or do you know of his calling him out?

Answer.—I saw him on the floor of the house talking with Treat. From the signs I supposed Hall had been invited there by Treat.

GEO. W. RICH.

I, Ebenezer F. Blaisdell of Frankfort, in the county of Waldo, of lawful age, do on oath depose in answer to interrogatories, as follows:

1. By Reuben A. Rich.—What is your age, and how long have you resided in Frankfort?

Answer.—My age is thirty-six; I have always resided in Frankfort.

2. By same.—Have you ever represented the town of Frankfort in the Legislature of Maine; if yea, how many, and what years?

Answer.—I was Representative in the Legislature two years, 1857 and 1858.

3. By same.—Did you attend the town meeting in Frankfort on the twelfth day of September, 1859; if yea, did you see Arnold G. Tibbetts and George W. Rich, Jr., at the town house on that day?

Answer.—I did attend said meeting; I saw said Rich and another man with him come into the town house on that day, with votes in their hands. I do not know said Tibbetts.

4. By same.—Did said Rich and the man with him vote, if not, why?

Answer.—They did not vote because the Selectmen said the poll was closed.

5. By same.—At what time of day was the poll closed?

Answer.—I cannot give the precise time; it was after sundown.

6. By same.—Did you hear the declaration of the votes given for Representative at said meeting; if yea, who made the declaration, and what was it?

Answer.—I did hear Elisha Chick declare the votes. He said John Perkins had 402 votes, Reuben A. Rich 403, one of which is in pencil mark, and Daniel Toby 2 votes.

7. By same.—Did you hear the Selectmen on that day call for me to come and get my certificate of election?

Answer —I heard some one at the desk ask, “is Mr. Rich in the house?”—there was no answer to that. Soon after I heard some one at the desk say, his certificate is ready; but who said it I do not know.

E. F. BLAISDELL.

I, John K. Crowley of Frankfort, in the county of Waldo, of lawful age, do on oath depose in answer to interrogatories, as follows:

1. By Reuben A. Rich.—What is your age, and how long have you resided in Frankfort?

Answer.—My age is fifty years. I have resided in Frankfort for the last twenty years.

2. By same.—Are you acquainted with Jonathan P. Hardy, son of Billings P. Hardy of Frankfort?

Answer.—Yes, I am.

3. By same.—Have you had any conversation with said Jonathan P. Hardy since the election of September 12th, 1859; if yea, when, and what was the conversation?

Answer.—I have had a conversation with said Jonathan since September 12th, 1859. It was on September 24th, 1859. Said Jonathan stated to me that he was not twenty years of age until next March; that he had voted at the September election for John Perkins for Representative, and that he was asked no question at the polls in regard to his age.

4. By same.—Was you present at the town meeting in said Frankfort on the twelfth day of September, 1859; if yea, did you see Bartholomew Mogan vote at said meeting?

Answer.—I was present at said meeting, and saw said Mogan vote; his vote was challenged; and said Mogan said he was born in Boston.

5. By same.—Did you hear the declaration of the vote cast for

Representative at said meeting; if yea, who made the declaration, and what was it?

Answer.—I did hear the votes declared. The declaration was made by Elisha Chick. The declaration was, John Perkins 402, Reuben A. Rich 403, one of which is in pencil mark, and Daniel Toby 2 votes.

JOHN K. CROWLEY.

I, John T. G. Allen of Frankfort, in the county of Waldo, of lawful age, do on oath, depose in answer to interrogatories, as follows:

1. By Reuben A. Rich.—What is your age, and how long have you resided in the town of Frankfort?

Answer.—My age is 46 years; I have resided in Frankfort for the last 14 years.

2. By same.—Was you present at the town meeting in said Frankfort, on the 12th day of September, 1859?

Answer.—I was.

3. By same.—Are you acquainted with Jonathan P. Hardy, son of Billings P. Hardy of said Frankfort, and did you see said Jonathan P. Hardy vote at said meeting; if yea, for whom did he vote for Representative?

Answer.—I am acquainted with said Jonathan P. Hardy; I did see him vote at that meeting; John Perkins' name was on the bottom of the ballot, said Jonathan put into the ballot box.

4. By same.—Did you see Theophilus H. Colson at said meeting? if yea, was his vote refused by the selectmen?

Answer.—I did see said Colson at said meeting; I think the selectmen refused to let him vote.

5. By same.—Did you hear the declaration of the votes cast on that day for Representative? if yea, who made the declaration, and what was it?

Answer.—I did hear the declaration of the votes; Elisha Chick made the declaration; it was 402 for John Perkins; 403 for Reuben A. Rich, one of which is written with pencil; that is all I recollect; I think on reflection, one or two votes were declared for Daniel Tobey.

6. By same.—At what time in the day was this declaration made?

Answer.—I think it was about 9 of the clock in the evening.

7. By same.—What time in the day did the selectmen close the polls?

Answer.—It was past sunset, I think.

1. By John Perkins.—What time in the day did you see said Jonathan P. Hardy with said vote in his hand?

Answer.—It was before I went to dinner; I think I went to dinner about half past twelve; it might have been just before I went to supper.

2. By same.—What part of the house did you see said Hardy in with said vote, and in what position was the vote?

Answer.—He was near the desk in the south part of the house; he was holding his hand up with the vote in it.

3. By same.—Did you see said Hardy put that vote into the ballot box?

Answer.—I did.

4. By same.—How long before said vote was deposited, did you see it with the name of John Perkins on it?

Answer.—I should think not exceeding five minutes.

5. By same.—After you first saw said vote, did you again inspect the vote so as to know that "John Perkins" was on it?

Answer.—I kept my eye on him all the time.

6. By same.—Might he not have changed that vote, or are you certain that he put that identical vote into the ballot box?

Answer.—I am as certain of it as I should be if you handed me a dollar bill and I should take it and put it into my wallet.

7. By same.—Did you see that vote in his hand from the time you first inspected it until he deposited it?

Answer.—I did; his hand was raised all the time above his head, and the ballot was not folded; I had a good chance to see it.

8. By same.—State whether your knowledge of the refusal of the selectmen of said Colson's vote, was not partly derived from what was said to you, and not from your own knowledge?

Answer.—I cannot swear that I heard the selectmen refuse to let Colson vote; my attention was called to the fact by another man; I saw Colson at the desk.

9. By same.—Are you absolutely certain that said Hardy voted for John Perkins for Representative on that day?

Answer.—I am.

JOHN T. G. ALLEN.

FRANKFORT, Dec. 15, 1859.

This is to certify that I have examined the record of births of the town of Frankfort, and find Thomas Kenney, son of James and Phebe Kenney, recorded there; born Nov. 17, 1838.

H. M. WHITE, *Town Clerk of Frankfort.*

DEER ISLE, Oct. 5, 1859.

Mr. R. A. RICH—Sir :—I received yours of the 28th, respecting the birth of Jonathan P. Hardy, and find it to be as follows :—Jonathan P., son of Billings P. and Comfort Hardy, born March 22, 1840.

Yours Respectfully,

JOSEPH SAUNDERS, *Town Clerk.*

I, Spencer Couillard, of Frankfort, in the County of Waldo, on oath, say : That on the 12th day of September, 1859, I was a legal voter in said town of Frankfort, and that on the said 12th day of September, 1859, I attended the town meeting held in said town for the choice of representative and other officers, and at said meeting I offered to vote for Reuben A. Rich, for representative to the State legislature but was prevented and denied the right to vote, by the selectmen of said town of Frankfort, on the ground that I was not a legal voter. I was born in the town of Frankfort, and have voted in the town of Frankfort for the last five years. I went to Boston in the fall of 1858 and returned to Frankfort in February 1859, and from that time to September 1859 was in Frankfort all the time, with the exception of four weeks which I spent in Monroe, in said County of Waldo. My clothes were at James Foss's in Frankfort, all the time, and Mrs. Foss did my washing and mending, and has done the same for two years past. I am a single man and have no family.

his  
SPENCER X COUILLARD.  
mark



WALDO, ss. Nov. 11th, 1859. Subscribed and sworn to before me, this day. THOMAS W. VOSE, Justice of the Peace.

JOB LORD, Witness to Spencer Couillard's mark.

I, William Marsh, of Frankfort, in the County of Waldo, State of Maine, do depose and say, That I am seventy years of age, and past, am by calling a clergyman, that I moved to Frankfort with my wife and household goods, and went to keeping house there about the 3d or 4th of June, 1858, and there remained keeping house, without scarcely leaving the town till about the middle of April, 1859; I then went to Thomaston to attend the Methodist Conference, which was held there on the 20th of April and succeeding days; at which conference I was confirmed as a superannuated minister, of said Frankfort, as my place of residence, having my post office address there. After the Conference, I, with my wife, went on a visiting tour to our friends in Bucksport, Orrington, Bangor, Orono and Exeter, and returned to Frankfort with my wife as to our home, on the first of September, 1859, my furniture remaining in the same house where I last lived all the time we were absent. On the last of September I moved my furniture out of said house into that of Mr. Job Lord, in Frankfort, where it now is; after which I came to Thomaston on a visit to my son, where I am detained by illness; on my leaving here my purpose is to return to Frankfort. While living in Frankfort, on the 12th of September last, I attended the annual meeting, for the choice of State officers, in that town, and voted, as I did also at the annual election on the September of 1858. My home and residence has been continued in Frankfort, and constructively, is still there. Since I removed to Frankfort in 1858, I have had no other place that I could or had any right to call home. I gave my vote there without objection from any quarter, and I believed I was a legal voter there.

WILLIAM MARSH.

I, Miles Staples, of Swanville, in the County of Waldo, of lawful age, do on oath depose in answer to interrogatories, as follows:

1. By Reuben A. Rich.—Are you one of the Selectmen and Overseers of the poor of the town of Swanville?

Answer.—I am.

2. By same.—Do you know Charles Curtis of Frankfort; if you do, is he chargeable as a pauper to the town of Swanville?

Answer.—I do know said Charles Curtis. He is chargeable as a pauper to the town of Swanville.

3. By same.—State whether said town of Swanville has paid any bills for the support of said Charles Curtis, which accrued between June 12th, 1859 and September 12th, 1859?

Answer.—We have. The town of Swanville has paid said Curtis' house-rent in Frankfort from April 1st to October 1st, 1859.

4. By same.—For how long has said Chas. Curtis been chargeable to said town of Swanville, as a pauper, to your knowledge?

Answer.—For every year but one, for the last fifteen years. One year, five or six years ago, he did not have any help from the town of Swanville. I have had charge of the poor of Swanville, either as one of the Overseers, or as contractor for keeping them, for eight years out of the last fifteen years.

5. By same.—Has said town of Swanville paid any other bill for the support of said Charles Curtis which accrued between June 12th and September 12th, 1859; if yea, to whom?

Answer.—I paid a bill for said Swanville to Geo. A. Pierce & Co., up to June 16th, 1859.

MILES STAPLES.

I, Washington Carleton of Frankfort, in the county of Waldo, of lawful age, do on oath depose in answer to interrogatories, as follows:

1. By Reuben A. Rich.—What is your age?

Answer.—I am fifty years old.

2. By same.—How long have you resided in Frankfort?

Answer.—Ever since I was born.

3. By same.—Have you been one of the Selectmen of Frankfort; if yea, for how many years?

Answer.—I have been one of the Selectmen of Frankfort for three years, 1847, 1848 and 1849.

4. By same.—Did you attend the town meeting held in Frankfort September 12th, 1859?

Answer.—I did.

5. By same.—Do you know Charles Curtis of Frankfort: if yea, did he vote at said meeting?

Answer.—I do know said Charles Curtis; he did vote at said meeting.

6. By same.—For whom did he vote for Representative to the State Legislature at said meeting?

Answer.—He voted for John Perkins.

7. By same.—Was his vote challenged; if yea, by whom?

Answer.—There was something said about his right to vote; but who first spoke about it I do not recollect. I heard one of the Selectmen ask him if he had received any assistance within three months. Curtis made no reply to the question. Mr. Adams Treat said to him, (Curtis,) have you had any supplies from any one except what you have had out of my store. Treat and Curtis walked away and conversed awhile, and then Curtis came back and voted.

8. By same.—Did said Curtis have any help from the town of Frankfort, which was charged to and paid for by the town of Swanville, while you was one of the Selectmen of Frankfort?

Answer.—I think he did.

9. By same.—Did you see Bartholomew Mogan vote at said meeting; if yea, for whom did he vote for Representative?

Answer.—I did see said Mogan at said meeting; he voted for John Perkins for Representative.

10. By same.—Was said Mogan's vote challenged; if yea, what was Mogan's reply?

Answer.—His vote was challenged; Mogan replied that he was born in Boston.

11. By same.—Is said Mogan, in your opinion, an Irishman?

Answer.—He is.

12. By same.—Was said Mogan at that time asked for his naturalization papers?

Answer.—There was something said about naturalization papers; Mogan said he had none; I think he said he had made an application.

13. By same.—Did you see Thomas Kinney offer to vote at said meeting?

Answer.—I did see him offer to vote; his vote was refused be-

cause the town record showed that he was not old enough; the Selectmen had the record there.

14. By same.—Did you see the vote written with pencil for Reuben A. Rich for representative in the hands of the selectmen at the time the votes were counted? If yea, could you read the name of Reuben A. Rich distinctly?

Answer.—I did see that vote in the hands of the selectmen at the time referred to in the question. I could read the name of Reuben A. Rich on it, in pencil, distinctly.

15. By same.—Did you hear the selectmen make a declaration of the votes given for representative at said meeting? If yea, who made the declaration, and what was it?

Answer.—I did hear the declaration; it was made by Elisha Chick, chairman of the selectmen. The declaration was, 402 votes for John Perkins, 403 for Reuben A. Rich, one of which is in pencil mark, 2 for Daniel Tobey. This declaration was made between nine and ten of the clock in the evening of the day of election.

WASHINGTON CARLTON.

SWANVILLE, Dec. 10, A. D. 1859.

Dear Sir:—In answer to your inquiry, must say that Charles Curtis and family has been helped as a pauper of our town, more or less for ten years, as the order book will show. I furnished him from the store of G. A. Pierce & Co., in spring of 1859, up to June 14, 1859, as per bill on file. Also, paid house rent for Charles Curtis and family, then living in the town of Frankfort, to Sally West, to October 1, 1859.

MILES STAPLES,

*Chairman and Selectman and*

*Overseer of Poor, Swanville.*

To R. A. Rich, Esq.

P. S.—Annexed, is a copy of bills:

*Frankfort*, June 16, 1859. Town of Swanville, to G. A. Pierce & Co., Dr. To sundries delivered Charles Curtis to date.

Received payment,

Signed,

G. A. PIERCE.

*Frankfort*, May 13, 1859. Received of Miles Staples, \$3 in full for house rent, for Charles Curtis and family, to date.

Signed,

SALLY WEST.

*Frankfort*, Nov. 1, 1859. Received of the town of Swanville, by the hand of Miles Staples, \$2 in full for house rent furnished Charles Curtis and family, to date.

Signed,

SALLY WEST.

I, Ira L. Allen of Frankfort, in the county of Waldo, of lawful age, do on oath depose in answer to interrogatories, as follows :

1. By Reuben A. Rich.—What is your age, and how long have you resided in the town of Frankfort ?

Answer.—My age is forty-nine years. I have resided in Frankfort for the last thirteen years.

2. By same.—Did you attend the town meeting in Frankfort on the twelfth day of September, 1859 ; if yea, did you see Bartholomew Mogan vote at said meeting ; and if yea, for whom did he vote for Representative ?

Answer.—I did attend said meeting ; I did see said Mogan vote at said meeting—he voted for John Perkins for Representative.

3. By same.—Did you see Arnold G. Tibbetts and George W. Rich, Jr. at said meeting ; if yea, did they vote at said meeting, and if not, why ?

Answer.—I did see said Tibbetts and Rich at the town house that day ; they did not vote ; they did not get into the town house till after the poll was closed, and that is the reason they did not vote.

4. By same.—At what time was the poll closed that day ?

Answer.—Not till after sunset.

1. By Adams Treat, (for John Perkins.)—At what time in the day did said Mogan vote ?

Answer.—I cannot tell ; I do not recollect whether he voted in the forenoon or afternoon.

2. By same.—For whom did said Mogan vote for Senators ?

Answer.—I cannot tell ; I did not read them.

3. By same.—For whom did said Mogan vote for County Attorney ?

Answer.—I cannot tell.

4. By same.—For whom did said Morgan vote for Governor ?

Answer.—Mr. Smith, the Smith that was on all the democratic tickets that day.

5. By same.—As near as you can recollect, at what time in the day did said Mogan vote?

Answer.—It is impossible for me to tell; but as near as I can recollect he voted about the middle of the day.

6. By same.—Was the name John Perkins written or printed on said Mogan's ticket?

Answer.—Written.

7. By same.—Which one of the Selectmen received said Mogan's ticket?

Answer.—Elisha Chick, I think.

4. By same.—Did said Mogan carry his ticket open and undisguised, and put it into the ballot box so that it could be seen by bystanders?

Answer.—Yes.

9. By same.—Who desired you to come here and give your deposition?

Answer.—Reuben A. Rich.

IRA L. ALLEN.

I, John S. Atwood, of Frankfort, in the County of Waldo, do on oath depose, in answer to interrogatories, as follows:

1. By Reuben A. Rich.—What is your age, and how long have you resided in the town of Frankfort?

Answer.—My age is twenty-one years last June. I have always resided in Frankfort.

2. By same.—Did you attend the town meeting in said Frankfort on the twelfth day of September, 1859? If yea, did you see Bartholomew Mogan vote at said meeting; and if yea, for whom did he vote for Representative?

Answer.—I did attend said meeting, and saw said Mogan vote at said meeting. He voted for John Perkins for Representative.

1. By Adams Treat, (for John Perkins.)—At what time in the day did said Mogan vote?

Answer.—I cannot tell exactly the hour. I think it was near the middle of the day. I was there most all of the day.

2. By same.—Did said Mogan carry his vote open and undisguised, so that by-standers could see it?

Answer.—He did.

3. By same.—Who received said Mogan's vote ?

Answer.—I am quite sure Mr. Chick did.

4. By same.—For whom did said Mogan vote for Senators ?

Answer.—I took no notice of the Senators.

5. By same.—For whom did he vote for County Commissioner ?

Answer.—I took no notice of that either.

6. By same.—For whom did he vote for County Attorney ?

Answer.—I took no notice of that.

7. By same.—For whom did he vote for County Treasurer ?

Answer.—I took no notice of that either.

8. By same.—For whom did he vote for member of Congress ?

Answer.—I took no notice of member of Congress on the vote.

9. By same.—For whom did he vote for Sheriff ?

Answer.—I do not know.

10. By same.—How long have you been acquainted with said Mogan ?

Answer.—I was never acquainted with him.

11. By same.—For whom did you vote for Representative ?

Answer.—For Reuben A. Rich.

3. By Reuben A. Rich.—Did or not said Mogan's voting that day cause some excitement ?

Answer.—It did.

JOHN S. ATWOOD.

I, Bartholomew Mogan of Frankfort, in the county of Waldo, of lawful age, do on oath, depose in answer to interrogatories, as follows :

1. By Reuben A. Rich.—What is your age, and where was you born ?

Answer.—My age is about 27 years ; I was born in the Old Country.

2. By same.—Did you attend the town meeting in Frankfort, September 12, 1859 ? and if yea, did you vote at said meeting ?

Answer.—I went in there and voted for somebody ; I do not know who.

3. By same.—Can you read printing or writing ?

Answer.—No.

4. By same.—Have you ever been naturalized? if yea, where and when?

Answer.—No; but five years ago I put my name in at Bangor, to get my papers out, but have not got them yet; I have never been to court but once, and have never applied for my papers.

his

BARTHOLOMEW ✕ MOGAN.  
mark.

Attest:—N. H. Hubbard.

I, Bartholomew Mogan, a native of Ireland, a free white person, of the age of 22 years, and now or lately owing allegiance to her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, do hereby declare, that it is my intention, *bona fide*, to become a citizen of the United States and to renounce forever all allegiance and fidelity to any Foreign Prince, Potentate, State or Sovereignty whatever; and particularly to renounce forever, all allegiance and fidelity to her Majesty, the Queen of Great Britain and Ireland.

his

BARTHOLOMEW ✕ MOGAN.  
mark.

Attest:—E. G. Vaughan.

#### STATE OF MAINE.

*Penobscot, ss.—Clerk's Office of the Judicial Courts, at Bangor, September 11, 1854.*

Personally appeared the above named Bartholomew Mogan, and made solemn oath to the truth of the above declaration by him subscribed :

Before me,

NATHAN WESTON, JR.,

*Clerk of all the Judicial Courts for said County.*

A true copy of record, volume 3, page 27.

Attest:—

A. S. FRENCH, *Clerk.*

By Wm. E. Hewes.

I have searched the records and cannot find that the above Bartholomew Mogan was naturalized in this county, as his name does not appear in the records.

Attest:—

A. S. FRENCH, *Clerk.*

By Wm. E. Hewes.



I, Theophilus H. Colson, of Frankfort, in the County of Waldo, of lawful age, do on oath depose, in answer to interrogatories, as follows :

1. By Reuben A. Rich.—What is your age, and how long have you resided in Frankfort ?

Answer.—My age is thirty-six years. I have resided in Frankfort for the last twenty-eight years.

2. By same.—Did you attend the town meeting in Frankfort on the twelfth day of September, 1859, and offer to vote at said meeting ?

Answer.—I did attend said meeting, and offered my vote at said meeting.

3. By same.—Did you at said meeting offer to vote for a Representative to the Legislature from said Frankfort ? If you did, for whom did you offer your vote ?

Answer.—I did offer my vote for Representative at said meeting ; it was for Reuben A. Rich.

4. By same.—Did you vote at said meeting ; if not, why ?

Answer.—I did not vote at said meeting, because the Selectmen refused to receive my vote.

Question by John Perkins.—Had you received any assistance from the town of Frankfort, or from any other town, as a pauper, within three months next preceding said meeting ?

Answer.—I did not.

THEOPHILUS COLSON.

BUCKSPORT, December 19, 1859.

REUBEN A. RICH, Esq., Frankfort, Maine :

DEAR SIR :—The facts for which you inquire of me concerning Theophilus Colson of Frankfort, having been chargeable in this town as a pauper, are as follows :

In the latter part of the month of August last, I think it was, Joseph L. Emerson of this town informed me (I was then at work near his dwelling) that Theophilus Colson of Frankfort, was at his house, and had been there since the day before ; that he did not seem inclined to go away ; that he was partially insane, and he (Emerson) did not think he was capable of taking care of himself in his then

condition. Emerson said he did not want to drive Colson away from his house, and if he was sure he would remain there but a day or two he would make no charge or complaint about it; but as it was, not knowing how long he would stay with him, he was not willing to keep him without a chance to get his pay. I told him there was but one course for me to take in order for him to be sure of his pay, which was to authorize him to take care of Colson and notify the Overseers of the Poor of Frankfort, that he had been chargeable in this town as a pauper. He approved of that arrangement, and, accordingly, I immediately wrote a notice in the usual form to the Overseers of the Poor of Frankfort, and sent it to Mr. Chick by a son of said Emerson. I did not see Colson, but acted in this case solely from the statement of Emerson. I understood Colson went home the next day. We have never received any answer from Frankfort, nor have we paid anything for Colson's support. I acted in the matter as an *individual member* of the Board of Overseers the Poor of this town without any consultation with the other members of the Board.

Respectfully yours,

S. T. HINKS,

*Chairman of Overseers of Poor of Bucksport.*

We were not consulted in the case related above, and know nothing about the facts otherwise than as therein stated by Mr. Hinks.

W. H. CHASE, } *Overseers of the*  
A. S. EMERTON, } *Poor, Bucksport.*

BUCKSPORT, December 22, 1859.—This is to certify, that I have received nothing from the town of Frankfort or Bucksport, for the few days Theophilus Colson of Frankfort was at my house, as above, neither have I any bill against either town for the same.

JOSEPH L. EMERSON.

Attest: J. G. CURTIS.

I, Fred Atwood of Frankfort, in the county of Waldo, of lawful age, do on oath, depose in answer to interrogatories, as follows:

1. By Reuben A. Rich.—What is your age, and how long have you resided in the town of Frankfort?

Answer.—I have always supposed, and my father has always told me I was 22 years old last November, the 12th day. But the town

record says I was 21 years old last November. I have always resided in Frankfort.

2. By same.—State whether your poll was taxed in said Frankfort, in the year 1859, and whether you have paid that tax?

Answer.—It was so taxed, and I have paid the tax.

3. By same.—Was you present at the town meeting in said Frankfort, on the 12th day of September, 1859; if yea, did you at that meeting offer your vote for Representative from said Frankfort? if yea, for whom was said vote, and was it received?

Answer.—I was present at said meeting, and offered my vote for Representative; my vote was for Reuben A. Rich; my vote was not received.

4. By same.—Why was your vote refused?

Answer.—Elisha Chick said I was not old enough by the record.

5. By same.—Did you hear the declaration of the vote cast for Representative on that day? if yea, who made the declaration, and what was it?

Answer.—I did hear Elisha Chick declare the vote; the declaration was 402 votes for John Perkins; 403 for Reuben A. Rich, one of which is written with a pencil; and two for Daniel Tobey; I think this declaration was made between nine and half past nine of the clock in the evening.

6. By same.—Was you present in the town house when the poll was closed on that day? if yea, what time in the day was the poll closed?

Answer.—I was present when the poll was closed; it was some after sunset when the poll was closed; from five to fifteen minutes after sunset.

1. By John Perkins.—When did you make application to be taxed so that you might be a voter?

Answer.—I did not make any application to be taxed; I went to see Mr. Chick about my father's valuation; Chick asked me if I had any thing to be taxed for but my poll; I told him I had nothing else but some papers, \$25 or \$30 worth; he said he should make no account of the papers; this was in the spring of 1859.

2. By same.—Did your father keep a family record?

Answer.—He did.

3. By same.—In whose hand writing is said record made?

Answer.—I think in the hand writing of my brother John.

4. By same.—Is your birth recorded there by said John?

Answer.—I think it is.

5. By same.—What is the age of your brother John?

Answer.—I think 36, but am not certain.

6. By same.—At what time did your brother John make this record of your birth?

Answer.—I cannot state the time; I think from 7 to 9 years ago.

7. By same.—By that record, when was you born?

Answer.—I have never seen the record and do not know.

7. By R. A. Rich.—Where is that record made by your brother John?

Answer.—In Providence, R. I.; my brother Benjamin has it.

8. By John Perkins.—Where is the original record?

Answer.—I do not know.

9. By same.—Did you ever see the original record?

Answer.—I think I did some years ago; ten or twelve years ago, or more.

10. By same.—Do you know what your age is by that original record?

Answer.—I do not remember.

FRED ATWOOD.

After the reading of the depositions, Reuben A. Rich put himself upon the stand and corroborated the testimony of the witnesses whose depositions were taken at his request.

After a full and unusually lengthy hearing, and a thorough examination, and a full consultation, your Committee came to the conclusion, that the remonstrant had failed entirely, in disturbing the rights of the sitting member; and that Reuben A. Rich is legally and constitutionally elected a Representative from the district composed of Frankfort, in the county of Waldo, and is therefore entitled to a seat in this House; and that John Perkins have leave to withdraw.

All of which is respectfully submitted.

Per Order of the Committee.

E. W. WOODBURY, *Chairman.*

## MINORITY REPORT.

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The undersigned, a minority of the Committee on Elections, to whom was referred the remonstrance of John Perkins, against the right of Reuben A. Rich, of Frankfort, to a seat in this House, have had the same under consideration, and ask leave to

### REPORT :

That the whole number of votes received, sorted, and counted by the selectmen, for representative, was eight hundred and seven. Daniel Tobie had two, John Perkins four hundred and two, and Reuben A. Rich four hundred and three, one of which was written in pencil mark.

The selectmen declared in open town meeting there was no choice, and adjourned the meeting, agreeable to law, to the following Monday, on the ground that the pencil vote was bad. The selectmen, after the meeting, took legal advice, from one of the late justices of the Supreme Court, who gave it as his opinion that the vote was bad, not on the ground that it was written in pencil, but because the ballot had two names on it for representative, viz : John Perkins printed thereon, and Reuben A. Rich, in pencil, and it was difficult to tell for which person the voter intended to vote, and finally the selectmen said to Mr. Rich, that if he could find a man who could identify the vote and swear that it was his intention to vote for Reuben A. Rich, they would give him a certificate of election, by appending the identical vote to said certificate.

At the request of Mr. Rich, Charles F. Spencer came forward and made oath, and gave his affidavit that he put the vote, written in pencil mark, into the ballot box, and that he intended to vote for Reuben A. Rich. Thereupon the selectmen gave said Rich the certificate of election, with the vote in pencil annexed, and no subsequent meeting was held to elect a representative. But it turns out that this same Charles F. Spencer is not a legal voter in the town of Frankfort, being at the time of the election a single man, and not having had his residence established in said town, three months immediately preceding the election. The proof is by four witnesses, that he left Frankfort in the fall of 1858 for the West, that on leaving he declared his intention to leave the State never to return; he, however, not finding business so good as he expected in the West, returned to Frankfort, June 18th, 1859, thus lacking six days of the time required to constitute him a legal voter. But this is not all; it is proved by four or five credible witnesses, that said Spencer never had a residence in the town of Frankfort. One witness testified that he lived within three rods of the house where Spencer claimed to have a residence in 1858, and that he never saw him at the house, or in the neighborhood, or knew there was such a man in existence. Three or four other credible witnesses say they have for years, and are now living, within thirty rods of the house where said Spencer claimed to have his residence in 1858, and that they never saw him there or in the neighborhood except on a few brief visits.

It was also in proof, and not disputed, that Arnold G. Tibbetts and George W. Rich, Jr., both being legal voters in the town of Frankfort, offered their votes at the polls for John Perkins for representative, and that their votes were rejected.

The three selectmen of Frankfort who presided at the election were present before your committee, and testified as follows,—one of them said he thought the poll was closed, and the other two swore positively that the polls were not closed till the vote was declared between eight and nine o'clock in the evening. More than a dozen other witnesses declare and testify that the polls were not closed till the vote was declared, and there is not one witness out of more than twenty who have testified on both sides, that would say they ever heard the selectmen announce that the polls were closed; even the

sitting member, Mr. Rich, would not say that he heard the selectmen say the polls were closed before six o'clock, at which time Tibbetts and Rich offered their votes. It was also proved that Thomas Kenny offered his vote in the early part of the day for John Perkins, and it was rejected on account of supposed minority. It was proved by two credible witnesses, (and there was no attempt to impeach them), that they had known said Kenny ever since he was born, and that he was twenty-two years old last November.

It was also proved, and not disputed, that two or three persons voted at the election, through the window, but did not put their votes into the ballot box, nor into the hands of the selectmen, but put them into the hands of others who put them, or substituted others for them, into the ballot box. It is not known that these votes were changed, but it was proved that they could have been so changed, for others.

An attempt was made to prove that Charles Curtis, (who voted for John Perkins), was a pauper and had no right to vote, but there was no evidence that he had received assistance from the town of Frankfort for six months next preceding the election. It was proved that Bartholomew Mogan voted at the election, and it was contended that he was not a legal voter. I think he was not. It was in evidence that he voted for John Perkins; but one of the witnesses who saw how Mogan voted—and also appeared to see about every thing else that favored Mr. Rich, it appears by the records in the office of the Secretary of State—was sentenced to two years imprisonment in the State Prison at Thomaston, by the court at Portland, for larceny, or stealing. A credible witness, the Hon. Adams Treat, testified that Mogan carried his vote in such a manner that he could not see how he voted, although he stood beside and very near him—as near as any other person—and although he tried, was not able to see for whom he voted.

Not one of the witnesses who testified that they saw Mogan vote for Perkins, in answer to the several interrogatories, could tell for whom he voted for other officers.

The following questions were put to each and all of them :

For whom did Mogan vote for County Commissioner ?

Answer.—Don't know.

For Senators?

Answer.—Don't know.

For County Treasurer?

Answer.—Don't know.

But it seems that they all knew that Mogan voted for John Perkins.

In view of this state of facts I am satisfied that John Perkins is elected a representative from the town of Frankfort, or that there was no legal election of representative in the town of Frankfort at the annual election in September last.

All of which is respectfully submitted.

JOSEPH PORTER.



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 2, 1860. }

On motion of Mr. WOODBURY of Sweden,  
Laid on the table, and 350 copies ordered to be printed for the  
use of the Legislature.

CHARLES A. MILLER, *Clerk.*