

MAINE STATE LEGISLATURE

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Public Documents of Maine:

BEING THE

ANNUAL REPORTS

OF THE VARIOUS

PUBLIC OFFICERS AND INSTITUTIONS

FOR THE YEAR

1880.

VOLUME III.

AUGUSTA:

SPRAGUE & SON, PRINTERS TO THE STATE.

1880.

REPORT

OF THE

JOINT SELECT COMMITTEE

TO INQUIRE INTO

The Condition of the Election Returns of September 8th, 1879,

AND THE

EXPENDITURE OF PUBLIC MONEYS

UNDER THE

Direction of Gov. Garcelon and Council,

TOGETHER WITH THE EVIDENCE TAKEN BEFORE THE COMMITTEE,

MADE TO THE 59TH LEGISLATURE OF MAINE.



AUGUSTA:

SPRAGUE & SON, PRINTERS TO THE STATE.

1880.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 5, 1880.

Ordered, The Senate concurring, that a Committee of ten, consisting of seven members of the House of Representatives, to be selected by the Speaker, and three members of the Senate, be appointed, whose duty it shall be to examine into the condition of the "election returns," lately given up to the Secretary of State, the warrant and appropriation books, and all other books and papers of the Governor and Council for the year 1879, and extending to the first Wednesday of January, 1880; and to report to this Legislature what suppressions or alterations, if any, have been made in said returns, and what means have been resorted to for such purposes; and also in what cases and in what manner the will of the people, as shown in the last annual election, has been disregarded and attempted to be defeated, either by illegal construction of said returns, or changing or tampering with them, or by whom the same has been done, or attempted to be done. Such Committee shall further report to this Legislature upon all undue and illegal expenditure of the money of the State by or under the direction of the Governor and Council for the period before mentioned, or by any officer of the State, or by any employe of or contractor with the State during said time. And for such purposes said committee shall have power to send for persons and papers, and may employ such clerical and stenographic force as may be necessary.

Read and passed.

ORAMANDAL SMITH, *Clerk*.

IN HOUSE OF REPRESENTATIVES, }
February 7, 1880.

House appoints Messrs. Hale of Ellsworth, Strout of Portland, Lord of Bangor, Ingalls of Wiscasset, Springer of Yarmouth, Cook of Lewiston, and Hill of Corinth, on its part.

Sent up for concurrence.

ORAMANDAL SMITH, *Clerk*.

IN SENATE, February, 9, 1880.

Passed in concurrence, and Messrs. Hawes of Cumberland, Harris of Washington, and Strickland of Aroostook, appointed on the part of the Senate.

C. W. TILDEN, *Secretary*.

From the Journal of the Joint Select Committee to inquire into the Condition of the Election Returns of September 8th, 1879, and the Expenditure of Public Moneys under the direction of Gov. Garcelon and Council.

AUGUSTA, February 11, 1880.

The Committee met pursuant to the call of the Chairman on the part of the House.

Present, Messrs. Hawes, Harris, Strickland, Hale, Strout, Lord, Ingalls, Springer, Cook, Hill.

On motion of Mr. STROUT,

Ordered, That Mr. Andrew Hawes, Chairman of the Committee on the part of the Senate, be Chairman of the joint committee.

On motion of Mr. INGALLS,

Ordered, That Mr. Chas. C. Springer of the House act as Secretary of this Committee.

On motion of Mr. HALE,

Ordered, That when the Committee adjourns, it will adjourn to meet on Thursday, Feb. 12, unless sooner convened by call of the Chairman who is authorized to convene the committee whenever he may think it necessary.

On motion of Mr. HALE,

Mr. George D. Bisbee of Buckfield was appointed permanent Clerk.

On motion,

Mr. Pitman Pulsifer of Deering was appointed Stenographer of the Committee.

The following oath was subsequently administered by the Chairman to George D. Bisbee, Clerk of the Committee:

“You solemnly swear that you will, as clerk of the Committee, safely keep all records and papers, and documents committed to your care, and will permit no change, alteration or abstraction of the same.”

The following oath was administered by the Chairman to Pitman Pulsifer, Stenographer of the Committee:

“You solemnly swear that you will truly and faithfully take and transcribe all testimony taken before the Committee, and perform all other duties devolving upon you as stenographer and as a clerk of this Committee.”

Adjourned to meet on Thursday, February 12, 1880.

CHAS. C. SPRINGER, *Secretary*.

REPORT.

The Joint Select Committee of the Legislature, under the order recited, have attended to the duties imposed upon them, and present the following :

The general condition of public affairs in the State of Maine, which gave rise to the creation of the Committee, is too well understood to call for much comment here.

The annual election for the year 1879, on September 8th, was hotly contested, and the vote thrown was the largest ever given in the State. Party feeling ran high, and the keenest interest was felt in the result. Three candidates were in the field for Governor, and, as a majority of votes is required by the Constitution to elect to that office, it became well known soon after the election that there had been no choice by the people for Governor, and that the office must be filled by the Legislature which had just been elected.

It was currently reported by the newspapers, and generally accepted by the people that a majority in both the Senate and House of Representatives had been elected by the Republicans, but nothing official touching this could be known until the action of the Governor and Council, to whom, by the Constitution and laws of the State is committed the task of opening, examining and counting the returns and of seeing that certificates of election are issued by the Secretary of State to the proper persons, viz : "those who appear to be elected by a plurality of all the votes returned."

In article 4, part 1, section 5, of the Constitution of Maine, the duty and powers of the Governor and Council in this regard are laid down as follows: "And fair copies of the lists of votes shall be attested by the selectmen and town clerks of towns, and assessors of plantations, and sealed up in open town and plantation meetings; and the town and plantation clerks respectively, shall cause the same to be delivered into the Secretary's office thirty days at least before the first Wednesday in January, annually. And the Governor

and Council shall examine the returned copies of such lists, and also all lists of votes of citizens in the military service, returned to the Secretary's office, as provided in article second, section four, of this Constitution; and twenty days before the said first Wednesday of January, annually, shall issue a summons to such persons as shall appear to be elected by a plurality of all the votes returned, to attend and take their seats. But all such lists shall be laid before the House of Representatives, on the first Wednesday of January, annually, and they shall finally determine who are elected." The same provision is made in case of Senators, and the manner of making up the returns is the same in the cities of the State.

From the time of the election up to the issuing of certificates by the Governor and Council, the public interest increased, and when it became known that a majority of Democrats and Greenbackers had been given certificates in both bodies of the Legislature, great excitement arose, and the meeting of the Legislature at the Capitol resulted in rival bodies, each claiming to constitute the legal Legislature of the State.

The three opinions of the Justices of the Supreme Court, the first being given on the request of Governor Garcelon, settled all the questions which had arisen as to what persons could constitute the legal Legislature, and since the announcement of the last opinion, legislation has proceeded in the usual manner under a general acquiescence in the result.

SUBJECT MATTER OF THE INVESTIGATION.

Your Committee have, under the joint order, examined—

First, the condition and treatment of the election returns; and second, the "undue and illegal uses and expenditure of public moneys under the control of the Governor and Council."

THE ELECTION RETURNS.

These embrace the returns from the several cities, towns and plantations, for Senators, Representatives and county officers. Under the law all of these are sent to and kept in the office of the Secretary of State.

These returns remained in the custody of E. H. Gove, the Secretary of State for the year 1879, and passed into the hands of Prince A. Sawyer, his Deputy, who was chosen by what is known as the "Fusion Legislature" as Mr. Gove's successor. When that

so-called Legislature broke up, Mr. Sawyer retained the possession of the returns, and at first refused to deliver them up to the regular Secretary of State, Sumner J. Chadbourne, but upon reflection, he changed his mind, and on the thirty-first day of January, 1880, appeared at the Secretary's office, and in person delivered up the election returns for Senators and Representatives, stating that he delivered them up in the same condition as he received them.

The Secretary of State at once took possession of them, and had them safely stored in a lower room in his office, and specially placed in custody of J. R. Milliken, who is well known as an old and responsible clerk in the office. Mr. Milliken has sworn that he took charge of them and allowed no changes or alterations in them, and that when your Committee was created he turned them all over to George D. Bisbee, the sworn clerk of your Committee, by whom they have been carefully kept in a steel safe, and who has never allowed any of them to leave his custody, and has permitted no examination or inspection except in his presence.

The returns for county officers were found by the Superintendent of Public Buildings, General Harris, and Major Frank E. Nye, on the fifteenth day of February, 1880, concealed in the Governor's room, and by them at once delivered to your Committee.

Your Committee have been scrupulously and jealously careful that no tampering with or changing of the returns shall have taken place since they came into their possession. They are sure that nothing of the kind has been done or attempted during their control of the returns.

METHOD OF INVESTIGATING.

The general course pursued by your Committee on the examination of these returns, has been as follows :

Where irregularities have appeared on inspection, the Committee have at once summoned the officers of the towns and cities and plantations whose returns have been in question, and especially the officers who made up the returns and the records of the same. These have been sent for without regard to their politics, and have always been directed to bring with them all books and papers relating to their returns. An examination of the list of witnesses summoned and examined by the Committee shows that about one-half of them are "Fusionists" in politics.

Your Committee have examined faithfully, and have tried to go to the bottom of the case, and, whatever may be the political views of

the members, all have worked cordially and earnestly together to a common end. The sessions, which have been public, with two exceptions, have been frequent and protracted, and, so far as the limited time given to them since their work begun has allowed, your Committee have endeavored to go into all branches of the case.

They have searched for all kinds of irregularities in the election returns, or in the treatment of the same by the Governor and Council, or by other parties, in order that a full presentation might be made to the public, which demanded an explanation of the process by which thirty-seven Senators and Representatives of one political party had been counted out, while no candidate of the other party had been molested.

THE ACTION OF THE GOVERNOR AND COUNCIL.

In order to fully understand the extent of the control which the Governor and Council assumed over the election returns, a brief statement of the facts may fittingly be made.

The sessions of the Governor and Council are holden at the Capitol in the Council Chamber, with which the Governor's room communicates. The Governor attends most of the sessions, and all important acts of the Council are subject to his approval or disapproval. The Secretary of State is a part of the executive branch, and either he or his Deputy acts as the clerk of the Council at its meetings.

All the election returns are sent to the Secretary of State, and they are by him, with the exception of the returns for Governor, which go direct to the Legislature, turned over to the Governor and Council for examination and counting. The "Council Blotter," as it is called, is the record of the meetings and doings of the Governor and Council at each session.

Your Committee have received this record for the year 1879, and it has been made part of the testimony.

The record shows that at the meeting of the Council on September 10, 1879, which continued until September 13th, no action was taken upon the election returns. This applies also to the meeting of October 6th.

At the session which commenced October 28th, the election returns were taken up, and on October 30th the following order was passed, on motion of Councillor Chase: "Councillors Foster and

Brown were added to the Committee on Elections, and said committee was instructed to receive the returns on file in the office of the Secretary of State, and proceed to open and tabulate the same as soon as convenient." The committee, as first made, consisted of three members, the usual number, Messrs. Moody, Fogg and Chase. No reason has been found why this unusual addition was made, and your Committee can see none, unless it was that an uncommon burden was to be laid on the committee.

Governor Garcelon in his testimony says, that he "wanted men who were better known than the young men who first composed the committee." Mr. Moody, the chairman, was discontented at the change, and gave up the custody of the returns, and the keys to their place of keeping shortly afterwards to Mr. Fogg.

The Election Returns Committee, as newly constituted, took possession of the returns and proceeded to open and tabulate them, and from October 31st to November 17th, this committee had entire possession and control over them, permitting, as Governor Garcelon claims, no one to see them, although persons who were interested in the returns as candidates made application for an inspection. On November 17th, another full session of the Council was holden, and on that day the "Blotter" shows that the Committee on Election Returns reported that "on the 31st day of October they received from the Secretary of State the election returns for Senators, Representatives and county officers, and they proceeded to open the same and tabulate them, and now submit the tabulations of said returns."

This record shows that on the 17th day of November the returns had all been opened and tabulated, and were ready for the final action of the Governor and Council.

Up to this date Governor Garcelon testified that no person outside of the Committee on Election Returns of the Council, had seen the returns or knew what was in them. On that day a committee of three gentlemen, Gov. Dingley, Hon. S. D. Lindsey, and Hon. L. A. Emery, representing the Republican candidates, waited upon Governor Garcelon, and requested permission to look at the returns, to see if any errors existed in them that might be legally corrected by the town records under the provisions of the statute. Governor Garcelon says he thought the request reasonable, but on submitting the matter to his Council it was laid over with no action until November 22d, when the following order was passed, as found in the "Blotter":

Ordered, That the Secretary give public notice that the Governor and Council will be in session from December 1st to 13th, for the purpose of examining the official returns of votes for candidates for Senators, Representatives and county officers. Candidates claiming irregularities or other causes presumed to vitiate their election, will have reasonable opportunity to be heard either personally or by duly authorized counsel."

The opportunity for examination by parties interested was then restricted to the time between Dec. 1st and Dec. 13th, and for all the rest of the time the Governor and Council were solely accountable for the returns, and for their being kept free from tampering or alteration. The tabulation and the lists of Senators and Representatives made up from them by the Committee on Election Returns show that the final lists were made up on December 13th, so that any perversion of the returns, or wrong application of the law to them, or tampering with or altering them, on the part of the Governor and Council or by any persons, must have been before that date.

THE TABULATIONS AND LISTS.

Your Committee have examined with great care the "tabulations" and the "lists" made up by the Committee on Election Returns, because from these were made up the final "lists" sent to the Secretary of State, for his "rolls," and upon these the Governor issued his certificates to Senators and Representatives. Indeed, these "tabulations" and the "lists" accompanying the Reports of the Committee on Election Returns, furnished your Committee in many cases with the clue to the irregularities and illegal treatment of the returns on the part of the Governor and Council. The "tabulations" purport to give the exact vote of each city, town and plantation for every candidate voted for. Wherever the vote of each city, town or plantation was thrown out the space in the tabulation opposite such city, town, or plantation is left a blank. The footings of the columns in the "tabulations" show the whole number of votes received by each candidate, and the name of the successful candidate as shown by the footings is carried out in the right hand margin of the tabulation for each Senatorial or Representative District. The same is true in case of county officers.

After these tabulations were completed the next step taken by the Governor and Council was to make up, in the form of a report of the Committee on Election Returns, the final "lists" of Senators and Representatives. These appear by Senatorial and class districts.

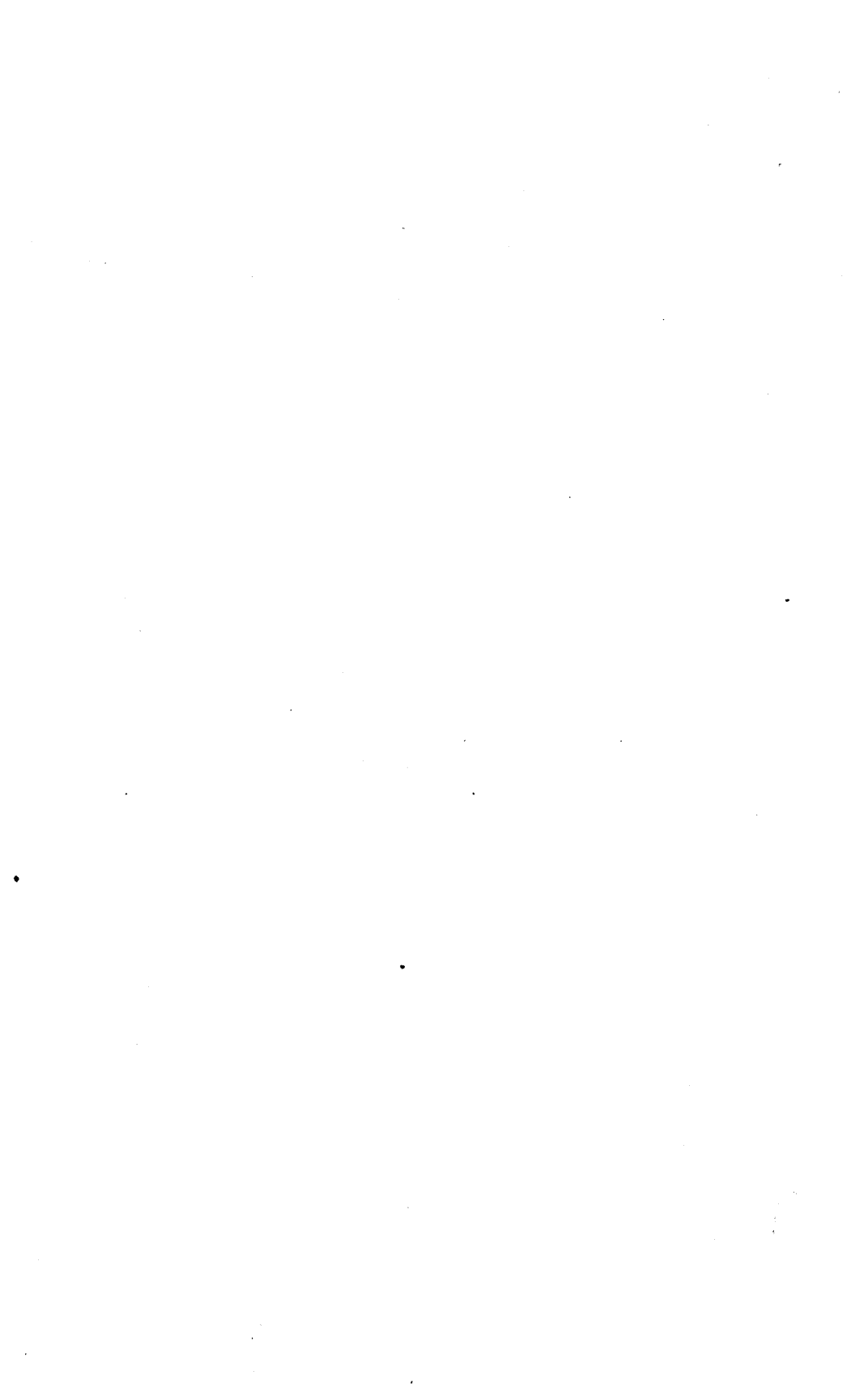
County of Franklin.

4	Lewis Voter	Darlington.
5	George W. Johnson,	Darlington
6	James R. [unclear]	Jay,
7	John R. Eaton,	Wilton
8	Levi E. Paine	Weld
9	Andrew M. Oliver	Freeman.

County of Hancock.

	x Eugene Keale	Ellsworth.
	Guy W. McAllister	Bucksport.
	William Wasson	Brooksville
	Calvin Seach	Penobscot.
	George W. Clay.	Bluehill
	William Fennelly	Mr. Desert.
9	Charles H. S. Webb,	Deer-Isle.
9	Oliver P. [unclear]	Sullivan.
7	Elliott S. Stratton	Hancock.

(Specimen page of the "Report" of the Council Committee showing erasures, alterations and method of distinguishing the politics of the Representatives.)



The study and examination of these "tabulations" and "lists" have been most interesting to your Committee, and they cannot forbear the expression of the wish that every member of the Legislature should, before the session ends, visit the committee room, and inspect the evidences of the crookedness of the late Governor and Council for himself. If this shall be done, half the work of your Committee in exposing the conduct of proceedings, taken by the late Governor and Council, will be done.

From the beginning to the end of the tabulations they are marked by erasures and substitutions of figures, both in the columns and in the footings, and also of names in the margin; and this is made startling in its force as a piece of evidence by the fact, which has been shown in testimony, that the "tabulations" for Senators and Representatives are not the first and informal ones made, and upon which corrections might naturally be expected to be found, but the final records upon which the reports and lists were made up.

The "lists" found in the reports of the Committee on Election Returns, show the same remarkable features. The first report drawn up by that Committee shows repeated cases of erasures, interlineations and substitutions which were made before the "list" would suit, and so that it would show the requisite number of Representatives of the "right stamp"—to use Governor Garcelon's phrase.

In the left-hand margin of the report on the Representative list, each name of the "right stamp" is marked with a letter "G," and it is noticeable that, in the case of Oliver P. Bragdon of Gouldsbrough, his name was first written in and then erased, and his Greenback competitor, James Flye, substituted; but so flagrant was the case that in company with the letter "G" in the margin (indicating Mr. Flye's politics) is an interrogation mark "?" showing that whoever was making up the "list" for final action hesitated and questioned whether the case was not too bad to stand upon.

SUPPRESSIONS AND SUBSTITUTIONS.

In the examination of the cases where the original returns have been suppressed and new returns substituted in their places for the purpose of enabling the Governor and Council to carry out their scheme to count in a quorum of Fusion members, your Committee have been embarrassed by the fact that such new returns have been made upon official blanks identical with those issued by the Secretary

of State to the clerks of the several cities, towns and plantations, prior to the election. In almost every instance the official envelope in which these new and substituted returns were forwarded to the Secretary of State, and which must have borne in the post-mark the date of mailing, have been destroyed, leaving as a rule the new return to be filed in place of the one suppressed, without any evidence in the return itself which would be likely to lead to the detection of the fraud. The expense of summoning the municipal officers who made up the election returns is so large, and the time for investigation so short, that the Committee have been obliged to examine only those cases to which their attention has been called, either by the appearance of the return itself, the alterations in the tabulations, or information received from outside parties. A sufficient number of cases have been examined to establish the fact beyond controversy, that this practice of suppressing defective returns from places giving Fusion majorities, and the substitution of others which conformed to the rules which were established by the Governor and Council for the purpose of rejecting certain returns, disclosing Republican majorities, was resorted to where it was found to be necessary to the election of Fusion members.

Your Committee will briefly allude to a few of these cases as disclosed by the testimony which accompanies this report.

JONESBORO', ADDISON, WHITING AND LINCOLN.

In the case of Jonesboro', in Washington county, the Committee found among the returns which came into their hands for examination, an official envelope signed by the Selectmen and Town Clerk of Jonesboro', bearing the post-mark of Sept. 9, 1879, which purported to contain the Senatorial return from that town. This envelope contained a blank return which had never been filled up.

Evidence was taken before the Committee which showed that Dec. 9, 1879, Herbert M. Heath, Esq., the counsel for the Republican Senators-elect from Washington county, examined the Senatorial returns from that county, in presence of Governor Garcelon and E. C. Moody, Chairman of Committee on Elections; that he noticed the envelope from Jonesboro' among the returns in the morning, but when he came in the afternoon it was missing, and after some search it was found on the floor, and opened, and the blank return exhibited to him as the Senatorial return from Jonesboro', and that Governor

Garcelon, E. C. Moody, S. S. Brown and Mark Harden were present at the time.

It was also proved that F. M. Fogg, one of the Council, exhibited this, or a like blank return at a public meeting in Portland, and claimed it to be the return sent from Jonesboro'. The Town Clerk and chairman of the Selectmen of Jonesboro' were summoned before the committee. Both voted the Fusion ticket, and their testimony was straightforward and convincing. From them it appeared that the original Senatorial return was made, signed and sealed up in open town meeting, and forwarded to the Secretary of State in the official envelope, which envelope they identified as the one before the Committee, and that they never did send a blank return; that about Nov. 8th, George W. Drisko, the editor of the Machias Union, and a prominent Democratic politician, brought a blank return to Jonesboro', and, disclosing to Mr. Merritt, one of the Selectmen, the fact that the first return was defective, in that it contained "ditto" marks against the name of the Democratic candidates for Senators, requested that the official blank return and envelope, which he produced, should be filled up and returned to the Secretary of State. This was done, and it was proved that it came to the office of the Secretary of State, Nov. 17, 1879. George W. Drisko, in testimony, admitted that he received two blank returns and envelopes from James R. Talbot, the Fusion candidate for Senator for Washington county, and carried them to Addison and Jonesboro'.

Drisko attempted to conceal the fact that he was in possession of any knowledge of what defects actually existed in the returns of Addison and Jonesboro', and this was undoubtedly done for the purpose of shielding himself and others of more political importance. Your Committee were pained to hear him deny that he had any such knowledge, or that he pointed out to either of the municipal officers of said towns the defect which existed in the returns to be corrected. Both Gilbert L. Tabbut and J. L. Merritt, testified positively in the presence of Drisko, that Drisko did point out the particular defect to be corrected; and he was further positively contradicted by James R. Talbot, who testified that he informed Drisko of the precise defects that he was to get amended.

Your Committee have never seen the first set of returns sent from Jonesboro' to Augusta, and this was probably for the reason that they were destroyed before the second set was forwarded to Augusta. But the second set of returns was before the Committee, and was

fully identified by the municipal officers of Jonesboro'. They were perfect returns, and conclusively proved that the claim made by the Governor and Council, that the Jonesboro' return was a blank, was purposely untrue. This second set of returns was found concealed in the State House. The only explanation of this blank return which seems reasonable to your committee, is that the first and legal returns from Jonesboro' were found to be defective and destroyed, that it became known to the Council, that the fact that the second official envelope from Jonesboro' had been received in the office of the Secretary of State November 17, 1879, as testified by Gallagher, was no longer a secret. It was, therefore, concluded to suppress and conceal this second return and substitute a blank in its place, which would not be tabulated—and thereby disarm suspicion.

G. L. Tabbut, chairman of the selectmen of Addison, testified that Drisko brought to him a blank return and envelope, and requested him to make a new return from Addison, to correct an error existing in the first return, by filling the blank containing the whole number of votes.

James R. Talbot of East Machias, testified that in the early part of November he received these blanks from Adjutant General S. D. Leavitt of Eastport, whose office was in the State House at Augusta, with a letter stating the defects existing in the returns from Addison, Jonesboro' and Whiting, and requested that new and correct returns be procured and forwarded to Augusta; that he applied to Drisko, stating the defects to be cured and gave him these returns.

It also appeared that in the case of Whiting, in Washington county, new returns were made and substituted to supply defects.

* SOMERVILLE.

Abundant testimony was taken before the Committee, showing that in November new blanks were sent to Somerville, in Lincoln county; that fraudulent returns were filled up and the names of the selectmen signed to them without their knowledge or consent, by the town clerk, who admitted the same in his testimony, and that they were forwarded to Augusta to be used as the true returns.

In the original return from Somerville the name of Andrew R. G. Smith, the Republican candidate for Senator, was properly inserted, while in the second return it was written Andrew A. R. Smith, whereby Andrew R. G. Smith lost the vote and was counted out.

In all these cases the original and true returns have been suppressed and the substituted returns have been tabulated and counted,

(See testimony of Edward C. Moody, pages 469, 470.)

(Also see testimony of Alonzo Garcelon.)

No. 2.			<i>William H. Thomas</i>	<i>Leonard H. Beal</i>	<i>William B. Newell</i>				
<i>S. H.</i>	Durham, - -	<i>318</i>	<i>143</i>	<i>174</i>	<i>1</i>				
<i>Sept</i>	Lisbon, - -	<i>244</i>	<i>285</i>	<i>206</i>					
<i>Sept</i>	Webster, - -	<i>210</i>	<i>117</i>	<i>115</i>					
		<i>151</i>	<i>172</i>	<i>171</i>	<i>1</i>				

Leonard H. Beal
Leonard H. Beal
William B. Newell

(Specimen Section from the final Representative tabulation)

(See testimony of Anson B. Bowler, pages 62, 87.)

Cleventh Senatorial District.

(Also see testimony of Morrill Glidden, pages 61, 62.)

N RECEIVED.

TOWNS.

Whole Number.

Isaac J. Hobson
Andrew B. G. Smith
Andrew B. C. Smith
Andrew A. P. Smith

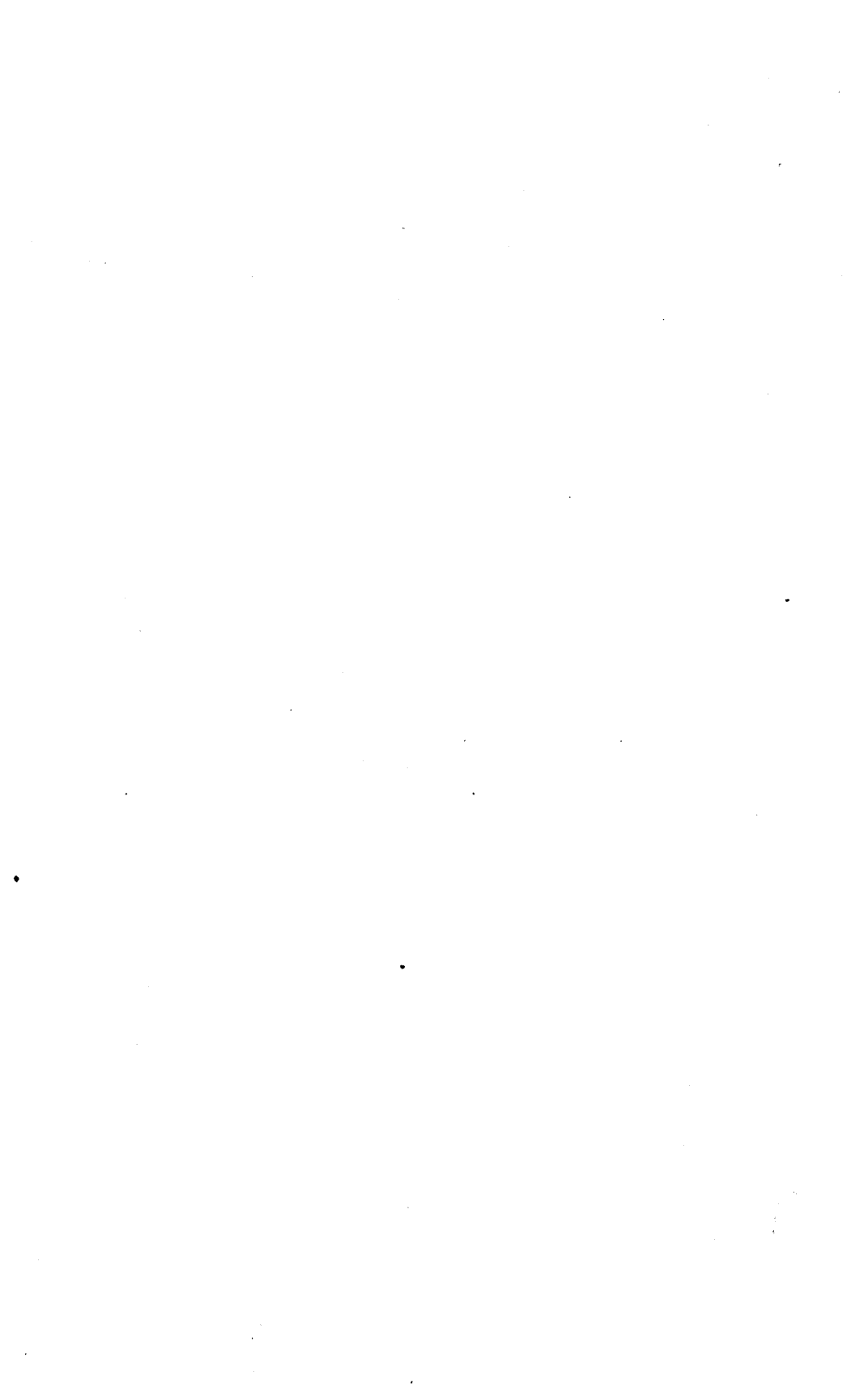
Sept 10

Somerville,

133 61 70

72

(Senatorial tabulation of the town of Somerville. See testimony of Bowler and Glidden.)



whereby the Fusion candidates have been in every instance counted in, and the Republican candidates have been counted out.

FAIRFIELD.

It appeared from the testimony of the Selectmen and Clerk of Fairfield in Somerset county, that the official returns were duly made and sealed up in open town meeting and forwarded to Augusta; upon a recount of the vote it appeared that an error had been made whereby twenty Fusion votes had not been properly returned. This fact was brought to the attention of S. S. Brown of the Governor's Council, who resided and had his law office in Fairfield; some days after the election the town clerk received from the hand of John N. Channing a Democratic politician, blank official returns and envelopes, which Channing testified he obtained at the office of Brown, and made new returns, stating the votes according to the facts, which returns were signed by the municipal officers. In order to prevent any improper use of the second set of returns, the Clerk attached with mucilage to the face of each return, in the upper left hand corner, a slip of paper containing the words "Amended return of the Town of Fairfield, September 25, 1879," and at the same time sent with the returns the following letter:

"FAIRFIELD, Sept. 25, 1879.

To the Secretary of State, Augusta, Me.

Sir: Herewith please find amended report of the town of Fairfield, made in consequence of an error which occurred in the counting of the votes on the eve of the election, which we have made after a careful count of the votes, which were carefully preserved.

F. M. TOTMAN,	} Selectmen	
H. C. BURLEIGH,		of
C. J. GREENE,		} Fairfield.

Attest—F. E. McFadden, Town Clerk of Fairfield."

According to the testimony of Garcelon, the Governor and Council rejected the returns from Fairfield upon the ground that two sets of returns, each contradicting the other, had been made, and that there was no means of determining which were the true and original returns; but upon inspection it appears, and is so admitted by Governor Garcelon to be the fact, that the slips showing the second set of returns for Senators and Representatives to be amended returns, had been torn off, leaving a portion of the slip attached to the return. The Republican majority of seventy-five votes was thereby lost to the Republican candidate and his Fusion competitor was counted-in

and received his certificate. Your committee feel it due to Governor Garcelon to say that he denied all knowledge of this fraud, and claimed that he would not have permitted it had he been aware of its existence.

ALTERATIONS, ERASURES AND FORGERIES.

But the suppression of original returns and the substitution of others in their place, were not the only methods employed to bring about the purpose which was to be accomplished. An inspection of the face of the returns themselves show many instances of erasures and alterations, changing the results of the election and giving certificates to men who had never been chosen by the people. The space proper to devote to this report prevents your Committee from calling attention only to those cases thoroughly established by testimony to have been made after the returns left the several towns and plantations where they were made up for the office of the Secretary of State at Augusta, leaving it to the members of the Legislature to make personal examination of the returns now in the archives of the Department of State, and of the many cases not herein specially mentioned. The Governor and Council established the rule that where the middle initial letter of the name of a candidate was not properly stated or was omitted, the votes would not be counted, and that the defect was "fatal;" they also declined to receive testimony when offered by Republicans to cure any defect in this particular occurring in the names of Senators and Representatives.

GOULDSBORO'.

The Representative return from the town of Gouldsboro', in the county of Hancock, disclosed upon its face that the initial letter P in the name of Oliver P. Bragdon, the Republican candidate for Representative, had been tampered with and changed. The Republican vote in this town was two hundred and seven, and the majority eighty-two. S. W. Libbey, the town clerk of Gouldsboro', appeared before the committee and testified that the name of Oliver P. Bragdon was written by himself; that he was well acquainted with the name, and that he never wrote it Oliver B. Bragdon; that he saw the return sealed up, and that when it left Gouldsboro' for the office of the Secretary of State the name was Oliver P. Bragdon, and that the erasure and addition to the letter P were made after it left the town where it was so sealed up. He produced the town

"Exhibit U."

Town of Brownfield

County of Oxford

(See page 19)

1879.

(The words Brownfield and Oxford as written on the back of the return by Town Officers.)

At a legal meeting of the inhabitants of the Town of Brownfield in the
County of Oxford qualified by the Constitution to vote for Representatives holden on the
second Monday of September, being the eighth day of said month, in the year of our Lord one thousand

(Forgery of the words Brownfield and Oxford.)

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

For Frank Y. Bradley Eighty
Henry G. Walker Seventy two

(The letter C changed to G, in order to count the town of Hebron for Henry G. Walker.)

"Exhibit Y."

record, and upon inspection it appeared that the name was invariably written Oliver P. Bragdon, and that the letter P was uniformly made in the same manner, the loop forming the top of the letter resting against the body of the letter without any addition. It is perfectly evident to the Committee upon inspection, that the letter P found in the return was originally made in this way, but that since it was written, an attempt had been made to change it to the letter B by adding in different ink the lower loop. It is also evident, that for some reason, the party making the alteration, scratched out the lower half of the added curved line, as if to leave the question in doubt whether it was the letter P or B. It has occurred to your Committee that this erasure may have been made in order that the letter could be read B for the purpose of counting out the vote, and could be read P in case the forger should be detected and indicted for his crime.

The tabulation shows that the vote was originally tabulated for Oliver P. Bragdon, and that his name was carried out as the person who appeared to be elected, but that afterwards the name was erased; that the vote of Gouldsboro' was tabulated for Oliver B. Bragdon; that the name of James Flye, the Fusion candidate, was substituted for that of Bragdon, and the certificate issued to Flye. The Committee entertain no reasonable doubt that the alteration and erasures were made after the returns came to Augusta, for the purpose of counting out Oliver P. Bragdon, and counting in James Flye.

HEBRON.

In the return of the town of Hebron for county officers of Oxford county, the name of Henry G. Walker, Fusion candidate for Commissioner, was originally written Henry C. Walker, but it appears that the letter C has been changed to G, by the addition of a curved line or stem passing down through the C, and below the line, converting the letter C to G, and enabling the seventy-two votes thrown for Henry G. Walker to be counted for him, and they were so tabulated by the Governor and Council. It is evident upon inspection that this addition has been made by a different hand and with different ink from the original letter. As late as December 8th, 1879, the county being very close, the returns were examined by prominent gentlemen from Oxford county, and it was discovered that the return was for Henry C. Walker, and the attention of John B. Foster, one of the Council, was called to it. It also appeared that

soon after, the fact was published in the Oxford Democrat. After this date it was changed from C to G, the vote tabulated for Henry G. Walker instead of Henry C. Walker. The tremor of the hand of the person making the change is plainly visible under the magnifying glass, and discloses the agitation which would naturally attend such a glaring forgery. The certificate of election was given to Henry G. Walker, the Fusion candidate.

BERWICK.

In the Senatorial return from the town of Berwick, the middle initial letter in the name of George H. Wakefield, Republican candidate for Senator, has been changed to the letter A. The Republican vote for George H. Wakefield was two hundred and fifty-eight. The letter H was originally made by two downward strokes of the pen, open at the top, and connected together by a cross-tie, a very common way of making the letter H. It is evident to your Committee, upon inspection, that the alteration was effected by closing the top of the H by a curved line, making it an A with a rounded top, and changing the name from George H. Wakefield to George A. Wakefield. The color of the ink is different, and the line of joiner between the letter and amendment is clearly definable. The town clerk of Berwick was before the Committee, and testified that he never made the letter A in the manner disclosed in the name of George H. Wakefield, and never made the A in question. The record of the town clerk fully confirmed this statement, that he was well acquainted with the names and that the alteration was made, and the forgery done, after it came to Augusta. The vote was in the first instance tabulated for George H. Wakefield, but afterwards was erased, and the vote was then tabulated for George A. Wakefield, and the certificate was issued to Ira S. Libby, the Fusion candidate. There can be no doubt, under the testimony, that this alteration was made for the purpose of counting in Ira S. Libby, the Fusion Senator from York, and that it was made while in the hands of the Governor and Council, and while the business of tabulation was in progress.

WELLS.

In the Senatorial return from Wells, there has been an alteration in the name of Josiah A. Stover, the Fusion candidate for Senator, by inserting the middle initial letter "A," and by erasing a part of

"Exhibit 7."

The whole number of ballots given in, was

Five hundred twenty seven

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

For *Ina S. Libbey* *Two hundred thirty three*

John L. Donnell *Two hundred thirty seven*

Daniel A Hill *one hundred eighty*

Josiah A. Stover *Eighty three*

D A Hill *six*

Charles P Emery *Two hundred fifty five*

Jeremiah W Dearborn *Two hundred fifty five*

George A. Wakefield *Two hundred fifty eight*

Richard L. Garrison

Daniel A. Footraker

Moses E. Clark

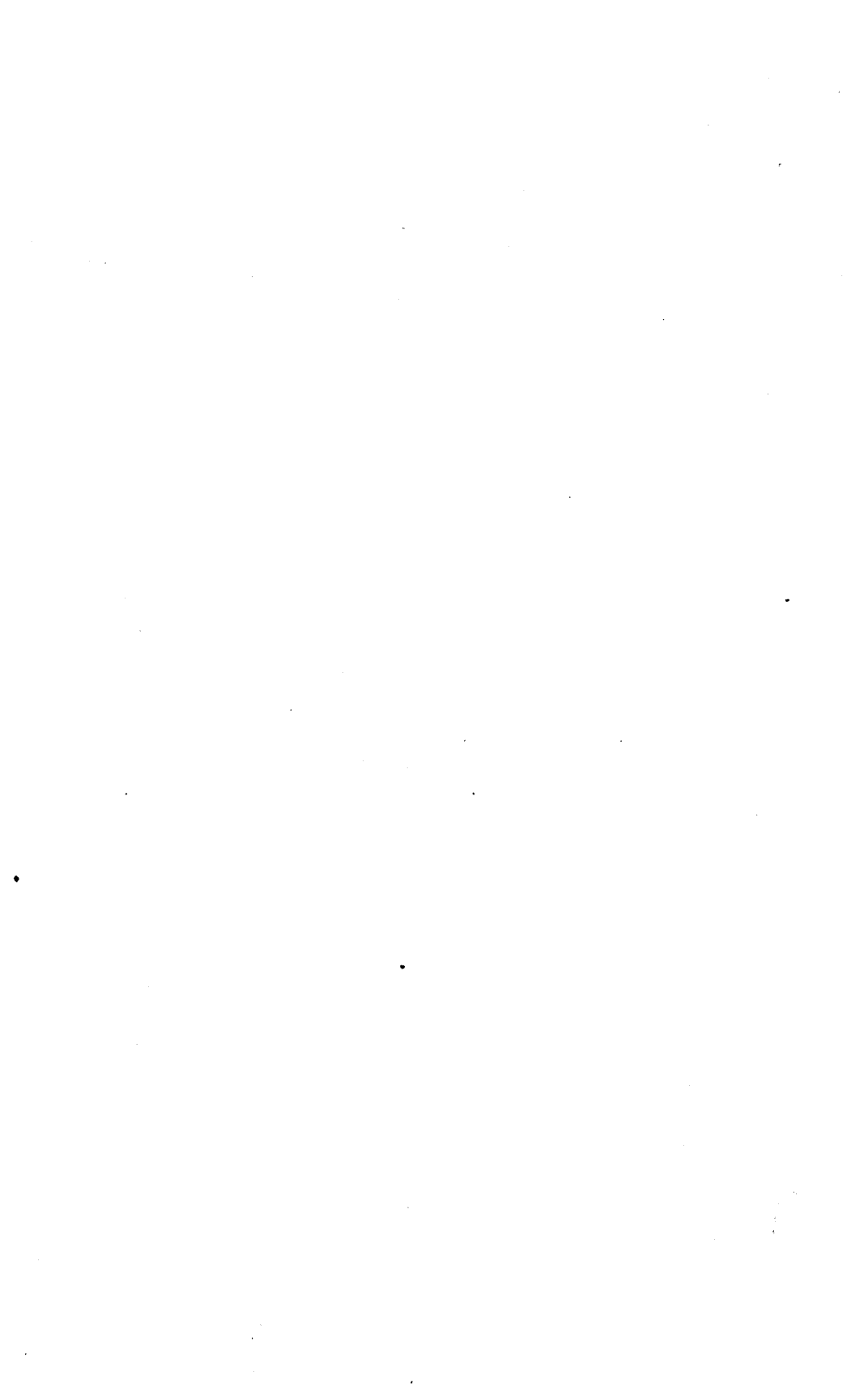
Selectmen.

ATTEST:

John H. Stillings

Town Clerk.

(Copy of Berwick return showing change of the letter H, in the name of Geo. H. Wakefield, to A. The return also shows how the Clerk made his capital A's and H's: see his signature and capital A's in the return. The change was made by closing top of letter H with a curved line.)



"Exhibit 15,"

John L. Bennett
Josiah A. Stover

Three hundred & thirty nine (339)
Three hundred & fifteen (315)

(Insertion of the letter "A." The vote was tabulated and counted for Josiah A. Stover.)

John L. Bennett
Josiah A. Stover

ninety five
ninety six

(The letter "H" changed to "A")

"Exhibit 8."

The whole number of ballots given in, was

Five hundred and thirty one.

(Whole number of votes changed in order to cure "a fatal defect." See John H. Stilling's testimony.)

the letter S in Stover, and re-writing the same so as to leave room for the insertion of the added letter. George G. Hatch, the town clerk of Wells, was summoned before your Committee and produced the town record, and also the original minutes from which he made up the returns. In both record and minutes the name was written Josiah Stover. After inspection of the returns the clerk testified that the letter "A" was not in his handwriting, or the handwriting of either of the municipal officers, and that it had been added since it left the town of Wells. The letter is made in imitation of the same letter found in other parts of the return, and is evidently a poor forgery. The vote was tabulated for Josiah A. Stover.

DAYTON.

In the Senatorial return from Dayton two changes appear in the names of the Fusion candidates for Senator. In this case the letter A in the name of Josiah A. Stover, was originally H, but has been changed in much the same way as the change was effected in the name of George H. Wakefield, but with opposite motives. In Wakefield's case the change was made for the purpose of depriving a Republican Senator of the votes which appeared to have been thrown for him; in Stover's case it was to enable the Governor and Council to tabulate a vote which would have been rejected if the rule adopted in the Berwick case was to govern. It also appears that the middle initial letter in the name of John Q. Dennett, Fusion candidate for Senator, was formerly written L, and has been changed to Q so as to save ninety-five Fusion votes for him. The attempted change in the letter L consisted in adding a curved line to the top of the letter on the left hand side. The effort would not be considered a success as a matter of art, but it proved sufficient for the purpose in view, since the vote was tabulated for John Q. Dennett. The town clerk of Dayton testified that the alterations were not made by him, but were made after the returns left Dayton for Augusta.

BROWNFIELD.

The forgery in the return for county officers of the town of Brownfield, in Oxford county, seems to be a matter of greater skill and premeditation. On the eighth day of December this return was examined in the presence of John B. Foster of the Council, by Hon. E. C. Farrington of Fryeburg, and the discovery was made that neither the name of the town of Brownfield, nor the county of Ox-

ford, appeared anywhere upon the face of the return, all the blanks left for this purpose remaining unfilled. The attention of the Councillor was expressly called to this defect, and the fact that it existed appeared in the Oxford Democrat of December 16th, 1879. It now appears that the names of the town and county have been written in since that time, in a hand designed to imitate the body of the return. The assistance of an expert in handwriting was called in who pronounced it a forgery, executed with some skill, but yet too clumsily done to deceive any one. Your Committee wished to place the matter beyond question, and summoned E. B. Bean, Esq., chairman of the Selectmen of Brownfield, who wrote the body of the return, and who testified without hesitation that the words so written in were not in his handwriting, but were forgeries. Your Committee cannot state whose hand inserted these words, but it is clear that the forgery was done while the return was in the hands of the Governor and Council, because the votes shown by the return were tabulated as if no defect existed. The Fusion majority in Brownfield was sixty-four.

BUCKFIELD.

The return of the town of Buckfield in Oxford county, for county officers, was another instance of the fraudulent addition of the name of the town in a case where the blanks for town and county were unfilled, so that nothing on the face of the return showed from whence it came. Without stating all the testimony, your Committee believe it to be conclusive that this addition was fraudulently made after the return came to Augusta, and the result was that the Fusion majority of more than one hundred and thirty votes was counted. The two returns of Brownfield and Buckfield were necessary to the election of the Fusion county officers of that county. In these cases also the magnifying glass discloses the trembling writing which usually accompanies cases of forgery.

PERKINS.

In case of the return from Perkins Plantation in Franklin county, the attention of your Committee was first called to the words and figures "Twenty-seven, 27," which appeared in the blank for the whole number of votes. They observed the marked difference between these words and figures and the handwriting of the body of the return. They summoned before them the clerk of the plantation, who

"Exhibit 17."

For Oliver B Bragdon Two hundred and seven.
James Hye - One hundred and twenty five.

(See page 16.)

"Exhibit 35."

(The letter "P" changed to "B" thereby "counting out" the Republican Candidate.)

The whole number of ballots given in, was

Twenty seven (27)

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

For George R. Beaudet had Thirteen (13)

" Rodolphus D. Thompson " Fourteen (14)

A. M. Adams

C. F. Blair

C. L. Whitworth

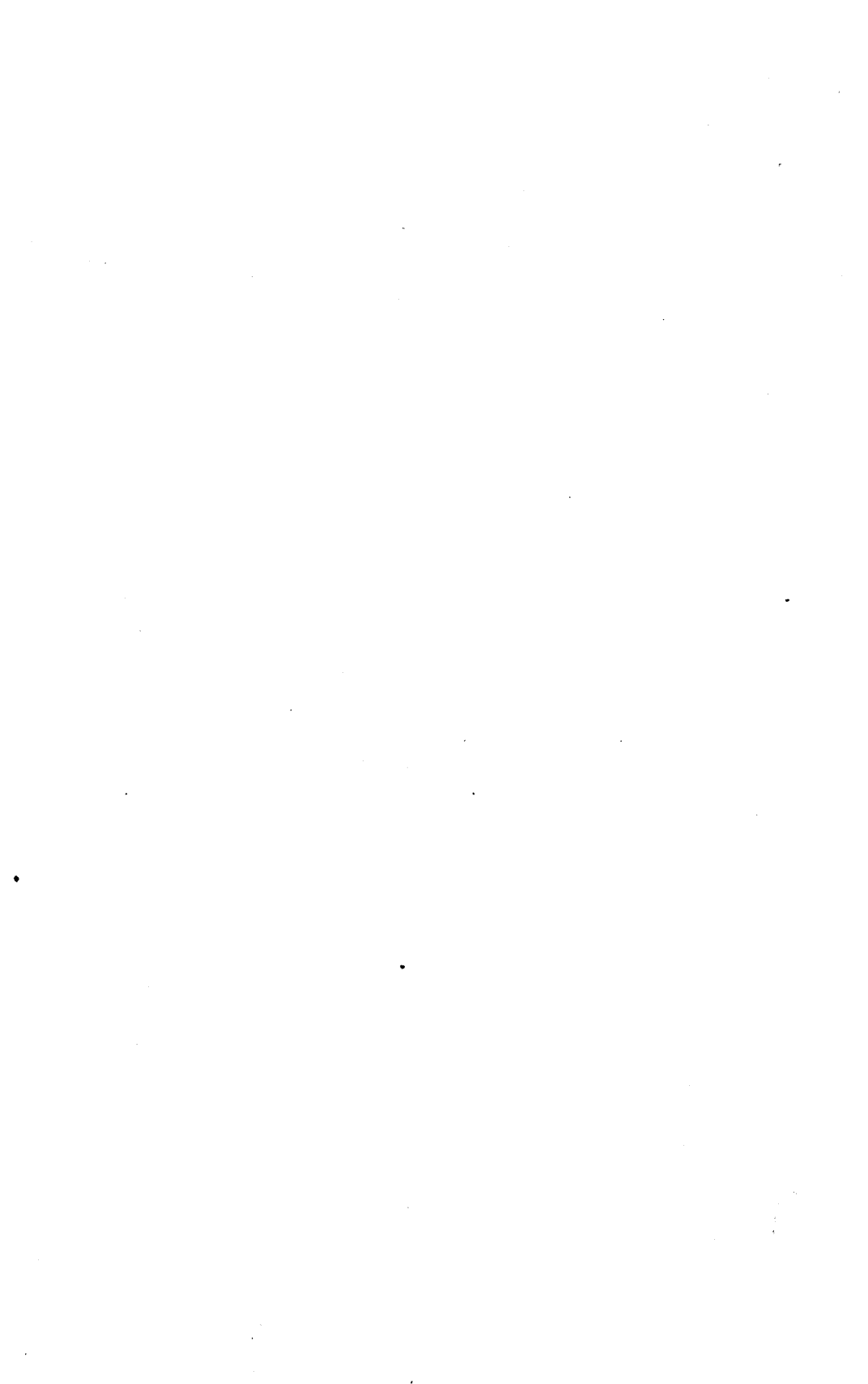
Assessors of
Dorset) 61

ATTEST:

C. L. Woodward

Plantation Clerk,

(Forgery of the words and figures "Twenty seven (27.)" See testimony of expert Holt and Clerk of the Plantation, also Sawyer's affidavit.)



“ Exhibit P.”

Town of Buckfield

County of Windsor

(Buckfield as written on the back of the return by Town Officers.)

At a legal meeting of the inhabitants of the Town of _____ in the
County of W qualified by the Constitution to vote for Representatives holden on the

(Blank spaces not filled by Town Officers.)

<u>Albin P. Bonney</u>	} Selectmen.
<u>Merrill Farrar</u>	
<u>A. F. Mason</u>	
ATTEST: <u>C. Spencer</u>	} <u>Buckfield</u> Town Clerk.

(Forgery of the word Buckfield while the return was in the custody of Governor Garcelon and Council. See testimony.)

appeared to be a fair minded and intelligent man, and he testified positively, that the words and figures were not written by him, nor by any of the assessors. An inspection of the return corroborated his testimony. He further testified that the alteration was made after the return left Perkins Plantation. The attention of your committee was further attracted to the similarity of the added words in this return, and the handwriting contained in certain letters signed by Prince A. Sawyer, the Deputy Secretary of State during the administration of Governor Garcelon. They also examined the "Council Blotter," much of which was in the handwriting of said Sawyer, and as a consequence your Committee summoned before them William C. Holt, a very competent expert in handwriting, and submitted to him the added words in the returns, and the letters and blotter for comparison. He testified that he had carefully examined the several writings, and had no doubt that the words and figures "Twenty-seven, 27," were written by Sawyer. He gave his reasons for this conclusion before the Committee at length, and an inspection by your Committee corroborates his opinion.

WHERE AND WHEN THESE THINGS WERE DONE.

Your Committee cannot avoid the conclusion, that these suppressions and substitutions, erasures and forgeries, were made in the chamber of the Governor and Council at Augusta. It abundantly appears, that the blanks upon which the new and substituted returns were written, and the envelopes in which they were enclosed, were official and such as are kept in the office of the Secretary of State. The testimony shows conclusively that the returns were sent by mail or delivered in person to the Secretary of State, from the several towns and plantations, and were opened by him or his assistants, and their contents must have been known to the officials whose duty it was to count the returns. The erasures are so numerous and so connected with the tabulations, and were so uniform in the result produced by them, that they disclose a well defined plan, consistent in its details and in the manner of its execution. It is incredible that fraud and wrong-doing could be carried on so extensively in connection with these returns, which day after day came before various parties connected with the executive department, for their inspection, without the facts being known to every official connected with the count, and if any one of them shut his eyes to what was going on, in the midst of the public clamor and excitement which

attended the counting of these returns, he must have been so negligent of his duty, that his apathy would make him responsible for the wrong. But it will be very difficult to bring men of common sense to believe that these transactions were not known and acquiesced in by all the parties concerned in the counting and tabulation of the votes.

WAS THE COUNTING-OUT THE RESULT OF A PREMEDITATED PLAN OR CONSPIRACY?

Your Committee can account for certain transactions in no other way. The secrecy which was maintained during the time of examination and tabulation of the returns was remarkable and unprecedented. In other years the returns had always been laid open to the inspection of candidates and parties interested. No harm had come to the State or to any contestant or member-elect thereby. But in 1879 everybody was repulsed until after the result had been in effect determined by the Governor and Council, although that result affected thirty-seven Republican Senators and Representatives unfavorably. And every one of these has since been declared by the court to have been entitled to his seat, and is to-day either a Senator or Representative.

The alterations, tampering with, suppression or destruction of the returns that have been found and to which reference has been made, must have taken place before the tabulation and lists were made up, because the results arrived at by the Governor and Council are based upon the returns as they show after such alteration, tampering with, suppression or destruction, and this completely disposes of any intimation that the changes have been made since the returns left the hands of the Governor and Council.

The whole great fraud and crime then is thrown back upon the members of the Council, with whatever complicity the Governor had in it, or upon any persons whom the Governor and Council permitted to handle the returns, and whose interest it was to improperly treat them.

That the rule of exclusion from inspection was so closely applied, strengthens the assumption that mischief was going on under the cover of the secrecy.

Mr. Orville D. Baker has fully described in his testimony the difficulty which a Republican candidate had who tried either to prove his case or to find out if it needed to be proved. He had been

entrusted with attested copies of the records in four hundred cities, towns and plantations, taken and made up by town officers of every shade of political faith, and he found it impossible to get the opportunity to file his papers or compare them with the returns on file. His testimony is referred to as most important, and the instances which he gives show a fixed pre-determination on the part of both Governor and Council to persist in the counting out, and to hear little or no testimony that might arrest their course. Herbert M. Heath and Charles B. Rounds also testify to like facts. If there was such a plan or conspiracy, it must have embraced not only the Governor and Council, but they must have given information to other parties, who upon such information furnished the materials with which to do the work.

It is plain that consultations were had upon the matter, and the indications are that whatever part the Governor had in them was taken hesitatingly at first.

ATTORNEY GENERAL MCELLELLAN.

The testimony of the Harriman brothers shows clearly that as early as November 8th, a week before the Committee on Election Returns had reported, Attorney General McLellan, at Belfast, shadowed forth the exact plan which was pursued, and the reasons on which it was to be defended.

Mr. McLellan told these gentlemen that the Republicans were to be counted out; that they had passed a law in 1877 which made a returning board of the Governor and Council, and that his party meant to use it. He also named a Waldo county town which, he said, was to be counted out, and the result in that town answered to his prediction. He further said that he had seen the Governor, and had labored with him, and had "stiffened his back," so that he was, at the date of the talk, "all right."

JOHN BENSON'S TESTIMONY.

The testimony of John Benson, Jr., who was the Deputy Secretary of State, under the Fusion government, is in point. He tells the story of meeting Frederick G. Parker, one of the members of Governor Garcelon's Council, at Bangor, at an early date after the election, a date which he fixes as surely previous to Nov. 17th. Mr. Parker told Mr. Benson of the defect which existed in the return of the town of Dixmont, and that Councillor Brown of Fairfield had a blank return, which would be sent by him to the witness,

to be used in correcting the return. Mr. Parker told Mr. Benson that the Dixmont return needed to be corrected in order to make a precedent by which certain Fusion towns could be saved, that otherwise must be counted out.

This testimony is very important, in that it establishes conclusively the fact that, long before the time when the Council Committee had completed their first examinations, the project of manipulating the returns had been discussed in the Council, and methods had been devised to the end that a Fusion majority should be secured in the Legislature.

Though not pertinent to this branch of the case, we call special attention to the further testimony of Mr. Benson, relating to the abstraction of certain original tabulations and their suppression by a member of the Council, in order to conceal the evidences which they furnish of the fraudulent proceedings in the counting out.

On this feature of the case Governor Garcelon testifies that all the returns were kept closely, and that up to November 17th, no person outside of the Council's Committee on Election Returns, or its messenger, Mark Harden, or the Secretary or his Deputy, who attended the session, had any opportunity to inspect the returns, or to know that any defects existed in them.

But on November 8th, 1879, E. K. Smart, of Pembroke, the Fusion candidate for County Attorney in Washington county, was found, as he testifies, traveling about his county, armed with a blank return, such as can only be furnished from the office of the Secretary of State, for the purpose of correcting the defective returns in Robbinston and other towns, where the defects were against the Fusion candidates. And at the same time, the dates agreeing exactly, George W. Drisko, the editor of a Fusion newspaper, was visiting the towns of Addison and Jonesboro', as before stated, with blank returns, which had been sent to the Fusion candidate for Senator, Hon. James R. Talbot, with accompanying instructions as to the exact defects in the returns from those towns, defects which the town officers themselves had no knowledge of, and these blank returns and instructions came from a member of the Fusion State government whose office was at Augusta.

In both of these cases it is plain that no blanks could have been sent out, and no knowledge of the defects in the returns which were sought to be cured, could be possessed except from information furnished through or by some member of the Council or its clerk, or messenger.

In both the Robbinston case and the Jonesboro' case, the affidavit and the new return received, were made the basis of action on the part of the Governor and Council, the tabulations showing that the Fusion candidates got the benefit of the case as established by those papers.

The Cherryfield Representative case shows the same knowledge of the necessity of procuring evidence to be used in counting out a Republican previous to November 17th. For, on November 14th, the Deputy Clerk of the Courts of Penobscot county furnishes an attested copy of the naturalization papers of Samuel Ray, one of the selectmen of Cherryfield, which paper, as the memorandum endorsed on it shows, was sent by Charles N. Hersey of Bangor to E. F. Pillsbury by whom it was filed with the Governor and Council, who upon the strength of it threw out a Republican Representative and also a Republican Senator.

B. Emery Pratt is also found in Franklin county, taking affidavits either to throw out Republican towns or to correct defects in Democratic towns, previous to November 17th.

Still earlier, on the 18th day of October, Alfred S. Kimball, the Fusion candidate for county attorney in Oxford county, is found taking ex-parte affidavits, as in the case of the town of Stoneham, upon which the Governor and Council threw out the vote of the town and thereby counted in another Fusion Representative.

The conclusion is irresistible, that there was a deliberate plan to give time and furnish information from the returns to parties in sympathy with the Governor and Council politically, upon which defects in cases injuriously affecting the Fusion candidates could be cured, and cases got up under which Republican candidates could be counted out.

In no case was a defect in a return which operated against a Republican candidate allowed to be corrected, and in no case which we have found was there any denial of the right claimed by the Fusionists to get up a case on ex-parte affidavits against Republican candidates, upon facts touching the returns but in no wise appearing upon their face.

The conspiracy must have had its seat at Augusta, and the Council evidently kept the returns from the inspection of Republican candidates, and delayed its action in order that the parties who were acting outside as the instruments of the conspiracy, could have full swing for the execution of their work.

APPLICATION OF THE RULES AND PRINCIPLES LAID DOWN BY THE
GOVERNOR AND COUNCIL.

One of the strongest proofs of the existence of a determination on the part of the Governor and Council to secure the control of the Legislature is found in the manner in which they applied the law, as they interpreted it, to the cases arising before them.

For instance: one of the rules laid down as found in the report made and published by the Committee on Election Returns of the grounds on which their action was based, was that under a decision of the court the returns must be signed by each of the town officers individually.

Under this rule, because the signatures on the return from New Sharon bore some resemblance to each other the return was rejected, although the town officers forwarded affidavits establishing the fact that each officer had written his own signature;—under this a Republican Representative was thrown out.

As an offset to this, your Committee find that in the town of Somerville, in Lincoln county, where the signatures of all of the selectmen and the town clerk are plainly and undeniably in the handwriting of the town clerk, and when the town clerk testifies that he wrote them all, — yet, as the vote in the town resulted in a Fusion majority of eleven, and a Senator depended on that vote, the return was received and counted, and upon it a certificate issued to Isaac T. Hobson, the Fusion candidate, it being necessary, as has already been shown, to also throw out the vote for the Republican Senator in said town.

Another rule laid down was, that where initials were used in the ballots instead of the full Christian name, the votes must be counted as thrown for two persons. Under this rule, in the town of East Livermore, the votes thrown for the Republican candidate for county commissioner were actually cast for Hiram W. Briggs, and so recorded; but, by an error in the return, they were set down as cast for Hiram Briggs.

The Governor and Council refused to count them for Hiram W. Briggs, but did tabulate and count them for Hiram Briggs, by reason of which he lost the vote of the town and the certificate was given to the Fusion candidate. This case was the more flagrant because affidavits were filed showing that the votes were actually cast for Hiram W. Briggs, and that it was so recorded in the Clerk's record.

On the other hand, in the town of Lincoln, where the return showed that the votes for County Attorney were thrown for B. H. Mace, yet upon affidavits that the voters intended to vote for Benjamin H. Mace, the Governor and Council tabulated and counted the vote for Benjamin H. Mace, he being the Fusion candidate, and receiving the certificate of election.

Other instances are found touching the question of the names used in the votes for different candidates where the decision of the Governor and Council was one way when it affected a Fusion candidate, and the other way when it affected a Republican candidate.

In Oxford county, one of the Republican candidates for Senator was Francis W. Redlon, and in the town of Hanover the Republican vote as shown by the return was for Francis W. Redlond. The Governor and Council refused to count the vote for Mr. Redlon and he lost the vote of the town. But in Lincoln Plantation in the same county, while the Fusion candidate was Charles Rankins, the vote of the plantation was thrown for Charles Rankin, and the Governor and Council tabulated and counted it for Charles Rankins.

In Washington county, where one of the Fusion candidates was James R. Talbot, the Governor and Council tabulated and counted for him the votes of the town of Talmadge which were returned as thrown for John R. Tabbot, and also the votes of Kossuth which by the return were thrown for James R. Talbart.

In Cumberland county, one of the Fusion candidates for Senator was Isaac F. Quimby, but the New Gloucester and Raymond vote was thrown for Isaac F. Quinby. The Governor and Council tabulated and counted the vote for Isaac F. Quinby, while in Aroostook county, where in the Ashland district John Burnham was the Republican candidate for the Legislature, and the vote of Ashland was returned for John Burnam, the Governor and Council refused to tabulate and count it for John Burnham.

The towns of Stow and Denmark afford other instances of this inconsistency in applying the Governor and Council's rule as appears in the printed testimony.

A strong instance of the perversity of the Governor and Council, and their determination to count in a majority of Fusion Senators and Representatives, at the expense of Republican candidates, is found in the action of the Governor and Council in the cases of the cities of Portland, Lewiston, Bath, Rockland and Saco. In these cases no argument or citation of law could induce the Governor and

Council to certificate the Republican Representatives who had been elected by large majorities, and even after the opinion of the Justices had been received, and an opportunity was offered to set the matter right, the rejection was persisted in. In this case Governor Garcelon testifies that he advised his Council, after the opinion was received, that the Republicans in Portland should receive their certificates, but he was overruled.

In the district composed of the towns of Exeter and Garland, two brothers, viz: Geo. S. and Francis W. Hill, were rival candidates. The town of Exeter returned its vote for F. W. Hill, 220, G. S. Hill, 146, while the Garland return showed that Francis W. Hill received 131 votes, and George S. Hill 211, while in fact the Exeter votes were cast for Francis W. and George S., and not a single vote in either town being cast for either F. W. or G. S. Hill, thus showing that on the vote actually cast George S. Hill had a decided plurality. Yet the Governor and Council refused correction under the law of 1877, by allowing proof that the votes were in fact cast for George S. Hill, and that G. S. and George S. Hill were one and the same person, and decided that there were four different persons voted for, and issued a certificate to a mythical F. W. Hill, for whom not one man in the whole district had voted.

THE IMPROPER USE AND EXPENDITURE OF PUBLIC MONEYS UNDER THE CONTROL OF THE GOVERNOR AND COUNCIL.

Your Committee have explored this subject so far as to disclose great irregularities and misuses of public moneys. The accounts of the several members of the Executive Council which are submitted and make part of the testimony, show that the members lost no opportunity of making charges against the State and drawing pay from the public treasury.

Attention is especially called to the extra charges made for work as members of the "Election Committee," while the work of tabulation and preparation was being done, which resulted in the "counting out." In some cases the extra charges, as in the accounts of Mr. Fogg and Mr. Brown, amount to considerable sums of money, and these payments were in addition to the regular per diem pay, which was received for the same time.

The charges of this kind show that the tabulation and preparation of the returns cost the State about eight hundred and fifty dollars. If any part of the five hundred dollars paid Mark Harden for his

extra services in addition to his salary, was earned for this service, the expense would be greater than the sum named. Ordinarily the extra expense of tabulation has been less than one hundred dollars. No doubt the extraordinary work performed by the Council in connection with the returns was onerous and wearing, but it is questionable whether the people who furnish the money will be gratified to find that so much of it was spent to accomplish such a result.

THE APPROPRIATIONS.

Your Committee have examined into the condition of the various appropriations made for the year 1879, for specific purposes, and find that they have generally been stripped and exhausted. The course of business followed appears to be that an account is kept with each appropriation, and that every sum drawn against it by warrant of the Governor and Council is charged to the appropriation, and the account is kept on the ledger in the Secretary of State's office, so that a glance at each account may show at any time the condition of the appropriation.

When an account or claim by any officer or employee or contractor of the government, or by any outside party is presented, it goes to the Governor and Council and is referred to its proper committee, which usually reports, if favorably, advising the Governor to draw his warrant on the State Treasurer for the sum allowed, and that the sum be charged to the proper appropriation, which is named in the "Report," and the object is stated for which the money is to be applied.

This "Report" is approved by the Governor, and then a warrant is drawn by him on the State Treasurer, who, on presentation, pays it and keeps the warrant of the Governor as his voucher.

The original account or claim, upon which the Governor and Council have acted, remains with them, and should be found, as has been the practice for years, accompanying the "Report." In most cases they are so found.

The rule also is, as it should be, that the "Report" which allows a bill or claim provides that it be paid out of the appropriation covering the subject matter of the bill or claim.

The printing should be paid for from the appropriation for that purpose, as should be the binding. The appropriations for the different branches and needs of the Government should never be touched for other purposes. Otherwise the legislative scrutiny and

restraint over the sums to be expended for such particular objects go for nothing, and the door is thrown wide open to the improper and fraudulent use of public money.

Your Committee find that this rule has been repeatedly violated by the Governor and Council for the year 1879. In many cases where money was needed for a particular purpose, and the appropriation for that purpose was found to be exhausted, the charge was made against some appropriation in no respect related to the subject matter of the claim allowed, and the money taken from it on the warrant of the Governor and Council.

In the space within which this report must be confined we cannot give the details as to the extent to which the late Governor and Council carried this practice of using public moneys for purposes other than those for which they were appropriated by the Legislature.

The "Free High School" appropriation seems to have been a favorite fund upon which to draw whenever the Governor and Council wanted more money.

We have had copies of this appropriation and the account kept with it taken, and submit them as a part of the testimony and call attention to them.

Of the appropriation for "Free High Schools," \$15,474.97 were drawn and expended for legitimate purposes, while \$8,703.23 were drawn and used for purposes entirely alien to the nature of the fund, the largest item being the \$4,000 drawn by warrant of the Governor and paid to him on December 31st, 1879. Other appropriations were overdrawn, no attention being paid to the limitation fixed by Legislature. These are shown by the "accounts" which are submitted as a part of the testimony.

Special attention is called to the appropriation for printing, which has been overdrawn \$1,112.48, and to the fact that in the account of Pillsbury & Co., the State printers, and the papers filed by them as their vouchers for moneys drawn from the treasury, no voucher or account is found for the payment of \$1,000 on October 7th, 1879. It is claimed that demands for printing yet remain unsettled, but this apparent over-payment of public money should be closely looked into, and proper vouchers should be insisted upon whenever settlement is made.

THE MONEYS DRAWN BY GOV. GARCELON DURING THE LAST TWO
WEEKS OF HIS ADMINISTRATION.

These amount to six thousand dollars. They were drawn in the usual manner, on reports of a committee of the Council approved by the Governor, and were as follows :

December 24th, 1879, \$1,000 for protection of public property ; on appropriation for military purposes.

December 31st, 1879, \$1,000 for counsel fees and professional service for the State ; on the contingent fund of the Governor and Council.

December 31st, 1879, \$4,000, for expense incurred for police services ; on the appropriation for Free High Schools.

In neither case does any receipt, account or voucher appear with the report, or among any papers of the Governor and Council.

The money was drawn in advance of its use, with no accompanying statement as to how it was to be used, taken from funds appropriated for other specific purposes, and expended, if at all, without any warrant of law.

We call special attention on this point to the statement of Governor Garcelon, which is found in full in the printed testimony, and which contains the narration of the facts and circumstances surrounding this remarkable transaction as viewed from the Governor's standpoint.

The sum and substance of that statement is, that the money was drawn and used for payment of the force which Governor Garcelon placed in and about the State House during the last month of his administration, and in many cases running forward into what is commonly called the " Lamson, or " Smith" or " Fusion" government.

It is not claimed that any warrant of law existed for the payment of a dollar of this money after Governor Garcelon, on Wednesday, January 7th, went out of office.

The Governor himself does not claim that any such payment by him was authorized by law, and yet, as he admits, he has as late as February 20th paid money out in considerable sums to persons presenting claims to him, exactly as though the funds of the State in his hands were subject only to his own discretion in their use. It was in testimony before the Committee that from the 18th day of November to the time of the convening of the Legislature, a force was gathered in the State House which was gradually augmented in numbers by the addition of new recruits until the roll numbered

over one hundred men. In the first instance the number was not large, but as the time for the session of the Legislature drew close at hand, when the fruits of this conspiracy were to be realized in the election of a Governor and other State officers, this body of men was rapidly increased and guns and fixed ammunition were provided to meet any resistance which should be offered to this usurpation of the rights of those lawfully elected by the people. These men were distributed in and about the State House, under the general supervision of the Superintendent and Capt. R. W. Black, a Democratic lawyer of Augusta.

It appeared that these men were recruited from different cities in the State; that most of them were irresponsible, and that some of them were graduates of jails and the State prison, and of this last number was one man whom Governor Garcelon acknowledged that he pardoned during the past year. It further appeared from the testimony of the Superintendent that after the arms and ammunition were brought from Bangor, these men were drilled in their use until he expostulated against the proceeding. It also appeared from his testimony, that he caused the guns borne by our soldiers in the war, to be loaded with powder and cut lead and kept in a room convenient to the rotunda, where they could be used upon the citizens of this State in case of an emergency. The men were supplied with police badges and clubs at the expense of the State. A roll of these men and a list of those of their number who had served sentences in the public jails and in the State prison will be found in the testimony taken before the Committee. No proper excuse or justification and no warrant of law is found for the employment of this extraordinary body of men. The Legislature of last year in the interest of economy provided for only two night watchmen to protect the State House, and the Superintendent had no authority to employ a larger number. The men did not form any part of the police of the city of Augusta. Even in case of threatened insurrection the Governor is restricted to the employment of the militia if he requires more than the police of the city, in order to preserve public order and tranquility; but in no case is he authorized to employ a body of reckless men, subject to no discipline and responsible to no commanding officer, to be paid out of the treasury of the State; in whose hands arms are placed, and to whose discretion or want of discretion are exposed the lives of citizens in times of great public agitation and excitement. It was in testimony before your Com-

mittee from Doctor Lancaster, the Superintendent, that it was contemplated by some of the Fusion leaders at Augusta to raise the money to meet these extra expenses by private subscription. The difficulties in the way of paying this unauthorized force which belonged to neither the civil nor military departments, which was without warrant of law and unnecessary for any legitimate purposes, was undoubtedly felt and appreciated, but according to the testimony of Governor Garcelon, he solved the difficulty by brushing aside the law, and not only defrayed these expenses from the public treasury, but just as his term of office expired drew out large sums of money, a part of which he now claims to have paid out, and a part of which he admits he still holds. The receipted roll to be found in the testimony, shows that the payment to these men in full up to January seventh, eighteen hundred and eighty, when the term of Governor Garcelon expired, amounted to over nine hundred and fifty dollars. This money was drawn on the warrant of the Governor, and by him paid to Adjutant General Leavitt, and by General Leavitt paid to the men. It will be borne in mind that the thousand dollars paid Leavitt for this purpose was not the same money as that paid to him at another time and for another purpose, and which has since been refunded by him to the State Treasurer.

It will be remembered that Governor Garcelon, on the twenty-fourth day of December, drew one thousand dollars, and on the thirty-first day of the same month drew five thousand dollars more; of this sum one thousand dollars was paid over to Leavitt, January seventh, eighteen hundred and eighty, for the purpose of paying this force; for the balance of the five thousand dollars, Governor Garcelon received the checks of the State Treasurer, drawn on different banks, and each payable to his order. There is no pretence that at this time any expense, which the Governor would be authorized by law to pay, had accrued, and was unprovided for. These checks Governor Garcelon, in person, immediately presented for payment, endorsing them as an individual, and received the money for them, and he now admits that he did not deposit it in any bank, and returned no account of it to any officer of the State. When called upon to account for this money, traced to his possession, Governor Garcelon produced before your Committee, receipts for money paid to various persons, (including the one thousand dollars paid Adjutant General Leavitt) from December twenty-sixth, eighteen hundred and seventy-nine, to February twentieth, eighteen hundred

and eighty, which amounted to the sum of three thousand seven hundred and forty-four dollars. This left in his hands the sum of two thousand two hundred and fifty-six dollars, for which he had not accounted; of this sum he claimed to have paid A. P. Gould for counsel fees, five hundred dollars; to the members of his Council, four hundred and sixty-five dollars; to special police, one hundred and six dollars; for sundry bills and extra expenses, one hundred dollars; and for incidentals, one hundred and twenty-nine dollars, amounting in all to one thousand three hundred dollars, which left in his hands nine hundred and fifty-six dollars of the public moneys, which he admits has never been paid to any person, and has never been refunded to the State. An analysis of the receipts produced, discloses the fact that if correct they show that out of the whole three thousand seven hundred and forty-four dollars paid out by Governor Garcelon, two thousand one hundred and seventy-six dollars was paid B. F. Lancaster, Superintendent of Public Buildings, between the second day of January and the nineteenth day of February. It was supposed by the Committee in the first instance that this sum was paid to the force about the State House above mentioned, but further investigation disclosed the fact that this force had been paid in full up to January eighth. When questioned, Doctor Lancaster could only account for the expenditure of about five hundred dollars of the money received by him from the Governor, leaving about fifteen hundred dollars with no intelligible account of where it had gone, or to what purpose it had been appropriated. Your Committee were not impressed with the accuracy of these receipts. It appeared from Lancaster's testimony that after Governor Garcelon had left your Committee on Monday last, he sent for Dr. Lancaster to come to his room, and that he, Dr. Lancaster, there wrote out the receipt for three hundred dollars, bearing date February twentieth, eighteen hundred and eighty, and also that he wrote in ink another receipt which, he said, had previously been written with a lead pencil.

It is clear that no accuracy can be expected in such vouchers. Dr. Lancaster claims that the rolls, upon which the names of the men were borne, are in the hands of Governor Garcelon; this Governor Garcelon denies, and claims that he produces the receipts of Lancaster, and that he is accountable for the money. But it is certain that little reliance can be placed in the evidence of payments of the public moneys when no bill has been audited and no items are given

to be preserved as vouchers. Of the money claimed to have been paid by Governor Garcelon, a large sum was paid after he ceased to hold any office in the State. His term expired January seventh, eighteen hundred and eighty. Instead of returning the moneys he wrongfully held, and accounting for what he had used, he went on paying out this money to persons not in the employ of the State, with a reckless improvidence which would have been the subject of censure had the money been his own. Whoever went to him with a claim, whether it was legal or otherwise, received pay. One instance will be sufficient. In the early part of his administration, members of his Council received double mileage. This as a matter of form they paid back—or what they claimed to be the same thing—did not take their mileage for the next session. The matter rested until the close or near the close of the administration of Governor Garcelon, when the councillors applied to him for re-payment and he complied with their request and paid them. The amount of the sum so paid, including the double mileage and some other bills, was four hundred and sixty-five dollars. January sixteenth, eight days after Governor Garcelon's term of office expired, he paid G. W. French one hundred dollars for staff duty. Another sum of two hundred and twenty-nine dollars is charged for sundry bills. For all these payments there are no vouchers, and no man can say that they are correctly made. Nor is the account of Dr. Lancaster without its peculiarities. He admits that he has sold one carpet belonging to the State, for which he has not as yet accounted, and your Committee have taken testimony showing that he procured a carpet for the library, and purchased too much by about thirty-three yards for the purpose. This surplus he cut off and sold, and has not yet rendered an account for the amount received. No mention is found of the fact of such sale, in any public record connected with any department of State. Dr. Lancaster says he has not settled his account with the State, and intends to account for the money received by him. But the transaction is one which should not be sanctioned. Great abuse is liable to creep in, if the Superintendent can buy new carpets and sell the surplus without any official action authorizing him so to do, and without making an account for the money he receives. Dr. Lancaster also admits that he paid some of the so-called police five dollars for twenty-four hours' service. This seems to your Committee to be rather extravagant, considering the character of the men employed, especially when the law restricts watchmen in his department to two persons, and defines their compensation.

It is clear to the Committee that the public funds to a very large amount have been unlawfully drawn from the State Treasury, and have been misapplied. A considerable sum of the money is still retained, in open violation of the statutes of this State. If any official, upon leaving office, and after the expiration of his term can, upon any pretext whatever, take from the treasury funds belonging to the State and disburse them at pleasure to parties claiming to have demands against the State, then there is no longer any safety for the public moneys, but they can be plundered and squandered without any limit, and we may well be filled with apprehensions, when we see a transaction like this where, if there was no actual criminal intent, there is such a reckless disregard of consequences and of law as to amount to a crime against the people whose trust and confidence have been violated and abused. It is difficult to believe that Governor Garcelon did not know the danger and wickedness of such a proceeding. He and his Council must have known that such acts were in violation of law and in contravention of common prudence and honesty, and the desperation with which this scheme to perpetuate their own power has been pursued, may arise from the vain hope that they might be able to hide from the eyes of the people, these irregularities which only require to be exposed in order to be condemned. Your Committee recommend that the attention of the Attorney General be called to the large amounts now in the hands of either Governor Garcelon or Dr. Lancaster, and to the amounts drawn by E. F. Pillsbury & Co., for which there appear to be no vouchers; and that such proceedings be instituted as will protect the interests of the State and vindicate the demands of public justice.

POSITION OF THE GOVERNOR AND COUNCIL IN THE INVESTIGATION.

On March fourth, eighteen hundred and eighty, the Clerk of the Committee, George D. Bisbee, Esq., who has been most faithful and efficient in the discharge of his duties, acting under the unanimous vote of the Committee, addressed the following letter of notification to Governor Garcelon and each member of his Council, with the exception of Mr. Moody, who had already appeared and testified before the Committee, and Mr. Parker of Aroostook county, to whom a telegraphic note to the same effect was sent:

AUGUSTA, March 4, 1880.

SIR:—I am directed by unanimous vote of the Committee on Investigation into Election Returns and Expenditure and Appropriation of Public Moneys, to inform you that the Committee has investigated into and taken testimony upon the subject matter committed to it by the Legislature, including the acts of the Governor and Council upon said election returns, and the appropriation of public moneys under their control, and that an opportunity will be offered for you to appear before said Committee, on Monday, the eighth day of March, at the Capitol in Augusta, to testify and make explanation upon the matter before said Committee. Parties appearing before the Committee will be allowed the usual fees for travel and attendance.

Very respectfully yours,

GEORGE D. BISBEE,

Clerk of Committee.

No one of the ex-members of the Council so notified has seen fit to appear before your Committee in response to such notice. Mr. Foster, who is absent in a distant State, has responded in a courteous letter, regretting his inability to be present, as he is so far away. Mr. Fogg has replied in a long letter, which goes into the testimony, and which has already been published in some of the State newspapers. Governor Garcelon has appeared and given extended testimony, which is herewith submitted.

The weight of all the testimony rests so heavily upon these members of Governor Garcelon's Council, who have refused to come forward as they have ample opportunity of doing, to explain or deny the facts which the testimony leaves at their doors, that your Committee, bearing in mind the well known rule that no witness, if forced to appear, can be compelled to testify to facts involving him in a crime, have concluded to leave these men where the testimony leaves them, exercising the privilege, invoked by criminals for ages past, of not testifying against themselves. Their names and residences are as follows: Charles H. Chase, Portland; Frank M. Fogg, Lewiston; Simon S. Brown, Fairfield; Halsey H. Monroe, Thomas-ton; Frederick G. Parker, Presque Isle.

GOVERNOR GARCELON.

Hon. Alonzo Garcelon, whose term of office as Governor was made notorious by the events into which your Committee have been examining, came forward when called, and his testimony which we submit is long and cannot fail to be read with deep interest. It is

but just to say that, while before your Committee, Governor Garcelon always declared himself willing to disclose everything that he knew relating to the investigation. His memory at times was infirm, and when he was confronted with acts on his part for which he had no warrant of law he repeatedly failed to give any satisfactory reason for his course. He is shown clearly to have become committed to a course beset with infractions and bold violation of the law, and to have shrunk at nothing in pursuing that course, and he had at many times the opportunity given him, which he always perversely disregarded, to halt in his course, and by following a path plainly marked out for him by the law, to end all the troubles, and give peace to the State. He was in many cases besought by Senators and Representatives, who had been legally elected, to hear their cases, and to decide upon them according to the law and the constitution. In all these cases he turned a deaf ear, and persisted in issuing certificates of election to persons who had been plainly rejected by the people.

When an indignant, but yet law-abiding people, expressed their determination to see that every legal and peaceful method known in our government should be resorted to in order to prevent the violation of popular rights, Governor Garcelon instead of respecting this firm attitude, took such a course as to all the more arouse and inflame public discontent. He brought arms to the Capitol from a distant city, where they had been kept safely for years; he filled the State Capitol with a force of irresponsible men, whom he put under irresponsible leaders, and he so exercised his authority, that these men were allowed to arm themselves in readiness for an assault upon the citizens of the State who are wont to assemble in its Capitol when the time for the annual meeting of the Legislature is at hand. He claims that all this was done under the apprehension that his possession of his office and his custody of the property and archives of the State were threatened.

Your Committee fail to see that any such danger was imminent, or that there was any warrant or justification for such a display of force as Governor Garcelon resorted to, or for the large expenditure of the public moneys that resulted from his rash and ill-timed act.

In accord with this spirit of perversity was the refusal to accept the first opinion of the Justices of the Supreme Court as a settlement of the grave questions which had arisen. So far as we can judge from Governor Garcelon's testimony, he looked upon the "opinion" of the Justices as being of no moment whatever, except in any such

part of it as might agree with and sustain his own preconceived notion.

Certainly he so acted, and he thereby ran the awful risk of turning the State over to the formless rule of anarchy.

It is due, not to him in the least, but to the forbearance and self constraint of the people of the State, that the peaceful processes of law were waited for, and that these processes were permitted to work out the people's relief.

To what extent Governor Garcelon participated in or sympathized with the wanton transgression of law which the treatment of the election returns shows in dozens of cases, it is not easy for us to decide. His opportunities were constant, and he fails to show a single case where he successfully interposed to prevent the wrong.

Taking his own story, as found in the testimony, he accepted the results of the work of his Council without scrutiny, although the most cursory examination of that work would have brought him face to face with the frauds which had been committed.

As the responsibility rested finally with him, and all the certificates of election were issued by his direction, he cannot escape a large share of the burden which rests and must for years rest upon all the men who were engaged in the attempt to overturn the result of a popular election and to seize upon the Government of the State.

But Governor Garcelon has in all places, both public and private where he has been found since the election, asseverated not only his own innocence, but the legality and fairness of the work of his Council. He has made that work a subject of boastful comment up to a time within the last month. But he plainly left your Committee in another mood. When he was confronted with the returns, and the tabulations, and the final lists, and when the suppressions and erasures and forgeries were brought to his notice, and when he was shown case after case where the rules of law, which he had vauntingly asserted to have been his guide, had been applied in one way when they would count in a member of his own party, and in the opposite way when they would count out a Republican, he made no further defence or excuse for, or denial of, the wrong done, but leaving it with the Council which had turned the final "lists" over to him, he passionately asserted his own innocence, and declared that a "Judas" among the number had done the villainy.

CONCLUSIONS.

Your Committee present to the Legislature all the testimony which has been taken up to the present time, and ask that it may be printed, as well as this report.

This testimony in the judgment of your Committee, justifies the following conclusions :—

The returns from the cities, towns and plantations in the State were, contrary to usage, kept by the Governor and Council from all inspection or scrutiny by candidates, their counsel or any parties legitimately interested in them.

During such time as the returns were so kept, many alterations, erasures and forgeries were made upon them, for the purpose of changing the result; and in all cases which have been discovered, such improper treatment of the returns resulted against Republican candidates, and in favor of the Fusion candidates.

During the same time, from information which must in nearly all cases have come from the officials who were examining and tabulating the returns, or who had the custody of them, defects in Fusion towns were being cured by substituting new and correct returns or by affidavits taken *ex-parte* for the purpose of curing such defects. In addition to this, and by reason of information furnished in the manner stated, affidavits were being taken and cases were gotten up for the purpose of throwing out Republican towns.

In all cases affected by such causes the results invariably counted out Republican candidates and counted in Fusion candidates, and this to the extent that the majority in each House of the Legislature was illegally changed from the Republican side to the Fusion side.

In reaching this result the Governor and Council refused to allow Republican errors in the returns to be corrected by the records, although such correction was offered repeatedly by Republican candidates or their counsel.

The different rules of law laid down by the Governor and Council as their guide in tabulating the returns, and in certifying from such tabulations, were applied in different ways, as they were enforced where they would throw out a Republican candidate but not enforced where they would throw out a Fusion candidate.

Many of these rules were contrary to law, and must have been made solely for the purpose of securing a Fusion quorum in each branch of the Legislature.

The illegal and fraudulent acts before referred to were a part of a premeditated plan, and the conspiracy, the object of which was to secure a quorum of Fusion members in each branch of the Legislature, embraced the members of the Executive Council, and the Governor of the State must have been, in some degree, in complicity with them.

Both Governor and Council must then be held accountable for the fraudulent practices under which the election returns were changed so that the will of the people was set aside and illegal certificates issued to Senators and Representatives in sufficient numbers to change the political complexion of both branches of the Legislature.

MISAPPROPRIATIONS OF THE PUBLIC MONEYS.

Your Committee conclude :

That the different appropriations by the Legislature have been diverted from their legitimate purposes, and in many cases have been overdrawn and exhausted.

That the public funds have been withdrawn from the treasury of the State by Governor Garcelon and his Council without warrant of law, and have been applied to unauthorized uses, and for unlawful purposes.

That a large sum of money belonging to the State remains in the hands of Governor Garcelon and other officials of last year, which should be recovered and put back into the treasury.

That the recklessness of management, disclosed in the transactions of the past year, tends to destroy public confidence, undermine the public credit, and introduce practices which, if unrebuked, will prove fatal to the future progress and prosperity of the State.

ANDREW HAWES, } *On the part of*
AUSTIN HARRIS, } *the Senate.*

EUGENE HALE, }
A. A. STROUT, } *On the part of*
CHAS. V. LORD, } *the House of*
C. C. SPRINGER, } *Representatives.*
SILAS W. COOK, }

To the Senate

and House of Representatives

of the State of Maine.

IN HOUSE OF REPRESENTATIVES, }
March 18, 1880.

Presented and read by Mr. HALE for the Majority of the Committee, and accepted on motion of Mr. YOUNG of Brunswick, and the Minority Report ordered to be incorporated.

Sent up for concurrence.

ORAMANDAL SMITH, *Clerk.*

IN SENATE, March 18, 1880.

Report accepted in concurrence, and the Minority Report ordered to be incorporated.

C. W. TILDEN, *Secretary.*

"Exhibit 18."

Office of

B. EMERY PRATT,

(See testimony of
B. Emery Pratt,
page 439)

Counselor and Attorney at Law,

and Notary Public.

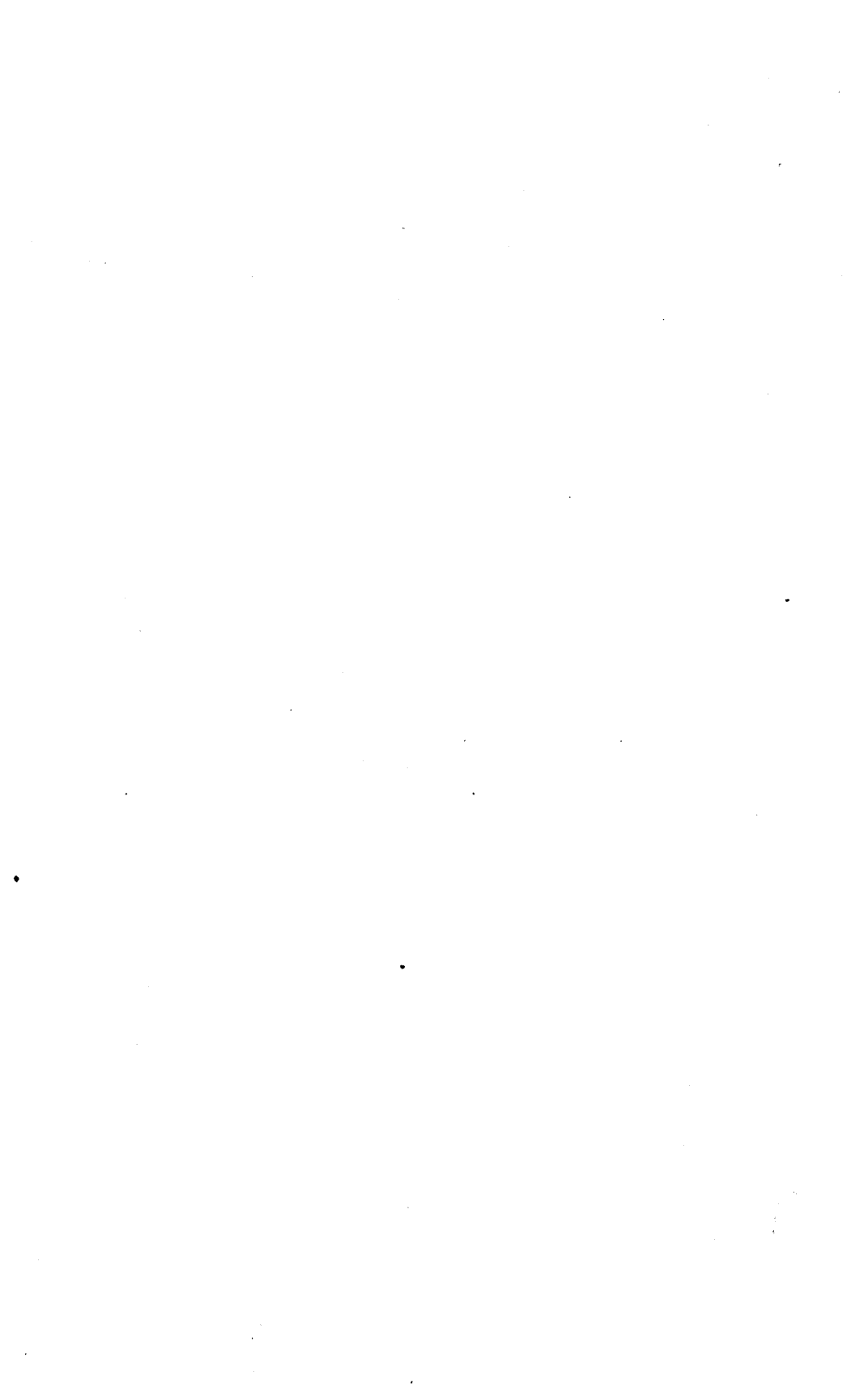
No. 2 1-2 BROADWAY, (Up Stairs),

Farmington, Maine, Nov. 16 - 1879

Hon. Alonzo Gordon
& the Executive Council
Enclosed please find
Affidavits of the Clerks of the
Towns of Rangely & Jay
showing that their record was not
made up in open town meeting
as required by law I have
consulted E. H. Killson & he is
of the same opinion "that the
Clerk must make his record
in open town meeting or it is
fatal" I shall forward your
testimony soon as I can
get it from Rangely, & Dallas
plantation please to hold back
on the Franklin Co. returns until
I get in the remainder of our testimony
if possible

Yours Obedt,

B. Emery Pratt



"Exhibit 19."

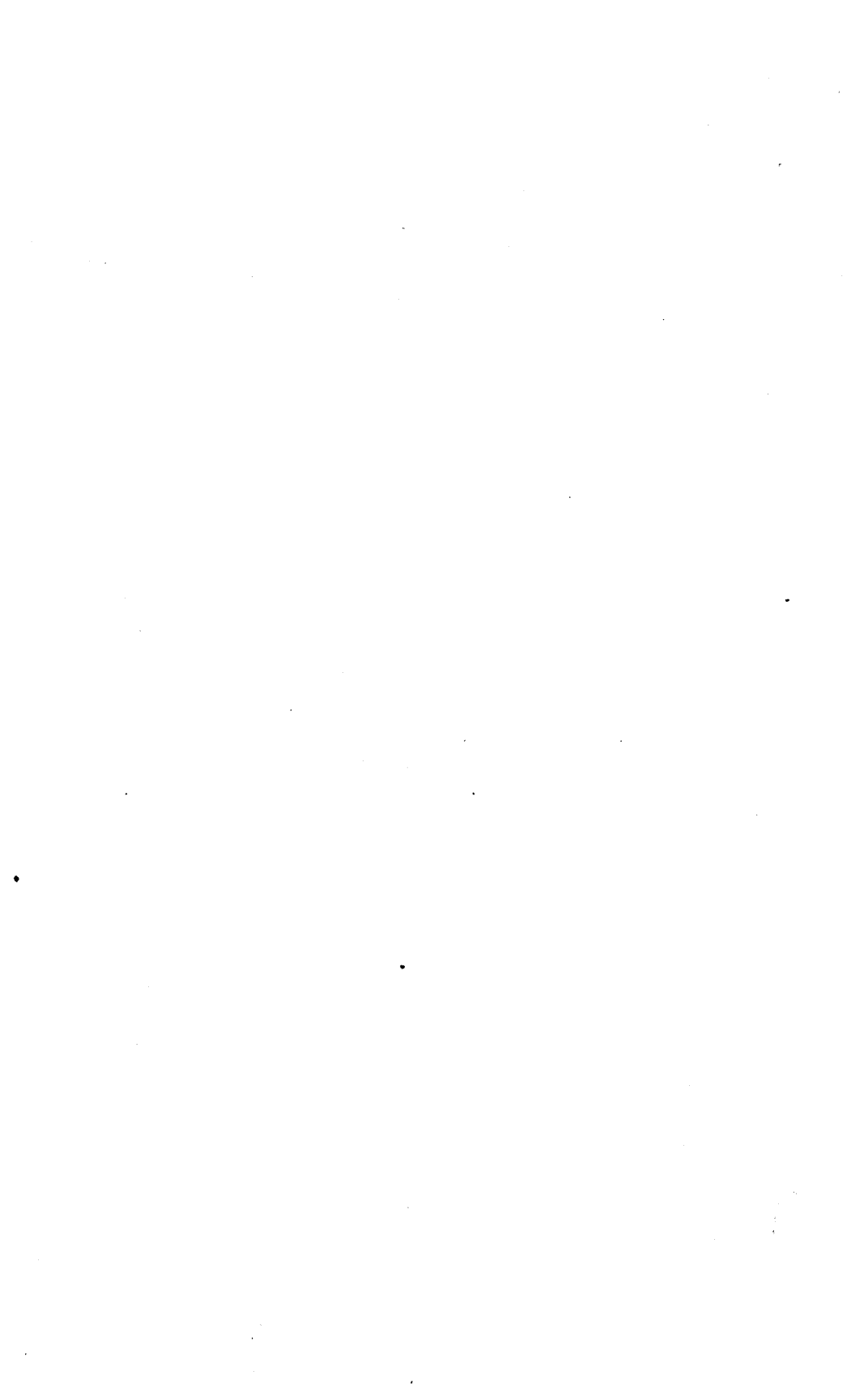
(See testimony of B. Emery Pratt, page 440.)

New Sharon, Nov 17th 1879

I have been to Dallas Pl-
Franklin Co. & arranged for
those returns to be amended
& they will be forwarded soon
as recd by me. I also expect
an affidavit from Clerk of
Greenwald Pl. Town as from
Rampely also. ~~Others~~ don't
disclose this county any other
than Jurisdiction for water of
testimony for that you
will have

In haste

B. Emery Pratt



"Exhibit 21."

(See testimony of B. Emery Pratt,
page 448.)

Augusta
Nov. 7, 1879

Bro Pratt:

Yours received,
I think if the Clerk does not
make his record "in open town
meeting" it is fatal,

Let me know what
town it is so that I
can calculate upon
results. Have you found
any other irregularities,

In haste
E. S. Pillsbury

("Bro." Pillsbury to "Bro." Pratt.)

...and
.. ..

MINORITY REPORT.

HOUSE OF REPRESENTATIVES, }
March 18, 1880. }

The undersigned, a minority of the Committee of Investigation, appointed by virtue of an order of the House, dated February fifth, eighteen hundred and eighty, beg leave to submit the following brief minority report:

Silence on the part of the undersigned would be construed as an assent to all the positions and conclusions of the majority report, as well as to the statement of facts.

The undersigned are unwilling and unable to give their assent to all of the arguments and conclusions of such majority report, though they cannot deny that the recital of facts in the report is substantially in accordance with the evidence. Mr. Moody of the Council of Governor Garcelon, was before the Committee, but he failed to explain the irregularities which had been proved.

Governor Garcelon also testified at a later period in the investigation, that he had no previous knowledge of much which has been shown by the testimony to need explanation.

A letter, courteous in its language, was addressed by the Clerk of the Committee, to each of the other members of Governor Garcelon's Council, saying that an opportunity would be granted them to appear and testify.

The undersigned regret that the members of the Council have not seen fit to appear and explain the irregularities which seem to exist.

The evidence being uncontradicted, the undersigned cannot make a denial of the facts proved by it, and can only withhold their assent to the conclusions arrived at by the majority of the Committee.

HENRY INGALLS,
GEO. F. HILL.

IN HOUSE OF REPRESENTATIVES, }
March 18, 1880. }

Submitted by Mr. INGALLS, for the Minority of the Committee, and
ordered to be incorporated with the Majority Report.

ORAMANDAL SMITH, *Clerk.*

Read in concurrence.

IN SENATE, March 18, 1880.

C. W. TILDEN, *Secretary.*

Dear Mr. Fogg

I sincerely hope that you will endeavor to have me accommodated by completing an examination, so that we can leave town as my business at home is extremely urgent. If I cannot be accommodated will you obtain an appointment at a day and time certain in the future when I can be permitted to examine when I will return. This will seriously embarrass me besides causing expense, when a few minutes indulgence would finally dispose of it. Will you kindly attend to this for me and acquaint me with the result.

Sincerely yours

George C. Wing

"Exhibit W."

(See testimony of George C. Wing, page 150.)

That the messenger be
instructed to inform
Messrs. Wm. Savage & Baker
that the council have
decided not to ~~show~~ ^{submit} ~~any~~
~~the~~ ^{in respect} returns for Senators
~~and Representatives~~
as no defects in the
returns cannot be
charged.

(Reply of Governor Garcelon and Council to Judge Wing, in the
handwriting of Councillor Fogg.)

STATE OF MAINE.

Resolve concerning the printing of the report and testimony of the Joint Select Committee to investigate alleged irregularities and changes of election returns, and the illegal expenditures of public moneys.

Resolved, The Senate concurring, that twenty-five hundred copies of the report of the majority and minority of the joint select committee of investigation into alleged irregularities and changes in the election returns, and the illegal uses and expenditures of public moneys under the control of the governor and council, together with the testimony accompanying, be printed, of which number fifteen hundred copies shall be for the use of the house of representatives, five hundred copies for the use of the senate, two hundred for the use of the governor and council, and three hundred for the use of the committee which has conducted the investigation; and five thousand copies of the report alone shall further be printed, three thousand for the use of the house, one thousand for the use of the senate, five hundred for the use of the governor and council, and five hundred for the use of said committee; and the sum of three thousand dollars is hereby appropriated for the above purposes.

(Approved March 19, 1880.)

Resolve concerning the Joint Select Committee of Investigation into alleged irregularities, changes, and suppression of the election returns.

Resolved, The Senate concurring, that the Joint Select Committee of investigation into alleged irregularities, changes and suppression of the election returns and into the illegal uses and expenditures of public moneys under the control of the Governor and Council, be and is hereby authorized to sit after the close of the present session of the Legislature, for the purposes of continuing the investigation committed to it, and the power to further summon witnesses, send for persons and papers, administer oaths and to employ clerical and stenographic force is given to said committee, and they may if the same shall be deemed expedient, make report of their further investigation to the Governor and Council. The sessions of the committee shall be holden when practicable in Augusta at the Capitol.

(Approved March 19, 1880.)



EVIDENCE.

AUGUSTA, ME.,

TUESDAY, FEBRUARY 24, 1880, P. M.

GEORGE D. BISBEE, *sworn and examined.*

By Mr. HILL:

Question. From whom did you receive the returns?

Answer. I received them from the Secretary of State, through the hands of Mr. Milliken, who is an assistant; he personally delivered them to me. Mr. Milliken and myself took those docketts, or tabulations, and checked each return off, right through.

Question. Have any of them been changed since they came into your possession?

Answer. Not that I am aware of.

Question. You have no knowledge of their condition when they went out of Sawyer's or Gove's hands?

Answer. No, sir.

By Mr. STROUT:

Question. As clerk of this Committee, for the Committee, you have had the possession and custody of all of these papers?

Answer. I have.

Question. Have you kept them in your possession?

Answer. I have kept them in my possession. When I was not there they have been in the safe, locked up.

Question. Have you a steel or iron safe?

Answer. It is steel or iron. I obtained it for that purpose.

Question. You received them as clerk of this Committee, as its sworn officer?

Answer. Yes.

Question. Whether or not these returns, (with the exception of the identification or checking marks) and the other papers, are in

the same condition, without alteration or change, that they were in when you received them from the hands of the Secretary of State?

Answer. They are.

By MR. HILL :

Question. At what time did you receive these returns from Mr. Milliken?

Answer. I came here Tuesday, two weeks ago to-day, and I received the returns from Mr. Milliken either Wednesday or Thursday following, I cannot say which; I think I received a part of them Wednesday, but not the whole till Thursday.

Question. What position does Mr. Milliken hold?

Answer. I do not know; but he is a clerk in the Secretary of State's office.

Question. Under the present administration?

Answer. Yes; the Secretary of State went down with me into the room under what is termed the general office, and directed Mr. Milliken to turn over the returns to me.

Question. Did you notice where he took them from?

Answer. Yes; as you go down into the lower room, on the left hand side there are closets or cupboards, and he opened the door, and they were in the boxes; and on the boxes were marked the words "*Representatives*" and "*Senators.*" Then, the County Officers returns were not there. The returns for Senators and Representatives were in red boxes about two feet long and ten inches or a foot wide.

Question. Were the boxes or doors locked?

Answer. The boxes were not locked; there are hasps on the boxes. The doors were locked.

GEORGE D. BISBEE, *recalled.*

By MR. STRÖUT :

Question. Whether or not this blank return shown you, and the envelope, were turned over to you by the Secretary of State with the other returns from Washington county?

Answer. Yes, sir; and the second return, marked "*Exhibit 2,*" was turned over to me about a week after, either by Major Nye or the Messenger to the Governor, I cannot say which. They both brought several packages of papers to me and represented they were found that Sunday night; and this was among one of the packages.

GEORGE D. BISBEE, *recalled March 4, 1880.*

By MR. STROUT :

Question. You are Clerk of this Committee?

Answer. I am.

Question. State from what parties you received the returns for Senators, Representatives, Governor and County Officers, the dockets, tabulations and papers which have been produced before this Committee and examined by them?

Answer. I received the dockets and tabulations from the Secretary of State, Mr. Chadbourne. I received the returns for Governor, Senators, and Representatives from him, through the hands of his clerk, Mr. Milliken. I received the returns for County Officers from the hands of Major Frank E. Nye of Augusta. The reports of the Committee of the late Governor and Council on Election Returns, numbered "679," "680," "681," "702," "713," and "*Exhibit L, G. D. B., Clerk of Committee,*" I received from the hands of Major Frank E. Nye. All the letters, affidavits, correspondence, and other papers pertaining to the election or to election returns, I received from the hands of Major Frank E. Nye; I except the letter from the Selectmen of Fairfield, which was with the election returns.

Question. You have already been asked, but I will ask again, are these papers in the same condition that they were in when you received them, with the exception of marks of identification which have been placed upon them in their use before the Committee?

Answer. They are, so far as I know; and they have not been out of my custody.

Question. Have there been any changes or alterations or erasures in any election returns since they came into your hands?

Answer. Not to my knowledge.

Question. Have you not been in a position to know if there had been any changes?

Answer. I have had the entire control of them. Mr. Hobbs assisted me a few days, at work in my presence, in arranging the papers.

Question. No alterations were made by him?

Answer. No, sir, not any; neither by myself nor any other person.

GEORGE D. BISBEE, *recalled March 17, 1880.*

[Paper marked "*Exhibit 37, G. D. B., Clerk of Committee,*" was read to the Committee by the witness, who made the following statement:]

MR. BISBEE THE WITNESS :

Copies of this letter were addressed to Governor Garcelon and each member of his Executive Council respectively, with the exception of Mr. Moody, and Dr. Parker of Aroostook county, and mailed to them Friday morning, March fifth, eighteen hundred and eighty. I also telegraphed the substance of the letter to Dr. Parker. Mr. Moody had previously been before the Committee.

In answer to my communication, I received "*Exhibit 39, G. D. B., Clerk of Committee,*" addressed to myself and signed by F. M. Fogg; also a letter signed by J. B. Foster, directed to myself as Clerk of the Committee, marked "*Exhibit 40, G. D. B., Clerk of Committee,*" dated Chicago, March tenth, eighteen hundred and eighty.

I also put into the case "*Exhibit 38, G. D. B., Clerk of Committee,*" which appears to be the report of the Committee on Election Returns for Representatives, from Aroostook county, dated December tenth, eighteen hundred and seventy-nine, and signed by E. C. Moody, Chairman.

MARCH 4, 1880, P. M.

SUMNER J. CHADBOURNE, *sworn and examined.*

BY MR. STROUT :

Question. Your residence?

Answer. Augusta.

Question. You are now Secretary of State?

Answer. I am.

Question. You have heard the testimony of George D. Bisbee, before the Committee this afternoon?

Answer. Yes, sir.

Question. State where you obtained the returns for Governor, Senators, Representatives and County Officers, and the dockets and other papers, which he says you turned over to him as Clerk of this Committee?

Answer. I received the returns of votes for Governor, Senators and Representatives from the hands of P. A. Sawyer, late Deputy Secretary of State, on the thirty-first day of January last, at three minutes past five o'clock in the afternoon. He came with an expressman and brought them, and the tabulations of the Senatorial and Representatives votes.

Question. Were they so turned over to you by Mr. Sawyer according to a previous arrangement made with him, and had he

possession of them previous to his delivering them to you, claiming to hold them as the Fusion Secretary of State?

Answer. I had not a personal agreement with him. I served a notice on him on the thirty-first day of January, making a demand, and I specified everything; it was served upon him by Sheriff Libby of this [Kennebec] county, and he told Libby that he would make return of those articles at five o'clock in the afternoon. The tabulation for County Officers I found in the office when I went in. I went in on the seventeenth, and found it on the eighteenth, I think, in the lower office. Mr. Rowe, my clerk, was there present when Sawyer returned the papers, also Mr. Hawes and Mr. Cook, and several others. I made such examination as I could of them at that time. We tried to arrange them. They were mixed up, the returns for Senators and Representatives and Governor, somewhat mixed. We arranged them as well as we could on the table there. I then put them in charge of Mr. Rowe.

Question. Were they placed in the archives of the Secretary of State?

Answer. They were.

Question. And were they in your official custody as Secretary of State after that time?

Answer. They were.

Question. You passed them over to the Clerk of this Committee?

Answer. I went down with Mr. Bisbee and directed Mr. Rowe to do so.

Question. Was Mr. Rowe the officer in official charge of the room where those were kept?

Answer. Yes, sir.

Question. While those documents, papers, returns, docketts and tabulations were in your possession, as Secretary of State, from the time they were delivered up to you by Mr. Sawyer to the time they were turned over to this Committee for examination, were there any changes or alterations or erasures made in them by yourself or any other person?

Answer. There was none made by myself nor by any other person, to my knowledge.

Question. Where were they kept?

Answer. In the lower office.

Question. In whose charge were they?

Answer. I had two clerks there most of the time. I do not

remember the date Mr. Milliken came. Mr. Milliken and Mr. Rowe have charge of that room.

Question. Are they both present?

Answer. They are. The night I received them I had a little curiosity to look at one return, and did so; that was the return of the town of Gouldsbrough, the Oliver P. Bragdon case.

By MR. INGALLS :

Question. From whom did you receive possession of the office?

Answer. I took possession. I was admitted to the office of the Secretary of State on the evening of January seventeenth, about ten o'clock, I think, half-past nine or ten, by the Mayor of the city, Mr. Nash, who had a key. I was informed that he received the key to the office from the then Superintendent of Public Buildings, Dr. Lancaster.

Question. You do not know in whose possession the County docket had been prior to that time?

Answer. It was in the office. Sawyer was in possession of the office till I took possession, and I found this the next day, in the lower office.

Question. Had he continued to occupy up to the time you took possession?

Answer. I presume so, because I was in the office that evening about five or six o'clock, or later, and he was there.

Question. Prior to that time had he continued to occupy that office?

Answer. He was Deputy Secretary of State up to that time, and I presume he occupied it; I cannot swear that he was there all the time, but we would naturally suppose that the office and archives were in his custody. He was under Mr. Gove, of course.

By MR. STROUT :

Question. The Fusion State officers, or, persons claiming to be such, had held possession of that office and had remained in that room till you came in at that time?

Answer. Yes, sir.

By MR. HALE :

Question. Sawyer delivered these returns over to you as the complete Senatorial and Representative returns?

Answer. He said they were all he carried away. We tried to ascertain if they were complete. I found it would be a long job. I

tried to arrange them, to ascertain if they were all there, but I could not state that they were all. I did not go through them. He delivered them to me as the returns of votes cast for Senators and Representatives. I inquired of Mr. Sawyer where the returns of votes for County Officers were. He stated to me they had never been in his possession after he delivered them to the Council, and he stated he thought that they might be found, but he did not intimate where. We searched for them, had previously and did afterwards, but were not able to find them.

BY MR. STROUT:

Question. In what condition did you find the office of Secretary of State and other offices?

Answer. On the night of January seventeenth, after my election and qualification, the Governor sent for Mr. Sawyer, and he came to the Governor's private room; the Governor had an interview with him, and then sent for me. I did not know the character of the interview with the Governor, but I presume he made a request for, or suggested that he had better turn over, the keys to the office. At any rate, after that interview, I had an interview with Mr. Sawyer in the same room, and I served a written demand on him for the archives and keys, and everything belonging to the office. Mr. Sawyer said that he felt obliged to refuse to deliver up to me the keys and archives of the office, and if I got possession I must take it forcibly; that is, he should not offer any personal resistance, but I would have to take it forcibly. I tried to persuade him that it would be better for him to give it up, but he refused and went away. I was then admitted to the office as stated, by the Mayor, and made such examination of the office as I could that night. I found the drawers all locked, and the safe was locked. The next business day I made a further examination and found that these returns and tabulations we have already mentioned were missing, also the reports of the Council and the Council Journal for eighteen hundred and seventy-nine. Mr. Sawyer returned the Council Journal and those reports and the other papers which I have mentioned. Those returns and papers came back to the office done up in parcels, in wrapping paper, and Mr. Sawyer said they were in just the same paper then as when he carried them away—that they had never been unwrapped.

JAMES S. ROWE, *sworn and examined.*

By MR. STROUT :

Question. Are you clerk in the office of Secretary of State?

Answer. I am.

Question. When did your employment as such commence?

Answer. I think, the nineteenth of January, Monday.

Question. Have you heard the testimony of Mr. Chadbourne, who has just appeared before the Committee, in relation to the returns?

Answer. I have.

Question. Do you remember when they were returned to the office of the Secretary of State by Mr. Sawyer?

Answer. I remember they were returned there Saturday night, about five o'clock.

Question. What was done with them?

Answer. After opening them and looking at some of them, trying to see whether they were all straight (they were in bundles), I undid the bundles and straightened them up, and tried to get them in shape. After a vain attempt to get them in shape, we put them back as well as we could and carried them down stairs and examined them a little; some of the returns we had in our minds to see that they were there. We looked at the Bragdon return. Then we did them up and carried them into the lower room. I went into the Council room where the boxes which they should be kept in were, and found two or three boxes and brought them down and put the returns into them, straightened them out, took them out of the paper in which they were wrapped, and put them into the boxes.

Question. What do you mean by straightened them out?

Answer. They were twisted up and doubled up, not in regular order, but like a lot of papers that had been gathered up hastily and tied up in bundles, so as to be compact. They were not filed or laid out in sheets, but were rolled up, sheets doubled in the middle, some in files, some in bundles. We arranged them and tried to put the different kinds by themselves, the returns for Representatives by themselves, those for Governor by themselves, and those for Senators by themselves.

Question. That is all you did?

Answer. Yes, sir.

Question. Did you have charge of the room where they were kept?

Answer. Yes, sir.

Question. Was the office of the Secretary of State locked when you left it at night?

Answer. The office of the Secretary of State and my office are connected by an open passage way. The Secretary's office is locked when we leave at night; the door between our two rooms is open; there is a door at the foot of the stairs, leading into the entry, which is kept locked whenever I am not there.

Question. Were you present when they were delivered up to the Clerk of the Committee for inspection?

Answer. Yes, sir.

Question. Were they delivered up as stated by Mr. Chadbourne?

Answer. Yes, sir.

Question. State whether there was any alteration or change made in the returns, any erasures or additions to them in any way, while in your possession?

Answer. Nothing of the kind, to my knowledge.

Question. Either by yourself or any other person?

Answer. No, sir.

Question. Who, beside yourself, had charge of these returns?

Answer. Mr. Minot was with me, I think, when they first came in; he was taken sick very soon, and Mr. Milliken came in, and was with me in charge of the rooms.

Question. Is Milliken a clerk in the office of Secretary of State?

Answer. Yes, sir.

Question. Were those returns in your official custody till they were delivered up to this Committee?

Answer. They were. We were cautioned by Mr. Chadbourne to take special care of them, and see they were not disarranged or touched, or anything done to them; so we could swear, when they went out of our custody, that they were the same as when they came in. We took special care.

Question. Can you swear they are in the same condition?

Answer. I can swear I believe that when they left my custody they were in the same condition as when they came into it. After they were first brought there I had the boxes placed in a closet, under lock and key, in the room, the key in my pocket; that is, after the first day or two they were under lock and key.

Question. When you got them straightened out and filed?

Answer. When I got them arranged.

Question. What you mean by straightening them out and arrang-

ing is putting all of a kind together, so their heads were the same way, and the towns and counties by themselves?

Answer. Yes, the counties; and rubber straps were around the counties; those that I found out I put in.

Question. After you got them so arranged did you keep them locked up in this closet?

Answer. Yes, sir. In regard to the County returns, the first day I went into the office I had been looking around to find what I could, and see if I could find any returns; before I knew where they were, before I had seen Sawyer and he told me he had them in his possession, I was trying to find them. I looked into all the drawers and places I could find, and in the table in my room; in one drawer I pulled out this tabulation of County Officers. That was the first thing we discovered in relation to returns or tabulations. That was in the lower room—the engrossing room.

JAMES S. ROWE, *recalled.*

Question. Have you examined the account of Dr. B. F. Lancaster; and, if so, state whether or not there was any return made to the State of the money received by him for the sale of a carpet to Mr. H. D. Getchell, amounting to twenty-two dollars and thirty-two cents, to which he has just testified?

Answer. I have examined the accounts, and have failed to find any such credit.

JAMES R. MILLIKEN, *sworn and examined.*

BY MR. HALE:

Question. Are you clerk in the Secretary of State's office?

Answer. I am.

Question. What room do you occupy?

Answer. The room under the main office.

Question. The same room that Mr. Rowe has spoken of?

Answer. Yes, sir.

Question. When did you go into that room?

Answer. The second day of February.

Question. State whether or not you saw these returns which have been spoken of by Mr. Chadbourne and Mr. Rowe, and the docketts and papers?

Answer. I did. I do not recollect of seeing those for County Officers.

Question. The others you saw?

Answer. I did.

Question. Were you, together with Mr. Rowe, in charge of that room after you went there?

Answer. I was.

Question. State whether or not these returns were kept in that room till they were passed over to this Committee for examination?

Answer. They were; Mr. Chadbourne was very particular about having them kept under lock and key, and that nobody should have access to them, and if anybody did that we should stand over him.

Question. For what reason?

Answer. To see that nothing was done to them, no marks made on them; so that we might say they were delivered up the same as we found them.

Question. Can you say that?

Answer. So far as my own knowledge goes, I can. I never permitted anybody to look at them excepting when I stood right by. If a man wanted to find any particular return from any particular town, I always found it for him in the bundle of the County, and stood by until he had examined it as much as he said would satisfy him, and then I put it back.

Question. Were any marks, or changes, or alterations, or additions made upon those returns, or papers, or tabulations, either by yourself or any other person, to your knowledge?

Answer. Not after we had charge of them.

FRANK E. NYE, *sworn and examined.*

BY MR. STROUT:

Question. Where is your residence?

Answer. Augusta.

Question. What is your occupation?

Answer. Insurance business.

Question. Were you employed during the months of January and February last in the Capitol?

Answer. I was.

Question. In what capacity?

Answer. Under detail both from the Governor and General Chamberlain. During the month of January, up to the seventeenth, I was under the immediate command of General Chamberlain. After that

I was left here to finish up the business, and was then under detail from the Governor.

Question. What room did you occupy in the building?

Answer. The Adjutant General's office and the office in which this Committee have been sitting.

Question. State what search you made for papers; and state what papers you found, and where; and the circumstances under which you found them?

Answer. I made several searches in the building while under General Chamberlain, without finding anything. Finally, on the fourteenth of February, I think, on Sunday, General Harris and myself started to make a thorough search of the building. We took that day because the papers and other documents were not in use by committees of the Legislature or by the officers in the different departments. We examined the Secretary of State's office thoroughly, and found nothing. We then went to the Council Chamber, and, in the case in there, which the Secretary of State uses when acting as Clerk of the Council, we found, on the second shelf, a box which contained quite a number of papers—among them affidavits from certain towns in Washington county, and certain affidavits from towns in Franklin county, and a number of letters; also the Senatorial return from the town of Jonesborough.

Question. What purported to be a return?

Answer. Yes, sir.

Question. Have you heard the testimony that certain affidavits and papers before the Committee came from your hands?

Answer. Yes, sir.

Question. Were these the papers you refer to?

Answer. Yes, sir, most of them. I have seen them since they have been here and could identify them.

Question. State whether or not you found the returns for County Officers; and, if so, where, and under what circumstances?

Answer. Finding nothing more in the Council Chamber, we went into the Governor's room, and after examining drawers and desks there, I got upon the top of the book case in that room and found, on top of the case behind the cornice, a box containing the returns for County Officers,—the box in which they were usually kept, marked on the outside—"Return for County Officers." I took those returns and brought them down into the Adjutant General's office; I opened the box and took out the returns, and sorted them out by counties;

I then brought them into the room adjoining the general office, (the room in which this Committee are sitting,) and placed them on the floor.

Question. Did you turn them over to the Committee?

Answer. I did in the morning; this was at night.

Question. While those papers were in your hands,—the papers that were turned over by you to the Committee—were there any alterations, additions, erasures or changes made in them, in any way or shape, by yourself or any other person?

Answer. No, none. General Harris was with me at the time they were taken, and up to the time they were put into this room; then the doors were locked; I took the key and went and saw Mr. Bisbee and came back, and we were here that night.

Question. Was the place where you found those County Returns such a place as such returns would be likely to be kept in?

Answer. No, sir; when we first came into the building with General Chamberlain,—when he locked up the door of the Governor's room—these returns were in the bottom of the same case on which they were found, in the small closet underneath the books; they had been taken from there and placed on top of the case by some person to me unknown. It was a place where nobody could see them from any place in the room without getting upon the case.

Question. You spoke of finding the Jonesborough return?

Answer. Yes, sir.

Question. Was it a blank return?

Answer. No; it was a return filled out.

Question. Please examine the paper shown you, being the second return from Jonesborough, marked “*Exhibit 2, G. D. B., Clerk of Committee,*” and state whether or not that was the return you found as stated by you?

Answer. It was.

Question. Where do you say you found it?

Answer. I found it in the desk occupied by the Secretary of State as Clerk of the Council, in the Council Chamber, in a paper box, with certain affidavits and letters.

Question. It has been testified before the Committee that one of the reports, the one marked “*Exhibit L, G. D. B., Clerk of Committee,*” was received from you; state where you found that?

Answer. I had that from Mr. Moody; and it was the report that

went with the tabulation that was stolen from Mr. Moody's room in Augusta.

Question. State what you know in relation to the original tabulations that were taken from Mr. Moody?

Answer. Mr. Moody came to Augusta at my request on the twenty-eighth or twenty-ninth of January, on the four o'clock train; he came to the Adjutant General's office and met me here; I had a talk with him that afternoon; we then went down to tea together. He called me after tea, and asked me to go up to his room, number thirty-eight, which I did; I went into his room at the Augusta House, and after talking some ten or fifteen minutes in regard to the transaction of counting out, he opened his valise and took from it a set of tabulations, which, he stated, were the tabulations from which the final tabulations were made; these tabulations he passed over to me, and I spent some twenty minutes or half an hour in looking them over.

Question. State what those tabulations were?

Answer. They were tabulations of the Representative vote, and a portion of the Senatorial vote; and they contained erasures and interlineations where certain names were changed and figures changed. From the best of my knowledge and belief, knowing the hand writing of the members of the Council and Governor, some were in the hand writing of Mr. Brown, some in that of Mr. Fogg, and some were, I think, in the Governor's hand writing. So far as I could judge from these tabulations as originally made out, they showed a Republican majority in both branches. They contained the changes made from that time, in figures and names, till the House and Senate were made up, with possibly a few exceptions. If the Committee could have those before them, I think they could trace the whole matter from beginning to end, where all the changes were made.

Question. And by whom made?

Answer. Yes; that is, they could tell by the hand writing, where the names had been changed. Those papers were taken from Moody's room that night. While I was in the room, John Benson, junior, of Newport, came and started to open the door; said "No matter," and went away. He came again in a few moments, and soon after that I left. When I went to the room I saw Benson at the head of the next flight of stairs, looking over the baluster to see who came there or went away. I went up again in a few minutes,

and I heard Benson's voice, which I recognized readily, in the room. I went up a few moments after, and found him there still.

Question. Who was Benson?

Answer. He claimed to be Deputy Secretary of State under the Fusion Administration this year; I think he also held a position on Governor Smith's staff.

Question. State whether or not you had any conversation with Benson indicating that he had any knowledge of the papers?

Answer. I had two conversations with him after that. He was absent the next day, and came back the next week. During the conversations I had with him he stated that if I would let him go home he would bring the papers back here Friday night, February sixth, the time the Pullman train arrived from Bangor—which he failed to do.

MORRILL GLIDDEN, *sworn and examined.*

By MR. STROUT:

I reside in Somerville, Maine; am a farmer, was present at the annual election last September in Somerville; polls closed at 5, P. M. The Selectmen were all present,—David Chadwick, Henry D. Clark and John B. Dodge; meeting was held in a school house,—the Joe Bruce school house; had a desk in the house. The Clerk, Anson B. Bowler, and one or two of the Selectmen were in the desk. The returns were made out after the polls closed, by Anson B. Bowler, Town Clerk; he had been Clerk a number of years. I am acquainted with Andrew R. G. Smith, who resides some seven or eight miles from the school house, and ten miles from Bowler's; Bowler was acquainted with Mr. Smith; Mr. Smith was the Republican candidate for Senator from Lincoln county. I was requested, by Senator Smith, to take notice that the returns were properly made up. Bowler claimed to be a Republican; but he would not let me see him vote; I saw him while he was making up the Senatorial return. When he made the *G.* in Senator Smith's name, he made it all above the line, and stopped and made the *Smith*. I told him they would call it a *C*; he said he would fix it by-and-bye; I told him to fix it then, and he did, by carrying the mark below the line, which made it look like a *G*, and it then read Andrew R. G. Smith; David Chadwick was present in the desk. [Return which was taken from the file of Secretary of State, marked "*Exhibit A, G. D. B., Clerk of Committee,*" shown witness.] This is not the return I saw

Bowler make up in open town meeting ; the name in this one reads—*Andrew A. R. Smith*. I did not remain till Mr. Bowler went away ; he was still engaged in making up the rest of the returns when I left ; Anson B. Bowler, David Chadwick and myself were present at the desk when I saw him make up this return ; I did not see Bowler sign his name ; I think he had made up the return for Governor ; don't know as I saw him sign either. Senator Smith said there were middle letters in his name, and wanted me to see that they were made right ; when the return was made up there was no scratching or erasures on it.

ANSON B. BOWLER, *sworn and examined*.

BY MR. STROUT :

Question. Where do you reside ?

Answer. Somerville.

Question. In what county ?

Answer. County of Lincoln.

Question. What office, if any, did you hold in the town of Somerville September last ?

Answer. Town Clerk.

Question. How long have you been Town Clerk ?

Answer. I have been Town Clerk, off and on, I should think, for some twelve or fifteen years—perhaps fifteen ; may be longer and may be not so long.

Question. What is your business, and what has been your business ?

Answer. Since I was married, in eighteen hundred and fifty-one, I have lived on a farm.

Question. Are you acquainted with Andrew R. G. Smith ?

Answer. Yes. I have been for the past two years or more. I have seen him before that, but not so familiarly acquainted with him as for the past two years.

Question. Have you been familiarly acquainted with him for the past two years ?

Answer. Yes. I have seen him quite frequently. Perhaps once a month, and perhaps once in three months ; but then, I am acquainted with him and have been to his place.

Question. Were you present at the annual election held in Somerville last September ?

Answer. Yes, sir.

Question. At what time did the polls close?

Answer. I could not tell you exactly; it was very near sunset, I think; held the polls open very late as they were expecting one or two more voters that hadn't voted.

Question. Did you at any time make up any returns, and return them to the Secretary of State's office, at Augusta?

Answer. Yes.

Question. Please examine the two papers produced, and presented to you, coming from the files of the Secretary of State,—one marked “*Exhibit A, G. D. B., Clerk of Committee,*” and the other marked “*Exhibit B, G. D. B., Clerk of Committee,*” and purporting to be the returns from the town of Somerville for Senators and Representatives in the election of eighteen hundred and seventy-nine, and state in whose hand writing both papers are?

Answer. Yes; I have examined them.

Question. In whose hand writing are they?

Answer. Mine, sir, I wrote them both.

Question. I call your attention particularly to the signatures attached to both of said returns,—of David Chadwick, Henry D. Clark, and John B. Dodge, Selectmen, and A. B. Bowler, Town Clerk; state whether or not they are all your hand writing?

Answer. Yes, sir, they are.

Question. They were all written by you, were they?

Answer. Yes, sir.

Question. State whether or not each one of the names of the Selectmen as well as your own name, was written by your own hand?

Answer. Yes, each one.

Question. I now call your attention to a paper purporting to be the return of County Officers from the town of Somerville, marked “*Exhibit D, G. D. B., Clerk of Committee;*” and will you state in whose hand writing that is. [Paper passed to witness.] Have you examined it, and if so, in whose hand writing is it?

Answer. It is mine, every letter of it.

Question. The signatures purporting to be the signatures of the Selectmen?

Answer. Written by me.

Question. Will you examine the affidavit marked “*Exhibit C, G. D. B., Clerk of Committee,*” and state whether or not you wrote and signed it and made oath to it? [Affidavit shown witness.]

Answer. That is my signature to that.

Question. In whose hand writing is the body of the affidavit?

Answer. I drew that under the dictation of Dr. Smith.

Question. In whose hand writing is the body?

Answer. It is my hand writing, the body of it.

Question. In your hand writing?

Answer. Yes, sir.

Question. And you signed it?

Answer. I signed it, yes, sir.

Question. And you made oath to it, did you not?

Answer. Yes, with one exception; that is, I told them about my signing the Selectmen's names to it—that I signed them by their request.

MR. STROUT: I will put this affidavit in.

Question. I now call you attention to the returns that were made up by you, and ask you if it is true that you did make up Senatorial returns and Representative returns from the town of Souerville, at the school house where the town meeting was held, in open town meeting?

Answer. Not wholly in open town meeting. I hadn't time to do it.

Question. Did you make up the body of them there?

Answer. A part of them; yes, sir.

Question. Is it or not true?

Answer. I want to understand you when I answer you; I want to answer you correctly.

Question. Is it or not true, that when you made up the return at that time, that you put in the return the name of *Andrew R. G. Smith*?

Answer. I think that I did, unless I made a mistake.

Question. Was Mr. Morrill Glidden present?

Answer. I think that he was; I don't want to say positively, but I think that he was.

Question. Have you any doubt about it?

Answer. No, I think I haven't; I may be mistaken, but I think not.

Question. Now, sir, I call your attention to the Senatorial return, and to a name that appears here now to be *Isaac T. Hobson*; you have examined this before, have you?

Answer. I saw it the other day when I was in here, yes, sir.

Question. Won't you look at it again? [Paper is passed to witness.]

Answer. That looks like a *T* now. I recollect how it looked the other day when I was in here.

Question. Was there any erasure made in any part of that name by you?

Answer. No, sir, never.

Question. Never?

Answer. No, sir; not that I know of.

Question. I call your attention to the word "*sixty*," opposite his name; was the "*ty*" there at the word "*sixty*" made by you? Is it your writing?

Answer. The "*six*" is mine, but I say the "*ty*" was not there; I must have made an error in not putting the "*ty*" on; that has been put on since it left my hands; the "*six*" I wrote, but the "*ty*" is not my writing; I made a mistake probably in not putting that on.

Question. What did you do with the Senatorial and Representative returns which you made up, which bore the name of *Andrew R. G. Smith*?

Answer. I brought them all together and delivered them to the Secretary of State.

Question. Did you deliver them to the Secretary of State with your own hands?

Answer. I don't know whether it was the Secretary of State or not; but it was the man that was in the possession there, and they were counting votes.

Question. In the office?

Answer. In the office, yes, sir; I don't know the man; I don't know the Secretary of State.

Question. Was it here in the Secretary of State's office; in the State House here in Augusta?

Answer. Yes, right in the other room; there were four men there.

Question. Can you describe the man to whom you delivered these returns?

Answer. I don't know as I could; I could not say that I could.

BY MR. HALE:

Question. They were men who were there to receive them?

Answer. They did receive them, and opened my Clerk's return in my presence, and looked it over before I left; I stopped but a very few moments.

By MR. STROUT :

Question. When was that?

Answer. The ninth of September last ; I have stated the ninth, and I am positive it was, for I made out the records the next morning, and partly made my record upon my town book, and came off in the afternoon.

Question. I call your attention to the Senatorial return marked “*Exhibit A, G. D. B., Clerk of Committee,*” and to the name of *Andrew A. R. Smith?*

Answer. Yes, I see it—*Andrew A. R. Smith.*

Question. According to your best knowledge is that the return that you say that you made upon the day of the election and brought here to the office of the Secretary of State on the ninth day of September?

Answer. If it is, it is a mistake in having put—

Question. No, sir ; answer my question ; look at that paper, and tell me whether or not that is the return that you made up and brought to the Secretary of State’s office on the ninth day of September?

Answer. If it is in my power and ability, I want to answer that correctly, just as it is.

Question. What answer do you give to it?

Answer. Yes, I understand the question.

Question. I call your attention to a name that you see there?

Answer. Yes, “*A. R. Smith.*”

Question. And I ask you if that is the return that you made up in the presence of Morrill Glidden and alluded to in your affidavit ; is that the return you made up and brought here on the ninth day of September?

Answer. Allow me to speak before I answer it.

Question. I want a direct answer to the question.

Answer. It should be—

Question. Will you answer my question? It is a simple and plain one ; look at that return and at the name in it, and then tell me whether that return that you hold in your hand is the same return that you made up and returned to the Secretary of State’s office on the ninth day of September, eighteen hundred and seventy-nine?

Answer. I don’t know how to answer that ; it may be, and it may not ; but you want me to say whether it is or not,—I might answer it and answer correctly, and I might wrongly.

Question. Will you answer the question?

Answer. I should say that it was not; because that should be “*Andrew R. G. Smith*” instead of “*A. R. Smith.*”

Question. Mr. Bowler, did you hear, about the time that they were counting out, about the counting out?

Answer. As near as I can recollect, I heard about the middle of December.

Question. Did you hear in relation to any counting out at that time?

Answer. I did before that or about that time; it might have been before, and it might have been about that time.

Question. At that time didn't you receive duplicate blanks, or blanks of Senatorial returns and Representative returns?

Answer. I received it from some source.

Question. You did?

Answer. Yes, sir.

Question. How did you receive them?

Answer. It came to me by mail, I think.

Question. It came to you by mail?

Answer. Yes, sir.

Question. Where did it come to you by mail?

Answer. Somerville, I think; that is where all my mail comes to; my boy usually brings it home.

Question. Where was the letter post marked, that came to you?

Answer. I didn't notice it; I think from Augusta.

Question. You say from Augusta?

Answer. I do, yes, sir.

Question. What did you receive at that time, according to your best recollection, beside these blank returns?

Answer. I received something similar to what there is in my book there.

Question. Did you receive a letter?

Answer. I think not a written letter, but it might have been; I could not say, for I merely opened it, took it out, made a copy—

Question. What was that that you received? Was it a direction in relation to making up the returns?

Answer. Merely a request to send a return, I think, for Senator.

Question. A request to send back returns for Senator?

Answer. Yes, sir.

Question. You had already made up one set of returns and brought them here, had you?

Answer. Yes, I had.

Question. And after that, about the middle of December ——?

Answer. About that, I think.

Question. About that time you received another set of blanks, with a request to fill them up, and send them here to Augusta?

Answer. One blank.

Question. One blank?

Answer. Yes, sir.

Question. With a request to fill it up and send it here to Augusta?

Answer. Yes, sir; there might have been two, but I think there was but one.

Question. What has become of that letter?

Answer. I cannot tell you.

Question. Have you destroyed it?

Answer. No, not that I know of.

Question. Have you lost it?

Answer. Not that I know of. I know the way it came, and I took it and sat down to the table in my dining room, took out this blank and filled it up in a hurry, and probably I left the envelope on the table.

Question. Into what did you put that blank?

Answer. I put it, I think, into a plain envelope.

Question. To whom did you direct it?

Answer. That is another question that I cannot answer.

Question. Do you say you have no recollection to whom you directed it?

Answer. I can say so if it was the last words I spoke on the earth.

Question. To what place did you direct it?

Answer. To Augusta.

Question. To Augusta?

Answer. I think so; yes sir.

Question. But you cannot tell this Committee to what person you directed it, can you?

Answer. I cannot; for I didn't pay attention to the envelope or anything of the kind.

Question. Have you not said within three days that you directed it to the Secretary of State?

Answer. I might have said so.

Question. Was it or not true that you did direct it to the Secretary of State?

Answer. That would have been the proper place to direct it.

Question. Have you any doubt that you directed it to the Secretary of State, or the Secretary of State's office here at Augusta?

Answer. I cannot say but that I did direct it to the Secretary of State.

Question. Were you not requested Monday by members of this Committee to make a thorough examination for that letter?

Answer. Yes; I have been.

Question. Have you done so?

Answer. Yes, I have.

Question. Who was present?

Answer. Albert Soule; I took him home with me.

Question. You knew you had made up one return and sent out here, did you not?

Answer. I did; yes, sir.

Question. Was it a usual thing to have a second set of blanks sent from the Secretary of State or from Augusta, with directions for you to make up a new return and send it here?

Answer. No, sir.

Question. Had it ever occurred to you before in your life that you remember of?

Answer. No, sir; I remember the reply that I made to my wife when I received it.

Question. Will you state what it was?

Answer. I told her that I guessed that in my original return that I sent out here to the Secretary of State, there might have been some mistake.

Question. That occurred to you at the time?

Answer. Yes, sir; I didn't know but that there might be some mistake.

Question. You have examined this Senatorial return marked "*Exhibit A*," in the day time, have you not?

Answer. Yes, sir.

Question. Can you discover, or do you say, that the name *Andrew A. R. Smith* has been scraped or tampered with or changed from what it was when you wrote it?

Answer. If it has I cannot see any change. It looks as though there had been a little something there.

Question. Whether or not in connection with the "*T*" or the middle initial letter of the name of *Isaac T. Hobson* there appears to be an erasure?

Answer. That is the way I generally make a “*T.*”

Question. I ask you if there appears to be an erasure?

Answer. It seems as though there has been something, but it is too far away.

Question. You made no erasure upon it?

Answer. I never made any alterations.

Question. Whether or not the names of all the Selectmen were signed by you to the return that you made up when the blank was sent you in the middle of December and returned?

Answer. Yes, sir; you mean the original?

Question. I mean the one that you made up in December.

Answer. Yes; I signed the Selectmen’s names.

Question. Did you fill up the return?

Answer. The return I sent in December?

Question. Yes?

Answer. Yes, every word of it.

Question. You filled up every word of it?

Answer. Yes, sir.

Question. And that was in your handwriting?

Answer. Yes, sir.

Question. Is this return that you hold in your hand marked “*Exhibit A,*” all in your handwriting?

Answer. Yes, every word of it. If there is any alteration made in any letter, I never made any.

Question. With the exception of the middle initial letter of *Isaac T. Hobson’s* name, and the word “*ty*” on the “*sixty,*” do you see any word there that is not your handwriting?

Answer. No, sir; nothing except that.

Question. Now, have you any reason to doubt that the return which you hold in your hand (marked “*Exhibit A*”) is the return which you say you made up and sent here by mail about the middle of December last?

Answer. Now, I want to answer that properly; I should say that in my first return it was “*Andrew R. G. Smith.*”

Question. Have you any reason to doubt that that return that you hold in your hand marked “*Exhibit A, G. D. B., Clerk of Committee,*” is the return that you made out and sent to the Secretary of State’s office in the middle of December—have you any doubt in your mind?

Mr. BOWLER: But that this is the identical paper?

Question. Yes, upon your oath?

Answer. I wish to answer that question as though I never was going to speak but one word of truth in my life ; that is a pretty hard question for me to answer.

MR. HALE : To the best of your judgment.

Answer. I kind of have thought—it is in my mind—that this may be my first return ; but still, I would not say that it is.

Question. Have you not said within three days that you had no doubt that that was the return that you sent in the middle of December?

Answer. I don't know as I have any doubt that it is ; but still, it may not be so.

MR. HALE : You don't know that you have any doubt but that it is, but it may not be so.

Question. What is there about that return by which you can identify it with the first return which I have described, and which you have described?

Answer. This should have been *R. G. Smith*, instead of “*A. R. Smith.*”

Question. Now my question is, what was there about that return that you hold in your hand marked “*Exhibit A,*” that you can identify it as being the return, or leads you to think that it is the return, that you say you made up at the town meeting, and which contained the name of *Andrew R. G. Smith*, instead of the name of “*Andrew A. R. Smith*”?

Answer. This don't identify my return.

Question. What return doesn't it identify?

Answer. This don't identify the true record, and it don't identify the statement that I made there.

BY MR. HALE :

Question. You mean that it doesn't agree with it?

Answer. Doesn't agree with it.

Question. Does the return which you hold in your hand marked “*Exhibit A, G. D. B., Clerk of Committee,*” agree with the return which you say you made up in town meeting, and which you say contained the name of *Andrew R. G. Smith*?

Answer. No, sir.

MR. HALE. You want to be careful about this thing.

Question. Is there any reason, in looking at that return, that makes you think it is the first return?

Answer. No; it ought to be *R. G. Smith* instead of “*A. R.*”

MR. HALE. Precisely; that is the reason why it is not the first return.

Question. Is there any reason in that paper that makes you think it is the first return?

MR. HALE. You are giving reasons all the time why it is *not* the first return.

Question. Isn't it your belief and judgment that that *is* the second return?

Answer. Yes; I should say that it must be; I want to speak just right, and answer you correctly, whether it is for or against me; I am not going to tell anything falsely if I know it.

Question. You think it cannot be the first return, because it doesn't have the letters correctly, and you wrote it all and signed it, and therefore it must be the second return must it not?

Answer. Well, it looks so.

Question. Have you any doubt about it in your mind?

Answer. I might have a doubt and that doubt might be wrong; but I do have doubts about that being the first paper that I signed.

Question. You don't think it is the first paper do you?

Answer. I could not have made that mistake.

Question. Then if it is not the first paper it is a paper signed by you, isn't it?

Answer. Yes, sir.

Question. Then it must be the second paper, musn't it?

Answer. Yes, sir.

Question. There is no doubt but that you made that paper?

Answer. No, sir.

Question. And you never made but two?

Answer. Yes, I made the third one.

BY MR. STROUT:

Question. You were called upon to make an attested copy, by Dr. Smith?

Answer. Dr. Smith sent a blank to Mr. Soule, the postmaster; he sent for me to come over, and I went over; took the papers and went home, and took it from the record.

BY MR. HALE:

Question. That was when Dr. Smith was getting testimony?

Answer. Yes, I suppose so.

By MR. STROUT :

Question. When he was getting testimony to appear before the Governor and Council?

Answer. Yes, I suppose so.

Question. That was not this paper?

Answer. That was not the paper.

Question. That had your certificate of justice upon it?

Answer. I signed it before Mr. Soule, and certified to it.

Question. That is the third one you spoke of?

Answer. Yes, sir.

By MR. HALE :

Question. Aside from that you never made but two returns—aside from that matter when Dr. Smith was getting evidence?

Answer. That is all.

Question. You never made but two returns?

Answer. Yes, sir.

Question. This is one of them?

Answer. Yes, sir.

Question. So this must be the second?

Answer. It must be, yes sir; because I took it right from the record.

By MR. STROUT :

Question. Were you here at Augusta after furnishing the first return in September?

Answer. No, sir; I didn't come out here for some length of time after that.

Question. How often have you been here from the time you made the first return down to the present?

Answer. I haven't been here to the State House but once or twice, I think, before the meeting of the Legislature. I came out here by Dr. Smith's request; he wanted me to be here; I came out the sixth day, Tuesday before the Legislature was to meet on Wednesday. Why I came out, our postmaster said there was to be a caucus in the evening, and he wanted to be here, and I came out with him. He said Smith wanted me to come out and be here Wednesday; and I came out and brought my record out here and stayed here from Tuesday until Saturday afternoon about four o'clock, when I went home, and came out again the next week and was here three days; I came out for the purpose of exhibiting my record.

Question. Have you not been out at other times besides that?

Answer. Yes; been out here since.

Question. Are you acquainted with Captain Black?

Answer. I am.

Question. What is his name?

Answer. R. W. Black.

Question. Have you seen him this fall frequently?

Answer. I have seen him along, yes.

Question. Have you had some conversation with him in relation to these matters of counting out and returns?

Answer. I have not.

Question. Never?

Answer. No, sir; I might have spoken of it,—what was going on up to the State House; but no conversation about it.

Question. Have you ever had any conversation with any person here in the State House at Augusta, in relation to the returns or counting out?

Answer. No, sir, not that I know of; I might have heard people talking about their counting out and so on.

Question. Was the blank which was sent you in the middle of December that you made out, in the form of the blanks that you had received before from the Secretary of State's office?

Answer. Yes, the same thing; the same thing or a duplicate.

BY MR. HALE:

Question. Was not there an envelope sent to you in which to return the blank? Some one was saying the other day there was an envelope sent in which to return the blank after it was filled out.

Answer. No, sir, I think not. If so, I don't recollect; I think not. [Envelope produced by witness from book of records.]

Question. Was the letter you received in the same handwriting that is on the back of the envelope which you now produce?

Answer. Something similar to it.

Question. Was the letter that you received with the blank which you say you had from Augusta the middle of December, in the same handwriting as the letter which is now produced here?

Answer. I don't seem to recollect; merely took it, opened it, and copied it, and left the envelope and paper on the table there in the room, carelessly, being in a hurry, and I have never seen it, but I supposed it was in this book [town record].

Question. Do you say that the letter which you received was like the letter which you now produce? Was there a printed head on the letter?

Answer. Something similar to that [letter] that came in with the blank.

MR. STROUT: He means the letter marked "E" when he says "like that."

Question. Do you recollect that there was a printed head to it?

Answer. I should say there was a printed head; yes, sir.

Question. Do you think that it purported to come from the office of the Secretary of State, according to your best recollection?

Answer. I don't know now, hardly how to answer; but that is where I suppose it came from.

Question. And is there where you made your return of your second blank?

Answer. I don't want to make a part of a statement and have to correct it; but it seems to me that I was not to direct it to the Secretary of State, but I don't know but that I did. It seems as though I was not requested to direct it to the Secretary of State.

Question. Haven't you said within two or three days that you did?

Answer. Yes, I think I have; I had rather rectify myself than to be too positive about it. It was my intention to direct this return I made to the Secretary of State. That is where I supposed it was sent for. And I supposed there was some error between the Clerk's return and the official return that the Selectmen's names were to.

BY MR. INGALLS:

Question. Do you remember at the town meeting of conversation between you and Morrill Glidden in regard to the returns?

Answer. I don't seem to; no, sir; I will tell you before I answer any questions; we had a pretty noisy time there; they got to quarreling and fighting and pulling hair—almost got into it. There was a kind of excitable time there, and they were all a little flustered.

Question. Was there anything said about the name of Dr. Smith—how you should write it?

Answer. I have understood that Glidden says there was; but I don't recollect it.

Question. You know, then, what he does say, do you?

Answer. I heard that he said he told me that Smith wanted him to see that his name was right—*Andrew R. G. Smith.*

Question. Do you remember his saying anything about how you should make the letter *G* ?

Answer. I think I know enough to make the letter *G* without anybody telling me about it.

Question. Did you seal up your return in open town meeting that night?

Answer. No, sir, I didn't ; I did not have time to make them all out. The Selectmen had ballots like this [producing ballot] ; that is what I made my record from. And there were some half-dozen there that bothered me some, wanting me to give it to them correctly ; and I gave them a duplicate of what I made my record from. The Selectmen said it was all right, and I made my record from them. I always have for quite a number of years ; and the Selectmen have always told me to make out the returns according to the figures I had on the ballots. And I didn't have time to make them in the town meeting ; I did so this year.

Question. There is a little inaccuracy in this affidavit, isn't there?

Answer. Yes, sir ; I made a statement of that before I swore to it. I told them I would swear to it all, except that it was not in open town meeting, and not signed by the Selectmen, for I did that myself.

Question. And did it after the meeting adjourned?

Answer. Yes, sir ; I told Smith, and Smith dictated this, and I wrote it right out just as it is now, and I signed it as Town Clerk ; and he asked me if I would swear to it. I told him I would swear to it with the exception of its being signed by the Selectmen, and being sealed up in open town meeting. I wrote it all by his dictation ; he worded it, and I wrote it.

Question. Did you sign and swear to it?

Answer. I signed and swore to it, with the exception of that. I made that remark, that I could not swear to it unless he would waive that.

Question. Didn't you, when you signed and swore to that, swear to the whole?

Answer. I suppose you would so consider it.

Question. In regard to the two returns ; are you quite sure you made two returns—duplicate returns?

Answer. I think I made two returns ; yes, sir.

Question. For officers?

Answer. They sent to me for a copy of the record—a statement of the record.

Question. Who sent to you?

Answer. This came to me when this blank came to me to fill out.

Question. What was it to be filled for?

Answer. For a copy of the return for Senator.

Question. Anything besides the Senator?

Answer. I don't recollect as there was.

Question. Then let me understand about this; look at that paper marked "B," and tell me whether or not that is your first return—the one you delivered at the Secretary of State's office?

Answer. Do you want to know if this is the original return? I never made out but one of that kind.

Question. Then you say that is the one that you delivered to the Secretary of State, is it?

Answer. Yes, sir; it must be.

Mr. HALE. That is the Representative return?

Answer. Yes, sir.

Question. How is it about that one marked "D"?

Answer. I never made out but one of that.

Question. Now look at that marked "A," and tell me about that; when did you make that?

Answer. I cannot tell you.

Question. Is that the one you delivered on the ninth of September?

Answer. I said once I didn't think it was; still, it may be.

Question. How does it happen that that name is *Andrew A. R. Smith*?

Answer. It is a mistake in me.

Question. You say it is a mistake?

Answer. Yes, I do say it is a mistake.

Question. Didn't you intend to write it so?

Answer. No, sir; I didn't.

Question. Didn't you know Dr. Smith's name?

Answer. Yes, I knew it; but I very often called him *A. R. G.*

Smith. I know his name is Andrew R. G. Smith.

Question. But there is no *G* there?

Answer. Yes, it should be *R. G.* instead of "*A. R.*"; I don't wish it to be understood that I want to make a word of false statement; but that is a mistake in me, recollect, whenever it was.

Question. Now is this the true number of votes—one hundred and thirty-three votes?

Answer. Yes, that is the highest.

Question. What is the difference between that return and the one you first made?

Answer. No difference, any more than the name.

Question. Whose name?

Answer. “*A. R.*” instead of “*Andrew R. G.* ;” that is a mistake in me.

Question. Was there anything in the letter which you received, giving you that name?

Answer. No, sir.

Question. What was there in the letter?

Answer. I could not tell you now ; I but just saw it.

Question. Was it a printed letter?

Answer. It was something similar, I should say, to that [a paper which the witness takes from the table].

Question. Do you mean to say that that paper that was sent to you didn’t contain the name of *Andrew A. R. Smith*?

Answer. No, sir.

Question. Didn’t contain that?

Answer. No, sir ; that is a mistake of mine. If there is anything wrong in this matter as far as neglect or carelessness is concerned, or mistake—it is mine, I am sorry to say.

Question. What was the object of getting the second return?

Answer. I don’t see.

Question. Haven’t you any knowledge at all?

Answer. No, sir, I haven’t.

Question. And did you intend to write that name correctly?

Answer. Yes, sir ; this is the first time that anything ever came up but that was right with my record.

By MR. COOK :

Question. The first mistake you ever made?

Answer. Yes, sir.

By MR. INGALLS :

Question. Where was this return made?

Answer. At my house, in my dining room.

Question. Where did you keep your Clerk’s Book?

Answer. In a secretary I have in my house.

Question. You have known Mr. Smith for years?

Answer. I have seen him occasionally ; I never was acquainted with him any more than I have been with some other men who have

lived six, eight, ten or a dozen miles from my place ; he never was my family physician, but I have seen him occasionally ; I went to him to get one or two affidavits five or six years ago. Within the past two years I have been quite well acquainted with him ; his name is *Andrew R. G. Smith*. I don't know what the initials are for ; my records are here now—there is the book. I have been Clerk, I don't how many years since, first chosen in eighteen hundred and fifty-six ; I have been Clerk some four or five years past ; I ~~always~~ take pride in having my records correct, and I had rather lose the last hundred dollars I had in the world than to have a mistake like this come up ; I feel bad about it, but I cannot help it ; it is my negligence or something of that kind.

Question. What are your politics ?

Answer. I have always been a Republican ; I have been a Republican—for I don't know how many years, and I may continue so and I may change,—I cannot tell.

By MR. COOK :

Question. You said you could not remember anything there was in that letter ?

Answer. I don't seem to ; I took the envelope off it and took out the blank.

Question. Did you know what they wanted with that blank, in regard to the December transaction ?

Answer. It was something similar to these papers here, [referring to papers on the table].

Question. If you received a blank after you had made out a return, what would you think or expect it was for, if you had no instructions ?

Answer. I don't know—that is the thing of it.

Question. You say you never made any mistakes ?

Answer. Hardly ever, unless I did it accidentally.

Question. Now cannot you remember a thing that was in that letter ? You say you never received a second blank return before, and yet cannot remember anything about it.

Answer. I didn't think it amounted to much any way ; I thought there might be some clerical error of mine between the clerk's return and some papers I had sent that were sealed up and signed by the Selectmen ; I didn't know but that there might be something wrong, and they wrote to me to find out—see whether it was my mistake.

By MR. STROUT :

Question. This was only six weeks ago?

Answer. It was some time in December.

Question. Do you receive many letters?

Answer. Yes ; I get as much mail as most anybody.

By MR. COOK :

Question. How many men besides the Selectmen received from you that day those ballots with the votes carried out on them?

Answer. Albert L. Soule was one ; Morrill Glidden always takes one ; Josiah Bruce always gets one, and his son, Oakes Bruce, and I think George Piper.

Question. You are pretty sure of those?

Answer. I am pretty sure of those four ; that is something they always do—I remember that plainly.

Question. Don't you remember that Glidden stood right by your side when one of the Selectmen was on the other side of you, and told you that Mr. Smith asked him to see that his name was made right, as he had several initials, and don't you remember that he said to you that the G looked like a "C," and asked you to correct it?

Answer. What I say I have got to answer positively ; and since you have spoken, it seems to me as though he did speak to me something about it ; but the words he used I cannot tell you.

Question. To satisfy him didn't you make a good G right there?

Answer. I never make a bad G very often ; I make them in such a way that —.

Question. You are pretty sure he spoke to you about the G?

Answer. I won't say he did not ; I don't want to say he did not ; if I was going to say, I have an impression that he did say something—but I don't want to swear positively.

Question. Would you be pretty sure that there was a G there, if he had spoken to you about it?

Answer. I think there must have been a G in it.

Question. Wouldn't you be willing to take your oath that there was a G in there when you made up that—?

Answer. I should give my oath twice that there was, where I wouldn't once that there was not.

Question. With your recollection of what he said to you about it, won't you now be willing to swear that there was a G in it?

Answer. Yes, sir.

By MR. HALE :

Question. When you got the blank of the second return, which you filled out, with the letter accompanying which had the heading which you have described, you got that from the post-office, did you?

Answer. No ; I didn't get it from the post-office ; my boy brought my mail to me.

Question. Then you got it at your house?

Answer. Yes, sir.

Question. Where you were?

Answer. Yes, sir.

Question. And the town records were there in the house?

Answer. Yes, sir, locked up ; I kept them locked up.

Question. Now, as soon as you had got the blank return and read the letter, did you sit down and fill it out?

Answer. I sat right down to the table before I stopped to read off anything else, and copied it.

Question. Then you went first and got your book?

Answer. I unlocked my desk and took this very book out, [book lying open before witness].

Question. And opened at that page which contains your record of the meeting of September, eighteen hundred and seventy-nine?

Answer. Yes, sir.

Question. And the return that you had was for Senatorial votes?

Answer. Yes,—Lincoln county.

Question. And you looked at the return to see what it was?

Answer. Yes, sir ; I did.

Question. You looked at the return here now—that return reads : “For Andrew R. G. Smith, seventy-two, 72” votes, does it not?

Answer. Yes, sir.

Question. Was there any possibility of mistake, that that was “Andrew R. G. Smith” in the book?

Answer. No, that is “R. G.”

Question. And you made the return from this book, did you not?

Answer. Yes, sir.

Question. And this is in your handwriting?

Answer. That is my handwriting.

Question. And you made the return at once?

Answer. Made out right immediately, within five minutes.

Question. And sent it right off at once?

Answer. Yes, sir.

Question. And you had this book before you?

Answer. I had that book, yes, sir.

Question. And didn't you, at the time, make the mistake and write it "*Andrew A. R. Smith*"?

Answer. Yes, sir.

Question. You had before you at that time this book?

Answer. Yes, sir.

Question. Which we have here now?

Answer. Yes, sir.

Question. Which reads "*Andrew R. G. Smith*"?

Answer. Yes, sir.

Question. And you had before you the blank return which you filled up?

Answer. Yes, sir.

Question. And the letter which accompanied the blank return?

Answer. That was in the envelope.

Question. You had read that before you made the return?

Answer. I looked and saw what the request was.

Question. Was anybody else there?

Answer. My wife, that was all.

Question. Nobody else?

Answer. No, sir.

Question. Nobody to disturb you?

Answer. Yes, the little girl and boy.

Question. No crowd? Nothing to disturb you?

Answer. No, sir.

Question. You had ample time to do it?

Answer. No, I didn't; I was in a hurry; my horse was all harnessed to go away.

Question. Nothing in the house to disturb you?

Answer. Nothing more than common business hurried me.

Question. And you made it out and made that mistake: "*Andrew A. R. Smith*"?

Answer. I made that mistake.

Question. Then you sealed it up and sent it to the address you received it from?

Answer. Yes, I sent it somewhere.

Question. That day?

Answer. I don't know whether I sent it that day; I put it in my pocket.

Question. Did you take it to anybody else?

Answer. No, sir.

Question. How long after that did you come to Augusta?

Answer. I don't know ; I could not tell you.

Question. Whom did you see when you came to Augusta next afterwards? See Captain Black?

Answer. I won't say whether I did or not.

Question. Do you think you have been to Augusta at all within the last two or three months when you haven't seen Captain Black?

Answer. Yes ; I have been out here a number of times and been to his office, and he was not in.

Question. Did you come out here at any time when you didn't go to his office to see him?

Answer. Yes, I have been out here when I didn't have time to call ; I have been in his office when he had a clerk in there and Black was not in.

Question. You are quite intimate with him and talk things over freely with him?

Answer. No, sir, nothing of politics.

Question. Don't?

Answer. No, sir ; only about our business—some pension assistance.

Question. You were up here yesterday?

Answer. Yes, sir.

Question. See him yesterday?

Answer. Yes, sir.

Question. Seen him to-day?

Answer. Yes, I saw him pass me to his supper at the Augusta House ; that is all.

Question. Did you see him yesterday to have any talk with him?

Answer. No, sir, anything more than I went in to get a writing which he agreed to send me a week ago last Monday.

Question. You had some business with him?

Answer. Yes ; and he never sent it to me, and I called there yesterday and asked him if he had got that requirement made, and he said no, he hadn't got it quite finished ; he says, " You come in at half-past two and I will have it ready for you."

Question. Do you think you ever before or since, in writing Dr. Smith's name, wrote it *Andrew A. R. Smith*, except in that one return?

Answer. I don't know that I ever did.

Question. Do you believe that you ever did?

Answer. I don't think I ever did.

Question. You have no reason to believe you ever did?

Answer. No, sir, I don't know as I have.

By MR. STROUT :

Question. Did you have your record before you when you made out this name of "*Issac F. Hobson*"?

Answer. I hardly think I ever made an "*F*" in that, but I might.

Question. Haven't you looked at this with a glass in the daytime?

Answer. Yes, sir.

Question. Haven't you stated you had no doubt that that was an "*F*," and that something had been scratched?

Answer. Yes, I think something has been scratched out there, but it is a "*T*" now.

Question. Have you any doubt that was made originally an "*F*"?

Answer. It has the appearance of that.

Question. Now, when you wrote that letter did you not have before you the record showing "*Isaac T. Hobson*"?

Answer. My book laid before me, and I took my paper, and I looked at the figures.

Mr. INGALLS. You got the figures "*76*" and "*61*" from that book?

Answer. Yes, sir.

Question. Have you been connected with Black in the pension business?

Answer. Yes, sir.

Question. How long?

Answer. For quite a number of years; not greatly connected, but some little business. People have made applications for pensions, and they would get me to answer the requirements for them, and I have been to his office and got papers for them.

Question. Now, did you know Isaac T. Hobson's name?

Answer. I never saw the man in my life; I don't know but that I have seen him.

Question. You say you were a Republican; have you always voted the Republican ticket?

Answer. Yes, sir.

Question. All of it?

Answer. No; for County Officers occasionally I have carried for some special friends.

Question. Didn't you vote a year ago a Greenback ticket with the exception of two names on it?

Answer. No, sir.

Question. Are you sure of that?

Answer. Yes, sir.

Question. Or within a year haven't you carried such a ticket?

Answer. Greenback ticket?

Question. Yes; the Democratic ticket?

Answer. Ask me the question.

Question. Have you not within a year carried either the Democratic or Greenback ticket?

Answer. No, sir.

Question. Other than the Republican ticket I mean, all but two names?

Answer. No, sir; I wish to be understood by every man in the State House that I carried—I will show you the ticket I carried if it is here—[witness takes from the table a ballot.] There is one that I carried, if you wish to see it.

BY MR. HALE:

Question. You threw this vote for Edward K. Hall?

Answer. Yes, sir; I don't know whether Republicans or Greenbackers; but that is the vote I carried. I know I voted that vote.

BY MR. HILL:

Question. Do you mean to say you voted the straight Republican ticket last fall?

Answer. I carried that ticket.

BY MR. HALE:

Question. Please read the names of the men you voted for last fall?

Answer. [Witness reads from a ballot:] “*For Governor, Daniel F. Davis. For Senator, Andrew R. G. Smith. For County Attorney, Charles H. Fisher. County Commissioner, Andrew Patterson, Jr. County Treasurer, Lincoln W. Gibbs. Representative to the Legislature, Edward K. Hall.*” If I didn't carry that vote I never voted in my life, and I am over fifty years old.

BY MR. INGALLS:

Question. You don't mean this particular ballot?

Answer. No, sir, I don't; a vote with those names. Those are my principles whether right or wrong.

By MR. HILL :

Question. You say you received a letter? When you received that letter, you had in your mind that there might be some clerical error that they wanted corrected?

Answer. Certainly; yes, sir.

Question. And at that time you took the blank out and filled it, did you?

Answer. Yes, sir.

Question. Can you give any reason why you should not have been very particular and got it correct?

Answer. It seems that I ought; but I must say I didn't do it.

Question. If any one had told you you hadn't made it "*Andrew R. G. Smith*" what would you have told them?

Answer. I should have told them I had unless greatly mistaken; I am sorry to say that I made that mistake.

Question. When your attention was called to the question, you thought that was the purpose of the letter?

Answer. Yes, sir; it may look inconsistent to every gentleman here that what I state is as it is, but I cannot state anything different; because if there is anything wrong done and I have done anything wrong I am willing to suffer the consequence of it. If I have done anything wrong I am innocent in it; and I should say so if I knew I never should live to get out of this State House. And the man who would throw out insinuation to defraud me, to get anything wrong out of me, to deprive me of what I thought was right and just, let him be who he may, I should have a poor opinion of.

By MR. COOK :

Question. You say you made a mistake, after receiving this letter?

Answer. Yes, sir.

Question. You say you are a man not caught in a mistake before since you have been Town Clerk?

Answer. I don't know that I have been; I know it looks hard, and seems as though I am in a hard place; but as I am I want to tell the truth whether for me or against me; and what I state is true.

By MR. SPRINGER :

Question. When you brought the first return here, how many men were in the Secretary of State's office?

Answer. I don't know. I should think some four.

Question. Did you know any one of those men?

Answer. Not by name.

Question. Did you know them by sight?

Answer. I had seen them there before.

Question. Seen them in the office before?

Answer. Yes, I think I had.

Question. Did you ask any one of them for the Secretary of State?

Answer. They were sitting in there and opening papers and looking them over.

Question. Did you hand the return to any particular man?

Answer. No, sir; I laid them on the table, and I think one man reached out his hand and took the papers. I didn't inquire for the Secretary of State. I said I had brought out the returns for our town.

Question. You didn't know the position any man occupied there?

Answer. No, I don't know who the Secretary was, nor the Assistant Secretary or Deputy. I didn't know his name.

By MR. COOK.

Question. Did Captain Black know of your coming in before this Committee?

Answer. Not that I know of.

Question. Has he ever said anything to you about it?

Answer. No, sir; I haven't seen him for almost a fortnight.

Question. You said you saw him yesterday?

Answer. I did; I went into his office and asked him if he had those papers, and he said "No; I have been busy; I have been prevented from touching them." I says, "Captain, I suppose you have; can't you make them out so I can have them right away." He says, "Come in at half-past two and you can have them." If he knew I was coming here he had been following me or asking somebody else, for I never told him. I haven't named about this matter.

DAVID CHADWICK, *sworn and examined.*

By MR. STROUT:

Question. Where do you reside?

Answer. Somerville.

Question. You are one of the Selectmen of the town of Somerville?

Answer. Yes, sir.

Question. For the year eighteen hundred and seventy-nine?

Answer. Yes, sir.

Question. And were you present at the election?

Answer. Yes, sir.

Question. Held at what place?

Answer. Number Two School House.

Question. Joe Bruce School House?

Answer. Sometimes goes by the name of "Moore's School House;" "Number Two School House."

Question. Were you present when the Senatorial and Representative returns were made up for the town of Somerville to return to the Secretary of State's office?

Answer. I didn't see them made up.

Question. Did you see the Town Clerk writing upon the blanks?

Answer. No, I could not say for a certainty that I did.

Question. Give us your best recollection?

Answer. I can tell you what the circumstances were. I spoke to Bowler about making out the returns. Said I to him, "I suppose these ought to be made out here." And he said it had been the custom for twenty years for him to take them home and make them out; and I submitted to custom.

Question. Did you authorize him at that time to sign your name?

Answer. I supposed he would, of course, sign them.

Question. Did you give him any authority to do so?

Answer. Yes, sir.

Question. At that time?

Answer. Yes, sir.

Question. Did you know anything about a second set of returns?

Answer. No, sir.

Question. Did you ever know of any second set of returns being made by Bowler to return to the Secretary of State's office?

Answer. I never heard of any until to-day.

Question. Did you ever authorize Bowler to sign your name to any second set of returns?

Answer. No, sir.

Question. In any way, shape or manner?

Answer. No, sir.

Question. You have no recollection at this time, have you, of the making out of the first set?

Answer. I didn't see them made out; I could not say but that he made them out in the house there; but I did not see them after they were made out.

Question. Did you see them while he was making them out?

Answer. I saw the blanks, but I didn't see them after they were made out.

Question. Do you recollect of Morrill Glidden being present?

Answer. I think he was at the town meeting.

Question. Do you recollect of seeing him there when Bowler had these blanks there?

Answer. I think he was there through the whole of the meeting and after it.

Question. Do you recollect the circumstance of his calling Mr. Bowler's attention to the making of the *G* in *Andrew R. G. Smith's* name?

Answer. No, I don't remember anything about it.

Question. You have no recollection about it?

Answer. No, sir.

Question. It might have occurred?

Answer. It might have occurred between them; I didn't hear it to remember it.

Question. Is that all you know about the transaction?

Answer. Yes, sir.

Question. Do you know what Bowler's politics have been?

Answer. I know how he voted this last election.

Question. Has he for some years voted in the same way—always a straight ticket?

Answer. I could not tell.

Question. You don't know?

Answer. No, sir.

By MR. INGALLS :

Question. How did he vote this last fall?

Answer. Davis ticket. I saw him when he put it in. In regard to these returns, I spoke to the other Selectman, and he said that had been the custom—to let Bowler make them out; so I submitted the thing to him. I know it was a slack way of doing business; but that is the way it was done.

Question. Won't you look at the signatures on all of them. [Returns shown witness.] Is it not perceptible at a glance that they were all made by one man? Could any person have any doubt about it?

Answer. This, I should say, is Mr. Bowler's writing, the whole of it.

Question. Isn't it perceivable that they were all made by one man? Wouldn't anybody at a glance say so?

Answer. I should say so.

HENRY D. CLARK, *sworn and examined.*

By Mr. STROUT :

Question. Where do you reside?

Answer. I reside in Somerville, Maine.

Question. Were you one of the Selectmen for eighteen hundred and seventy-nine?

Answer. I was.

Question. Were you present at the annual meeting for the election of State and County Officers?

Answer. I was.

Question. Were you present when the returns were made up or when any part of them were made?

Answer. I could not say that I was.

Question. What is your best recollection about it?

Answer. I saw the blank returns and took them in my hands before they were made up. I did not see any one do any writing on them to my knowledge.

Question. You didn't see any writing done, but had you any knowledge of the making up of any returns, or that Bowler commenced to make them up at the meeting?

Answer. No, sir; I had no knowledge of it.

Question. Did you sign the first returns?

Answer. No, sir, I didn't.

Question. Did you authorize Bowler to sign for you?

Answer. I authorized him in this way: It has been the custom in our town, after the election, for Mr. Bowler or the chairman of the board, to sign up the returns; I think he has been Clerk for several years; and that has been the custom. I spoke to Mr. Chadwick last fall—he being chairman of the board—after we got through counting the votes and taking minutes of them, and asked him if it was necessary for us to sign the returns and see they were sealed up, and he told me what Bowler said—I could not say exactly—that he would attend to them and have them all right—something to that effect. I could not speak the words that he said; but it was to that effect at any rate.

Question. Did you have any knowledge that Mr. Bowler made up a second set of returns?

Answer. No, sir, I didn't.

Question. Did you ever authorize him to sign your name to any second set of returns?

Answer. No, sir.

Question. He had no authority whatever, had he?

Answer. No, sir, not from me.

Question. I want you to examine the signatures to the three returns that are presented, marked "*Exhibit A*," "*Exhibit B*," and "*Exhibit D*," and state whether or not it is observable at a glance that they were all written by one hand and by one man?

Answer. I should judge they were all written by one hand.

Question. Isn't it patent to most any observer that they were?

Answer. It appears so.

Question. Did you know anything about the matter of new returns being signed?

Answer. No, sir; I didn't know anything about it until to-day. About half-past ten the person who summoned me to this place informed me that there had been a second set of returns sent in. I told him I never knew anything about it before.

Question. Otherwise you had no knowledge?

Answer. No, sir.

Question. Had nothing to do with getting them up or ordering them?

Answer. No, sir. I supposed that the first returns were all right. We never have had any trouble before. Our returns have always been correct.

Question. Is *Dr. Andrew R. G. Smith*, the candidate for Senator, well known to you all there?

Answer. He is to me.

Question. How far does he live from Bowler?

Answer. I should suppose perhaps nine miles; I think I live within about six miles of *Dr. Smith*.

Question. Is he a man perfectly well-known in that vicinity?

Answer. Yes, he is well-known in that section; has a good deal of practice there.

BY MR. HARRIS :

Question. Don't you think it somewhat singular that Bowler should not have mentioned this matter of the second set of returns to you, or some other of the Selectmen?

Answer. I should think it was singular, although I am not acquainted with the laws of such matters. I should suppose he would have notified us that he had orders for some other returns.

By Mr. LORD :

Question. Has he been in the habit of consulting you much about town matters?

Answer. Not a great deal ; no, sir.

JOHN B. DODGE, *sworn and examined.*

By Mr. STROUT :

Question. You reside in Somerville and were one of the Selectmen in eighteen hundred and seventy-nine?

Answer. Yes, sir.

Question. Were you present at the annual meeting?

Answer. A part of the time.

Question. Were you present at the close of the election?

Answer. Yes, sir.

Question. Do you remember the making up of the returns or any part of them?

Answer. I saw Mr. Bowler working on the returns there, but the completion of them I did not see.

Question. You didn't notice the completion?

Answer. No, sir.

Question. Whom did you see there besides Bowler that you can recollect?

Answer. Mr. Chadwick and Mr. Clark were there, the other Selectmen.

Question. Whether or not you remember of seeing Mr. Glidden?

Answer. Mr. Glidden was at the meeting, but at that time I don't particularly remember of seeing him, at the time I noticed Bowler at work upon the blanks.

Question. Did you sign the returns?

Answer. No, sir, I did not.

Question. Did you authorize Mr. Bowler to sign them for you?

Answer. I cannot say whether I did or not at that particular time. I was the third Selectman, and the other two being the majority, they had done the business principally ; and my wife was sick and I didn't want to stop until the meeting closed. It had been the habit of the Town Clerk, sometimes, to use the Selectmen's names by their request ; and whether I did or didn't directly at that particular time tell him to do so I cannot state.

Question. Now, after that meeting, and the returns that were there were made up, had you any knowledge of any other returns being made up?

Answer. No, sir, none whatever.

Question. And sent to the Secretary of State's office?

Answer. No, sir.

Question. By Mr. Bowler?

Answer. Not until last night. That is the first I ever heard of it.

Question. Did you ever authorize Bowler to sign your name in any way, shape or manner to such returns?

Answer. No, sir, I didn't.

Question. And he didn't consult you about it?

Answer. No, sir, not since the meeting; and I have no particular recollection of his doing it at that time.

Question. Is there any other matter that you know about it?

Answer. No, sir.

ALBERT L. SOULE, *sworn and examined.*

BY MR. STROUT:

Question. I call your attention to the affidavit of Anson B. Bowler, marked "*Exhibit C*;" was that affidavit sworn to before you?

Answer. Yes, sir.

Question. Who wrote it?

Answer. Written by Mr. Bowler; I wrote the certificate below.

Question. Where was it that he wrote it?

Answer. At my house.

Question. At your house?

Answer. Yes, sir.

Question. Did he write it as he chose?

Answer. Yes, sir.

Question. What did he claim at the time about the name of the Senator that he put into the return?

Answer. He claimed that he wrote it "*Andrew R. G. Smith.*"

Question. Did you have knowledge at that time that he had made out a second set of returns and sent them in?

Answer. No, sir.

Question. When did you first learn that fact?

Answer. The first I learned of it was here yesterday when he stated that he made two.

Question. That was the first knowledge?

Answer. Yes, the first intimation I had of it; I had heard there was a mistake in a return here, but never learned what it was.

Question. And in the conversation that you had with him when this affidavit was made he gave you no intimation that he had made a second return?

Answer. No, sir, not a word; it was supposed then that the mistake was in his original, first return. That is the way we took it; and we contended it was not; and we procured this affidavit—asked him to give one stating the facts—what he did—write out the facts of what he did in relation to making the returns, and he wrote that.

Question. Did anybody tell him what to write?

Answer. No, sir.

Question. Did Dr. Smith dictate to him that affidavit —?

Answer. No, sir.

Question. — for him to write?

Answer. No, sir.

Question. When he swore to it, did he make any reservation in what he swore to?

Answer. He didn't until afterwards. Afterwards he spoke in relation to the Selectmen signing it; he said he signed their names.

Question. After he had sworn to it?

Answer. Yes, after he had sworn to it.

Question. Did he say anything about its not being made in open town meeting?

Answer. No.

Question. He said it was made in open town meeting?

Answer. Yes sir; he then said he supposed by the Selectmen authorizing him it would amount to the same thing, and he didn't know as that way of writing it would make any difference.

Question. Did he say whether or not the Selectmen were present when they authorized him—when he signed their names?

Answer. No.

Question. What have you heard Bowler say in relation to the letter that he received?

Answer. I heard him state here yesterday that he received a letter accompanying the blank.

Question. The blank that he received in December?

Answer. The blank that he received in December; and he said he could not tell whether he had it now or not, but that he would look thoroughly and see; and I went with him last night to his house.

Question. Now, what was done?

Answer. We went to his house, and as soon as we went in we searched his secretary, and searched two or three old hats that sat on the top filled full of envelopes and letters. I took down everything from there, almost, and looked into them; overhauled the letters; took them from his hands and looked them over. Then we took his books and blanks of different lots; took out half a bushel of papers, I should think, and looked them all over.

Question. Did he appear to have preserved his letters and papers?

Answer. They seemed to be scattered. His blanks where he had done business as Trial Justice for a number of years were all filed; but a good many of his letters and envelopes were all helter-skelter, scattered about every way. We also looked into all the books he had—his account books—and turned them all over. I asked him if he had any more papers anywhere loose, and he said “No.” He had a basket full, he said, where he had sorted them out, and he destroyed them a few days ago,—burned them I think he said. I left at nearly twelve o’clock last night. He seemed to be a good deal excited; acted as though he would like to find something.

By MR. HALE:

Question. Remember of finding other letters covering the time when this was received along in December?

Answer. Yes, very nearly; quite a lot of letters and administration letters and blanks in December; matter where he was administrator.

Question. Find that one [taking from the table a large envelope]?

Answer. Yes, that was in his record.

Question. In his book of record?

Answer. Yes, sir.

Question. But the letter accompanying the second set of returns was not there?

Answer. No, sir. That is all the envelope there was there.

By MR. HARRIS:

Question. Did he explain how that envelope came there?

Answer. He said that must be the first one that the first returns came in.

By MR. INGALLS:

Question. Is Mr. Bowler pretty correct in his mode of doing business?

Answer. Yes, sir; always been considered very correct. Always been noted for keeping a very nice and correct record; about his other business I don't know.

By MR. STROUT:

Question. What have been his politics?

Answer. He has been a Democrat, and a Republican, and a Greenbacker I guess one year; I don't know how that is—whether one or two. I won't pretend to say about that.

Question. A little uncertain in his politics?

Answer. I don't think he is so certain as I am.

By MR. INGALLS:

Question. Were you there when the town meeting closed?

Answer. Yes, sir.

Question. Did they make up their return in town meeting?

Answer. Had these blanks open on the desk of the School House and was writing. What he wrote I could not say; I had a lot of votes of each man; a dozen stopped there, I don't know but that half an hour, and I was copying off some of them to carry home; put the result of each man at the head. I was doing that for them and he was in the desk, and Glidden was there.

Question. What Glidden?

Answer. Morrill, leaning over the end of the desk; and I heard Mr. Chadwick make the remark that it was best for them to sign up their returns.

Question. What reply was made to that?

Answer. Bowler stated if they were afraid to trust him to do it they had better come up to his house and sign them. He said it would take some time to get them all completed; and on that I left.

By MR. HALE:

Question. You remember of seeing Mr. Glidden there?

Answer. Yes, sir.

By MR. LORD:

Question. Did you hear any conversation between Glidden and Bowler in connection with the returns?

Answer. I could not tell what they said. I heard them talking; but what they said I did not pay any attention to. I knew what his business was there, though, because I have been on the town committee,—I have been the chairman and he has been one of them

for every year for the last fifteen or sixteen years—and we usually selected for the business the best we could ; took quite an interest in it to see it was made up right.

By MR. INGALLS :

Question. What was Mr. Glidden's business there—what was he doing?

Answer. At the desk?

Question. Yes.

Answer. He seemed to be looking on while Bowler was writing.

Question. You say you knew what his business was?

Answer. To see if the names were written right, especially Smith's.

By MR. HALE :

Question. That is what Glidden was there for?

Answer. Yes, sir.

Question. On account of Mr. Smith's numerous initials, I suppose?

Answer. Smith requested him and me before the election to look out and see that his name was made up right—see that there was no mistake made.

By MR. STROUT :

Question. Why?

Answer. He wanted to be sure, he said, that the return was made up right so there would be no mistake in it ; look out for his vote and see that he had what belonged to him.

By MR. LORD :

Question. Did you attend to that?

Answer. No, Glidden attended to it as far as looking after it was concerned.

By MR. COOK :

Question. The number of votes was returned all right?

Answer. Yes, sir ; my main business was to get in all the votes I could on our side that day, and I did the best I could.

By MR. HILL :

Question. What was your side of the house?

Answer. Republican.

By MR. STROUT :

Question. Anybody represent the other side?

Answer. Yes, lots of them.

By MR. INGALLS :

Question. How was Bruce?

Answer. He was lively ; had some pretty sharp contests in relation to legal voting.

By MR. COOK :

Question. Did the meeting have to be called to order during the day by the Clerk or Selectmen for getting into a row?

Answer. No, sir ; I don't recollect that they did ; I guess not.

Question. The Clerk testified that there was considerable hair-pulling?

Answer. I believe, though, they did. There was a row. I recollect it now ; didn't last but a minute.

By MR. STROUT :

Question. Have you had any conversation with Mr. Bowler as to whom he has talked with in relation to this matter?

Answer. Yes. I was very particular last night in going home and to-day to find out?

Question. Could you find out?

Answer. No ; he denied ever talking the subject with anybody.

By MR. INGALLS :

Question. Did you talk with him about this second return at any time, yesterday or to-day?

Answer. Since yesterday I have ; since I found it out here.

By MR. STROUT :

Question. Since you were in here, when we were here?

Answer. Yes, sir.

By MR. INGALLS :

Question. Does he give you any account of how he came to make that mistake?

Answer. No, only he said he made it in a hurry, he supposed.

Question. What is your theory about it?

Answer. I would not dare to tell ; theories don't amount to much these days. A man may have an opinion, and it is not always best to tell it. First impressions are sometimes the best ; but it won't do to trust them always.

By MR. STROUT :

Question. What, if anything, did Bowler state to you in relation to his knowledge of Senator Smith's name?

Answer. He said he could not have made a mistake, knew he didn't make a mistake ; because he knew his name so well and had written it so many times ; and he could write his name whether he had a vote to go by or not ; he didn't care anything about it so far as his name was concerned.

Question. Please state what, if anything, Mr. Bowler told you in relation to the mailing of the letter containing the second return?

Answer. He said he put it in the office, and got a stamp and put on it himself, and bought some more stamps besides that. He told me that going home yesterday.

By MR. HALE :

Question. That was the one sent in December?

Answer. Yes, sir.

FEBRUARY, 20, 1880, P. M.

GUSTAVUS B. WOOD, *sworn and examined.*

By MR. STROUT :

Question. What is your residence?

Answer. Albion.

Question. Business?

Answer. Farming.

Question. Whether or not you were one of the Selectmen of the town of Albion in the county of Kennebec?

Answer. I am.

Question. Were you one of the Selectmen last September?

Answer. I was.

Question. And in that capacity were you present at the annual meeting for the election of State and County Officers?

Answer. Yes.

Question. Who were your associates as Selectmen?

Answer. These two men present,—George B. Pray and Amasa Bachelder.

Question. Who was the Town Clerk?

Answer. Benjamin F. Abbott.

Question. How long has he been Town Clerk for the town of Albion?

Answer. One term.

Question. He was elected in March, eighteen hundred and seventy-nine?

Answer. Yes.

Question. Were you and Mr. Bachelder and Mr. Pray and Mr. Abbott all present at the annual election?

Answer. Yes.

Question. What time did your meeting convene, and what time did the polls close?

Answer. Opened at ten, I think, and closed at sunset.

Question. Were you present at the counting of the votes?

Answer. I was.

Question. Who besides yourself were present?

Answer. The other two Selectmen, and the Clerk,—Mr. Abbott.

Question. Whether or not, after counting the votes, any returns were made out?

Answer. There were.

Question. By whom were the returns,—the body of them,—filled out?

Answer. I think Mr. Pray made them out; I cannot say that he made out every one of them.

Question. Please examine the three returns now handed you, being returns from the town of Albion for Representatives, Senators and County Officers, and marked "*Exhibit F, G. D. B., Clerk,*" "*Exhibit G, G. D. B., Clerk,*" and "*Exhibit H, G. D. B., Clerk,*" respectively, and state whether or not they were the returns made out in open town meeting when you were present? [Witness examines the returns.]

Answer. They are.

Question. What place in the Town House were they made out?

Answer. At the desk.

Question. Whether or not the several returns exhibited to you were signed by the different Selectmen named?

Answer. They were.

Question. At the time?

Answer. Yes.

Question. In open town meeting?

Answer. Yes.

Question. Whether or not the signatures to these three returns are respectively the signatures of the Selectmen?

Answer. Yes.

Question. Whether or not they were so signed in the presence of Mr. Abbott, Town Clerk?

Answer. They were passed from me to him, and I supposed that he signed them right after me; but, as we finished up, I heard Mr. Pray tell him: "Here is one you haven't signed." He says, "I want to look them over and will sign it." I supposed of course he did sign it.

Question. Did the Selectmen sign them in turn after they were made up?

Answer. Yes.

Question. And you signed last?

Answer. Yes.

Question. After you signed them did you pass each one to Benjamin F. Abbott?

Answer. Yes; he sat at one end and I at the other, and in passing them the other gentlemen might have taken them; but, otherwise from that, they were passed from me to him.

Question. What, if anything, was said about the returns being signed by Mr. Abbott in open town meeting? Do you remember anything that was said?

Answer. That night?

Question. Yes?

Answer. No.

Question. Did he say anything about taking them home to be signed?

Answer. Yes, he did. In the first place he wanted to take them home to make them out; it was kind of dark when we got through, and he made the suggestion that we should go to his house to finish up.

Question. What reply was made to that?

Answer. That it was not legal.

Question. Then the returns were made up there?

Answer. Yes.

Question. Who discovered that one of the returns had not been signed?

Answer. Mr. Pray.

Question. Did he have them in his hand at the time when he discovered it?

Answer. I heard him tell Mr. Abbott that he had not signed it;

and I looked up and Mr. Abbott had more than one in his hand ; I do not know whether he had the whole of them or not.

Question. Then what followed?

Answer. Then they were looked over, and I heard Mr. Abbott say, "This one is all right;" and I saw him have one in his hand when he said that.

Question. He had it in his hand?

Answer. Yes.

Question. Did you see the returns when they were put into the envelope?

Answer. Yes.

Question. By whom were they placed in the envelope?

Answer. They were all but one placed in the envelope, I think, by Mr. Pray.

Question. Who placed the remaining return in the envelope?

Answer. I will tell you, as I understand, about that—not under oath—if you want me to. That is the one that he said was all right, and he put that into the envelope and passed it to Mr. Pray, and Mr. Pray sealed it up without looking at it.

By MR. HILL :

Question. Are you stating what you know?

Answer. No, not that part ; I state I heard him state, "This one is all right."

Question. Did you see him pass that one that he said was "All right" to Mr. Pray.

Answer. I understood he put that one in himself and passed it to Mr. Pray.

Question. Did you see him put one in the envelope himself?

Answer. No ; I undertook to say that at first, but then I took it back and wouldn't say I did.

By MR. STROUT :

Question. How did you get the understanding?

Answer. From Mr. Pray.

Question. Was it anything that occurred at the time that gave you the understanding that Abbott put that one, which he said was "All right," into the envelope, although you cannot remember the exact words or circumstances, or is it from what Pray has subsequently told you?

Answer. I recollect of hearing him say "This one is all right,"

and I think I saw him put it in ; Mr. Pray said he put it in, and I think I saw him, but I would not say I did. I understood it that I saw him put that one in.

Question. Examine these three returns handed to you. Do you find that two of them are signed by the Town Clerk?

Answer. Examine them here?

Question. Yes?

Answer. Yes.

Question. The Senatorial return and the return for County Officers you find both to be signed by "Benjamin F. Abbott, Town Clerk?"

Answer. Yes.

Question. Upon examination of the returns for Representatives, shown you, do you find that is signed by "Benjamin F. Abbott, Town Clerk," or left blank?

Answer. It is blank.

Question. Was George H. Wilson named in the Representative return a Republican candidate for Representative?

Answer. Yes.

Question. And James W. Stratton was the Opposition candidate?

Answer. Yes.

Question. What are the politics of Benjamin F. Abbott?

Answer. He voted the Greenback ticket last fall, I supposed.

Question. What are the politics of George B. Pray, Amasa Bachelder and yourself?

Answer. Republican.

Question. Have you a clear and distinct recollection of hearing Mr. Abbott's attention called to the fact that he had failed to sign one of those returns at that time?

Answer. I have.

Question. Have you a clear and distinct recollection that he said that the return was "All right?"

Answer. He had one in his hand. He had had the whole ; I could not say which one it was ; I sat on the other side and I could not say it was that one when he said that, because it is some time afterwards and I did not pay attention enough.

Question. But one of the returns he had in his hand, and said, "This one is all right?"

Answer. Yes.

By MR. HALE :

Question. Are you entirely certain that all the returns were passed to him to sign?

Answer. I am.

Question. You have no doubt about that?

Answer. No.

Question. Were any other returns made out at that time, excepting the ones which were completed and passed to him to sign?

Answer. No.

By MR. STROUT :

Question. Have there been any blank returns filled out and signed by the Selectmen since?

Answer. No.

By MR. HALE :

Question. Had he opportunity, in the way of convenience of time, and pen, and everything, to sign the return?

Answer. Yes.

Question. Was the sealing up completed while you were there?

Answer. Yes.

Question. Were they directed to the Secretary of State at Augusta while you were there?

Answer. I do not know as I saw them after they were sealed. I do not know as I could say I understood they were.

Question. You saw them sealed?

Answer. Yes.

Question. After they left your hand and were passed to the Town Clerk you did not again have opportunity of seeing them, to see whether they were all completed by him or not?

Answer. I did one of them ; I cannot say which one.

Question. Only one?

Answer. Only one.

Question. The others were all signed?

Answer. Yes.

By MR. HILL :

Question. Who was the Republican candidate for Clerk at the March meeting?

Answer. Charles Drake ; I think he had a middle name ; I wouldn't say.

Question. Mr. Abbott was the Greenback or Democratic candidate?

Answer. Yes.

Question. You cannot state positively which one of the returns it was said was "All right," whether Representative or Senatorial?

Answer. No.

Question. You do not know anything about that erasure there?

Answer. No.

FEBRUARY 20, 1880, EVENING.

GEORGE B. PRAY, *sworn and examined.*

BY MR. STROUT :

Question. Where do you reside?

Answer. Albion.

Question. What is your occupation?

Answer. Farmer.

Question. Whether or not you were one of the Selectmen of the town of Albion during the year eighteen hundred and seventy-nine?

Answer. I was.

Question. In that capacity were you present at the September meeting held in that town, for the election of State and County Officers?

Answer. Yes.

Question. Do you recollect when the meeting was convened?

Answer. Eighth of September, ten o'clock.

Question. When were the polls closed?

Answer. At five o'clock.

Question. Where was that meeting held?

Answer. In the Town House in Albion.

Question. Whether or not you have a desk that is occupied by the Selectmen?

Answer. Yes.

Question. Who occupied that desk?

Answer. The Selectmen and Town Clerk.

Question. After the polls closed whether or not the votes were counted by you and the Town Clerk?

Answer. Yes.

Question. Please examine the returns, now handed you, from the town of Albion for Representatives and Senators and County Officers

and state in whose handwriting the body of the returns are made?
[Witness examines returns.]

Answer. I should say by myself—in my handwriting.

Question. Please examine your signature to the several returns, and those of the other Selectmen, and state whether or not they are the original signatures? [Witness examines signatures.]

Answer. Yes; I should say they were.

Question. Who were present when the returns were made up, and where were they made up?

Answer. The three Selectmen and Town Clerk were present. They were made up in our open town meeting, in the desk. There were also other townsmen present.

Question. State whether you had any conversation with Benjamin F. Abbott, the Town Clerk, in relation to the time or place of making up the returns, before they were made, and if so what?

Answer. Mr. Abbott says, “Can’t we take these to my house and fill them out?” I told him it was not legal; and, at the same time, he asked Mr. Rollins—who was in the body of the house and was just going to leave the house,—if it was not just as well; and he told him it was not.

Question. Then did you proceed to make up the returns?

Answer. Yes.

Question. Were the returns signed in the order that the names appear in the returns?

Answer. They were.

Question. State what was done with the returns after they were signed by the Selectmen?

Answer. Mr. Wood, as he signed them, passed them front of us to Mr. Abbott; Mr. Abbott was on my left and the other two Selectmen on the right.

Question. How far apart were Wood and Abbott?

Answer. They sat pretty near together. The desk is as long as this table. We sat snug together—as near as we could and write.

Question. In a space of six or eight feet, should you think?

Answer. I should say so.

Question. The returns were passed from Mr. Wood, in front of you, to Mr. Abbott?

Answer. Yes.

Question. Had Mr. Abbott an opportunity to sign all those returns?

Answer. Yes.

Question. What next attracted your attention as to the returns?

Answer. After we had filled the returns, I took the returns to examine them to see that they were all right, and as I was looking over them, I found one that he had not signed,—had not attested. I had the envelope; I passed the return and envelope to him and said “Here is a return you haven’t signed, Mr. Abbott.” He took it.

Question. What were you doing after you passed the envelope to him for the purpose of having him sign it as Town Clerk?

Answer. I took up another return to look at it.

Question. Did you suppose or did you think that he signed the return?

Answer. Yes, I did.

Question. Did you watch him to see whether he did or not?

Answer. No.

Question. What, if any thing, did he say about the return that you passed him?

Answer. I cannot say that he said anything; I do not remember.

Question. Was there anything said about the return being all right or correct?

Answer. Mr. Abbott said, “This return is all right; I may as well put it in the envelope;” and he did so.

Question. Whether or not that was the return you passed him that was unsigned?

Answer. I cannot say.

Question. Did you examine the return after you passed it to him?

Answer. No.

Question. You believed it to be signed?

Answer. Yes.

Question. What did you do with the envelope?

Answer. I passed the envelope to him at the same time I passed the return,—the envelope that belonged to that return.

Question. What became of the envelopes and returns in them; did he keep them or did you take them again?

Answer. I cannot say.

Question. What ultimately became of them?

Answer. Mr. Abbott took them, after they were sealed. I sealed them.

Question. For the purpose of returning them to the Secretary of State’s office?

Answer. Yes.

Question. Examine the return marked "*Exhibit F, G. D. B., Clerk of Committee,*" and state whether you have any doubt that was the return you made out in open town meeting at that time?

Answer. I have no doubt.

Question. Have you any doubt that is the return you passed to Mr. Abbott?

Answer. I cannot say.

Question. Was there more than one return that was not signed by him as Town Clerk?

Answer. No; we found only one.

Question. Have you ever signed any returns subsequent to that time?

Answer. Not this year.

Question. For the September election, eighteen hundred and seventy-nine?

Answer. No.

Question. Had Mr. Abbott opportunity to sign the return, if he had chosen to do so?

Answer. He had; as I filled out a return I passed it to them; they had pens and ink, and they had plenty opportunity, while I was filling out another, to sign the return that went around.

Question. What are the politics of Mr. Abbott, Town Clerk—what were they at that time?

Answer. He voted the Greenback ticket.

Question. And yourself and the other Selectmen?

Answer. Voted the Republican ticket.

Question. I desire to call your attention to the return for Representative; I perceive in the words "*one hundred sixty,*" that there has been some erasure and an alteration of the word "*sixty,*" and also in the cypher in the figures carried out; was that done by you?

Answer. No, I do not remember of doing it.

Question. Did you make any erasure of any kind, or any alteration, or any change, in either of the returns that were signed there by you that day?

Answer. I think not; I cannot remember of any.

Question. Have you any knowledge how the erasure in those words came to be made?

Answer. No.

Question. Or by whom made?

Answer. No.

Question. Do you know who made the “y” at the end of the “sixty”? [Witness examines the return with a magnifying glass.]

Answer. I cannot say. It does not hardly look like—that is not the way I usually make a y.

Question. Do you recognize it as your letter?

Answer. No.

Question. Or a letter made by you?

Answer. No.

Question. When did you first learn that there was any difficulty with this return, or imperfection in it?

Answer. I cannot give the date; it was the last of the fall or first of the winter; it came second to me from S. S. Brown of the Council.

Question. Was it or not about the time of what is known as the “Counting out”?

Answer. I think it was; I cannot say positive; it was any way before the certificates were issued to Representatives.

Question. Who gave you the information?

Answer. Mr. Libbey, the gentleman sitting there; he said Mr. Brown told him.

Question. What is Mr. Libbey’s full name?

Answer. Llewellyn Libbey.

Question. If you have any other knowledge pertaining to this matter I wish you would state it?

Answer. No, I do not know as I have.

Question. Did you have any conversation with a Mr. Hussey in relation to going to Mr. Abbott’s house, or in connection with these returns, during the time of the town meeting?

Answer. I cannot say; I know that Mr. Hussey was there and made some talk, but I cannot say exactly what it was.

Question. Can you remember whether anything was said about going to Mr. Abbott’s house to make out these returns, by Mr. Hussey?

Answer. I have no recollection.

Question. Or by any other person?

Answer. No, I think not; I can recollect of hearing Mr. Abbott.

Question. Did Mr. Hussey find any fault or make any complaint that you were particular about this?

Answer. Yes. That was after we got all through; Mr. Hussey

said that I was "Mighty particular." He said it in a laughing way, after we got through. He said I was "Mighty particular but a pretty clever kind of a fellow"—or something like that. I noticed he was quite jovial for a man that took such an interest in politics as he did, and had lost his Representative that he was working for.

Question. What were his politics?

Answer. Greenback.

By MR. HALE :

Question. After Mr. Wood handed the returns to the Town Clerk he had an opportunity for signing them before you took them?

Answer. Yes.

Question. And you are certain that, when you took the returns and looked at them after the Town Clerk had an opportunity for signing them, one of them was deficient?

Answer. Yes.

Question. You are certain this was after Mr. Wood had passed them to the Town Clerk?

Answer. Yes.

Question. You are equally certain that, finding that one deficient, you called attention to it, and handed it to the Town Clerk?

Answer. Yes.

Question. Whichever one that was, you are certain you handed it to him and he had an opportunity of making it up?

Answer. Yes.

Question. Was there any return made at that time excepting the regular returns of the town?

Answer. No.

Question. The ones that were afterwards found with the Governor and Council were the only ones you had that day?

Answer. Yes.

Question. They were all made up and sent off?

Answer. Yes, they were all made up and signed and sealed there as I supposed; they were all made up and sealed and passed to Mr. Abbott, the Clerk.

Question. Was Mr. Abbott doing anything except attending to these returns at that time?

Answer. I think not; he had no other business.

Question. The voting had ceased?

Answer. Yes. There was nothing but to make up the returns.

BY MR. HILL:

Question. What did you say in regard to what Hussey said as to feeling well?

Answer. After we were all through and were about to go away, I think he patted me on my shoulder and says, "You are mighty particular but you are a pretty clever kind of a fellow."

Question. Did you say he felt pretty well?

Answer. I say he felt quite jovial, and felt about as I did any way; I felt pretty well because we had got ours, I supposed. He felt full as well if not better than I did.

Question. Did you know the result at that time?

Answer. No, I had hopes. I thought, if we were even, China would balance Unity.

BY MR. INGALLS:

Question. You spoke of but one alteration in the return; look at that and see how that is? [Mr. Ingalls exhibits Senatorial return to witness.]

Answer. I cannot say as to that.

BY MR. STROUT:

Question. How long has Mr. Abbott been Town Clerk?

Answer. He was elected last March, a year ago.

GEORGE B. PRAY, *recalled.*

BY MR. STROUT:

Question. Can you give the Committee any information in regard to any matter testified to by Mr. Abbott?

Answer. I think not; I can remember of Mr. Abbott saying, as I went to look over the returns, "No matter about it," he would do it at his house as it was getting late, or something to that effect.

Question. Did you accept his offer?

Answer. No.

Question. You sealed them up?

Answer. Yes.

Question. Do you know what time in the afternoon it was known at the town meeting how the vote of Unity Plantation stood?

Answer. I do not. I was busy at the time.

Question. Did you learn how it stood during the afternoon?

Answer. I cannot say that I did at the town meeting.

Question. You have no personal knowledge that Mr. Abbott knew it?

Answer. No.

AMASA BACHELDER, *sworn and examined.*

BY MR. STROUT :

Question. Your residence?

Answer. Albion.

Question. Were you one of the Selectmen of that town in eighteen hundred and seventy-nine?

Answer. Yes.

Question. And were present at the annual town meeting at the Town House?

Answer. Yes.

Question. After the polls closed at night were you in the desk with the other Selectmen in making up the returns?

Answer. Yes.

Question. Did you see them made up?

Answer. Yes.

Question. Whether or not the signature attached to these returns which are shown you, Senatorial, Representative and County Officers, of A. Bachelder, is your signature? [Witness examines signatures to returns.]

Answer. Yes.

Question. Do you recollect any conversation between Mr. Pray and Mr. Abbott in relation to the time and place of making these returns?

Answer. Nothing more than Mr. Abbott spoke something about taking them to his house, I think, or going there.

Question. What was said about it?

Answer. Mr. Rollins spoke, and said he thought they would have to be made up in open town meeting, in the Town House.

Question. Were they then so made up and signed by you, in the order that your signatures appear upon the returns?

Answer. Yes.

Question. After they were signed by Mr. Wood, what did he do with those blanks?

Answer. He passed them back to Mr. Abbott.

Question. For what purpose?

Answer. For him to sign, I suppose.

Question. What do you recollect in relation to Mr. Abbott's signature to any one of them?

Answer. I recollect of Mr. Pray speaking and saying to Mr. Abbott that there was "One here you haven't signed." I did not see them after they were signed by Mr. Abbott.

Question. Do you recollect anything that Mr. Abbott said?

Answer. No, I do not.

Question. Do you recollect whether any remark was made by any person as to any one of the returns being correct?

Answer. No, I do not.

Question. You have no recollection?

Answer. No, sir.

Question. What became of those returns?

Answer. Mr. Pray sealed them up and gave them to Mr. Abbott, I think.

Question. After Mr. Abbott's attention was called to this return did you examine it at all to see whether he had signed it or not?

Answer. No.

Question. You supposed he had?

Answer. Yes, sir.

Question. Was there any obstacle in the way of his signing?

Answer. Not that I know of.

Question. Had he opportunity to if he chose?

Answer. I suppose he had.

Question. Did you hear anything said in relation to any return not being signed at that time, excepting what you have stated?

Answer. No.

Question. Have you signed any other set of returns, excepting what appears before the Committee at this time?

Answer. No, sir.

Question. Did you know, substantially, what the vote of Unity Plantation would be, that is, what the political character of the vote would be?

Answer. Yes. We supposed they were all Democrats or Greenbackers.

Question. Solid?

Answer. Yes; they usually are, I believe.

Question. Whether or not, in the town of Albion, the majority was as it had been the year before?

Answer. I cannot say; but the year before I think they were Greenbackers, but I would not say certain.

Question. Did you hear any remarks from any person in relation to the manner in which those returns were made up, at the time?

Answer. No.

Question. From Mr. Hussey or any other person?

Answer. No.

Question. You saw this return passed to Mr. Abbott for the purpose of signing it?

Answer. Mr. Wood passed them back. I sat at the right of Mr. Pray, and he passed them to me to sign, and I signed them and passed them to Mr. Wood, and he passed them around back.

Question. You remember distinctly of Mr. Abbott's being notified that he had not signed one of them, and of its being passed to him for that purpose?

Answer. Yes; I heard Mr. Pray speak to him about it.

Question. Who filled up the body of the returns?

Answer. Mr. Pray.

Question. Did you make any erasures?

Answer. No, not that I know of.

Question. In either of them—any erasure?

Answer. I do not know of any.

Question. Did you see any erasure made there?

Answer. No, not any.

Question. In either of the returns?

Answer. No, sir.

Question. Did you know of any erasure being made?

Answer. I did not.

Question. Calling your attention to the returns for Representative, and also for County Officers,—calling your attention to an erasure found in the number of votes given for James W. Stratton “*one hundred sixty*,” you perceive that there has been an erasure and alteration; was that made with your knowledge?

Answer. No, I didn't know that. I did not notice any.

Question. Do you know by whom that alteration or erasure was made?

Answer. No; I do not.

Question. Are you acquainted with the handwriting of Mr. Pray?

Answer. Nothing more than what I have seen since I have been in with him this last year.

BY MR. INGALLS :

Question. Which is the Republican here?

Answer. Wilson.

BY MR. STROUT :

Question. Mr. Stratton is the Opposition?

Answer. Yes.

BENJAMIN F. ABBOTT, *sworn and examined.*

BY MR. STROUT :

MR. STROUT, TO WITNESS : I will notify you that you are not obliged to give any testimony that would in any way criminate or implicate yourself in any improper transaction.

Question. Were you Town Clerk of Albion in the year eighteen hundred and seventy-nine?

Answer. Yes.

Question. Were you present at the town meeting?

Answer. Yes.

Question. Where was it held?

Answer. At the Town House.

Question. After the polls closed did you assist in counting the votes?

Answer. I looked over and saw them count them ; I did not count them.

Question. Did you assist in making up the returns?

Answer. I did.

Question. Calling your attention to the three returns, Representative, Senatorial and County Officers, state in whose handwriting the body of the returns are?

Answer. To the best of my knowledge I should say they were in Mr. Pray's.

Question. It appears upon the face of the returns that two of them are signed by "Benjamin F. Abbott, Town Clerk." Examine the signatures and state whether they are your signatures? [Witness examines signatures.]

Answer. Yes, they are.

Question. I perceive that one of these returns is not signed by the Town Clerk, the return for the Representative from the town ; what explanation have you to make to the Committee in relation to that return, after hearing the testimony of the Selectmen?

Answer. The explanation that I shall have to make in regard to that is very limited, for I was not aware that there was such an omission in the return. I supposed they were all correctly certified to, and it was with that idea that it has been in my mind clear up to within a few days ago.

Question. Did Mr. Wood pass you the returns for your signature after he had signed them?

Answer. I think he did.

Question. You recollect that fact?

Answer. Yes, I think I do.

Question. Did you sit at the same desk with him?

Answer. Yes.

Question. In what space were you all sitting; as close together as you could be?

Answer. As close as we could conveniently sit and work.

Question. Did you have pens and ink present?

Answer. Yes.

Question. What were you doing while Mr. Pray was making out the body of the returns?

Answer. I think I sat beside him and saw him writing; I do not know but I lit my pipe and smoked.

Question. Were you doing anything at that time?

Answer. Nothing particular that I have in my mind.

Question. Do you remember that you lit your pipe and smoked?

Answer. I am not positive that I did. I cannot say that I positively remember it.

Question. Can you remember you were doing anything excepting waiting to close up the returns and have them sealed up, so as to take them to the Secretary of State's office?

Answer. I should not want to say that I do positively.

Question. Did you suggest taking the returns to your house to make up?

Answer. Well, I don't know whether you would call it suggesting to take them there; I asked Mr. Rollins if we could do it; he said we could not.

Question. Why did you ask Mr. Rollins if you could unless you intended to do so?

Answer. I was not aware that it was against the law to take them out.

Question. Did you intend so to do?

Answer. Previous to ascertaining?

Question. Yes?

Answer. No.

Question. You had no intention of taking them?

Answer. No.

Question. Then what was your purpose in asking?

Answer. It was dark, and we had to have some lights, and I thought it would be more convenient to go into my house; or Mr. Wood's—I think I proposed our nearest Selectman's house—he lived not far from the Town House.

Question. What time did the polls close?

Answer. At the usual time,—sunset, I think.

Question. This was the eighth of September?

Answer. Yes.

Question. How long did it take you to count the votes,—three hundred and twenty-eight votes?

Answer. I should think we were about an hour, getting them counted and arranged.

Question. Do you think it took you as long as that?

Answer. I should think we were about an hour.

Question. I understand you to say you asked this question for the purpose of ascertaining whether you could take the returns to your house to make them up?

Answer. I acknowledged my ignorance in regard to the law on that point, and I asked Mr. Rollins if we could do it.

Question. Did you receive from the Secretary of State's office a set of blank returns, together with blank envelopes?

Answer. Yes.

Question. They came to you?

Answer. They did.

Question. Did they have printing upon the back of them?

Answer. I think they did. [Mr. Strout shows an envelope to witness.]

Question. Did not each one of those envelopes have, printed upon it the words, "*Sealed up in open town meeting?*"

Answer. I think likely they did; I wouldn't question at all but they did.

Question. How long before the town meeting were the blank returns sent you?

Answer. I do not know; I should think a week; I do not know but ten days.

Question. A week or ten days you had them?

Answer. Yes.

Question. Did you carry them to the town meeting?

Answer. Yes.

Question. Wasn't there printed upon each one of the blank returns, in large letters, the following words: "*Important! Notice to clerks. This return must be sealed up in open town meeting, in the envelope of corresponding number, and forwarded to the office of the Secretary of State?*"

Answer. I think it was.

Question. And upon the back of the return were you not referred to section thirty-three of the statute, inside, which made that the requirement of the law? [Mr. Strout shows return to witness.]

Answer. Yes, I see that, and I have read it of late.

Question. Weren't you referred on the outside of each one of the blank returns to that provision of the law, requiring it to be sealed up in open town meeting?

Answer. I presume so.

Question. Do you still say you asked the question simply for the purpose of ascertaining whether or not it was required by law, that these returns should be sealed up in open town meeting?

Answer. I asked Mr. Rollins that question, and the reply was we couldn't do it; I might have known, I presume; I did not give it any particular thought.

Question. Why should you ask him that, with all these directions before you?

Answer. I had not my mind on them; he was very near and I asked him.

Question. Still you asked him without any purpose of taking the returns home?

Answer. No; if he had said that we could have done it I do not know but we should.

Question. Didn't you offer to make up the returns yourself?

Answer. No, never.

Question. What suggestion did you make in relation to leaving these returns unsealed so you could take them home and look them over?

Answer. I do not know that I ever made such a statement.

Question. Do you say you did not?

Answer. I do.

Question. Are you acquainted with Mr. Brown?

Answer. I know him by sight--I am not any acquainted with him.

Question. Are you acquainted with F. M. Fogg?

Answer. No; I know him, but not acquainted.

Question. Did you see either of them or have any conference with them before the September meeting?

Answer. I saw Mr. Fogg before the September meeting; I do not know how long before; but not long before the September meeting, he was at our place and spoke.

Question. When was that?

Answer. In the fall.

Question. Fix the time as near as you can?

Answer. I do not know as I can give you the time definitely, but I guess it was in August, some time.

Question. Wasn't it within a very short time prior to the September meeting?

Answer. I cannot be positive in regard to it, but I do not think it was a great while before the September meeting.

Question. Where did he stop?

Answer. He stopped at my place to dinner.

Question. Stopped at your house?

Answer. Yes.

Question. Had you received these blank returns at that time?

Answer. I cannot say whether I had or not.

Question. State all the conversation that you can recollect, if you have any recollection of any, with Mr. Fogg in relation to your duties as Town Clerk?

Answer. There never was a question or word passed between us in regard to it.

Question. Quite sure about that?

Answer. I am.

Question. Did you have any conversation with Mr. Hussey about it?

Answer. About the returns?

Question. Yes?

Answer. No, sir.

Question. At any time?

Answer. Yes; since I learned there was an omission he talked about it with me.

Question. Do you and Mr. Hussey belong to the same political party?

Answer. I presume we do.

Question. Are you Republicans? were you last fall?

Answer. No.

Question. Do you remember the fact of your attention being called to one of the returns not being signed?

Answer. I couldn't say; I have no recollection of it; but then I wouldn't say that it wasn't, because it might have been.

Question. You cannot remember anything about that?

Answer. I do not remember that it was.

Question. You cannot remember anything about it?

Answer. No, I cannot remember of my attention being called to it.

Question. Do you remember of saying, as to either of the returns, that "This return is correct," or "All right," or words to that effect?

Answer. I do not remember that.

Question. Have no knowledge of it?

Answer. No; I would not say it was not so, but I do not remember of words passing of that kind.

Question. Which of the returns was first made up by Mr. Pray?

Answer. I cannot tell you.

Question. Have you any recollection about it?

Answer. No.

Question. After he made up the body of the return and signed his name to it, what did he do with it?

Answer. I have the impression that he passed it around to the other Selectmen to sign.

Question. To Mr. Bachelder and Mr. Wood?

Answer. Yes.

Question. And from Mr. Wood where did it go?

Answer. It came to me.

Question. For what purpose?

Answer. To sign.

Question. As fast as he finished one of the returns and signed it, did he pass it to the others to complete?

Answer. I think he did.

Question. Then they passed it to you?

Answer. Yes.

Question. So you had the returns singly, as they completed them and passed them over to you?

Answer. Yes, I think so.

Question. Did they then look them over to see if they were properly signed?

Answer. I cannot say.

Question. You cannot remember?

Answer. No.

Question. If those returns were passed to you one by one, for the purpose of your signature, and you had nothing else to do but to sign them, explain to the Committee why you did not sign it?

Answer. I cannot do it,—I cannot do it.

Question. You know that the law required your signature, did you not?

Answer. Yes.

Question. You knew that if you didn't place your signature as Town Clerk upon that return that it was an invalid return?

Answer. No, I did not.

Question. What did you think that the law required your signature for?

Answer. What was your question?

Question. What did you suppose the law required your signature upon the returns for?

Answer. To make it valid, as I understand.

Question. Then if it did not have your signature you understand it to be invalid?

Answer. Yes.

Question. With that understanding and that knowledge when the return was passed to you for your signature, you have no reason to give why you did not sign it?

Answer. I can't. I have no reason in the world, and I couldn't give a reason to save my life—to save my life from going down through the floor—I couldn't tell you.

Question. Did you know how the election went that day in the town of Albion?

Answer. That day after the vote was counted?

Question. Yes?

Answer. Yes.

Question. When these returns were made up you knew that fact?

Answer. Yes.

Question. Did you know it had gone different from the election the year before?

Answer. Yes.

Question. You knew it had gone for the Republicans?

Answer. Yes.

Question. Did you also know in relation to the vote in Unity Plantation?

Answer. No.

Question. Had you any reason to believe it would not be solid for the Fusion party?

Answer. No, I had no reason to believe but what it would.

Question. You expected it would?

Answer. Yes.

Question. Having that knowledge—knowing that the town of Albion had gone Republican, and knowing that your signature was needed to that return to make it a valid return in order that that vote might be counted—you omitted to sign it; is that true?

Answer. No.

Question. You did not sign it?

Answer. I know; at least it so appears.

Question. Isn't it true you knew that the town had gone Republican, and you knew that your signature was necessary in order to make the return valid?

Answer. Yes.

Question. With what person did you first have any conversation in relation to the fact that this return was not signed?

Answer. I think it was Nathan Wellington; he lives at Albion Corner. No; I am mistaken; it was Walter Hussey.

Question. Is he the same Mr. Hussey that has been spoken of here?

Answer. Yes.

Question. Where did he obtain his information?

Answer. He said he got it from Brown.

Question. What Brown?

Answer. I presume he meant S. S. Brown, but he did not say.

Question. S. S. Brown, of Governor Garcelon's Council?

Answer. Yes; that is who I took it he meant.

Question. Did you talk the matter over with him at that time?

Answer. Some little; I told him it was not so. He said that Brown told him that it was; I told him he must be mistaken; he said all he knew about it was what he told him that day here in Augusta.

Question. When was that conversation?

Answer. It was somewhere from the tenth to twentieth of December, I think.

Question. Can't you fix it any more nearly than that?

Answer. I can't to-night; if I was at home I think I might, perhaps.

Question. Have you stated all you know and given all the reasons that occur to you in relation to your not signing this return?

Answer. Everything that I know of.

By Mr. INGALLS :

Question. Was there any design on your part to omit signing, to aid your party?

Answer. No.

Question. Was it purely accidental that you did not sign it?

Answer. Purely accidental.

Question. Was it passed to you to be signed?

Answer. I presume that it was,—but I cannot say positively that it was—but I presume it was, the same as the rest of them.

Question. Who put the returns into the envelopes?

Answer. Mr. Pray.

Question. All of them?

Answer. I think he did.

Question. Do you remember of Mr. Pray saying to you, "Here is one return you haven't signed?"

Answer. No, I do not remember anything about it; but then I wouldn't say that he didn't, but I haven't any recollection of it.

Question. What towns compose your district?

Answer. Albion, China and Unity Plantation.

By Mr. STROUT :

Question. Wasn't it reported at the town meeting in Albion, as early as three or four o'clock that afternoon, how Unity Plantation had gone?

Answer. Not that I know of.

Question. Wasn't it common talk in town meeting, known to everybody?

Answer. I do not know but it was, but I did not know it.

Question. You were there?

Answer. I was.

Question. What were you doing during the afternoon?

Answer. We were using the check list,—checking names as they came up to vote.

Question. You were not down on the floor of the house?

Answer. I think I was not out on the floor but once in the afternoon.

Question. Isn't it true that you heard from that Plantation as early as one or two o'clock in the afternoon; and didn't you then, after hearing that, get up and say, "*Every man stick to the Greenback ticket and vote the Greenback ticket?*"

Answer. No, I have no recollection of making such a statement in regard to hearing from that vote; I made a statement in town meeting, probably the one Mr. Libbey has drawn your attention to. Some of our men were voting for the Republican Representative,—I saw the ballots as they were put in—voted our ticket with that exception, and I called their attention to it, and asked them if they were aware they were voting for the Republican Representative, that they better stick and vote for their own man, or something to that effect.

Question. I call your attention to erasures in the vote for "James W. Stratton," appearing upon the Representative return, the word "*sixty*" in the number of votes and the figures "*160.*" You see there have been erasures and alterations; I wish to ask you whether you made those erasures and alterations?

Answer. I did not.

Question. You have no knowledge who made them?

Answer. No, not the least.

Question. Did you make them?

Answer. No.

Question. Were they made, so far as you know, when you deposited them in the Secretary of State's office?

Answer. Not as far as I know.

Question. Did you send these returns by mail, or did you deposit them in the Secretary of State's office?

Answer. I sent them by mail.

Question. I call your attention to the erasures in the figures in the County return, "*160,*" where it appears to have been changed from "*2*" to "*0,*" "*James R. Goodwin 160;*" have you any knowledge about that?

Answer. No, not the least.

BY MR. COOK.

Question. As Town Clerk you were in the habit of making out papers where your signature was required, such as warrants?

Answer. The warrants do not require my signature.

Question. Are you in the habit of making mistakes—have you found many mistakes in your business for the town for the past year? Have the Selectmen found any mistakes?

Answer. I do not know that they have looked over the records much.

Question. Have there been any mistakes found that were brought to your knowledge?

Answer. Yes, one mistake was brought to my knowledge since I have been in Augusta—a small mistake.

Question. Where it required your signature?

Answer. No.

Question. This business is about as important as anything in the year,—at State elections when you have to sign your name to make a paper valid?

Answer. I should say it was the most important,—that is as much so as anything.

BY MR. STROUT :

Question. Did you see S. S. Brown out to your place before election; and if so, when, as near as you can fix the time.? [Witness asks Llewellyn Libbey when the trouble with Wing was, and Mr. Libbey replies “Before election; I cannot tell exactly, but I think in August, think it was two or three weeks before election that you and Wing had your trouble.”]

Answer. He was out there at that time; that was the only time I saw him for the year.

Question. Was that about the time you received the blank returns?

Answer. I should say it was some time before.

Question. How did you receive the returns?

Answer. By mail.

Question. Was he at your house?

Answer. No.

Question. Where did you see him?

Answer. I saw him at my shop and in the road.

Question. What is your business?

Answer. Blacksmith.

Question. How long were you with him at that time?

Answer. I should say ten minutes.

Question. Did he call you out to the road?

Answer. No; I called him into the shop; I had a paper I wanted him to make for me and I gave him the items and he took them and went where he stopped; he was out on a law suit. He drew up the paper for me, and stopped in the road and handed it to me when he went back.

Question. Did you have any conversation about political matters?

Answer. No, I do not think it was mentioned.

Question. Quite sure about that?

Answer. I am.

LLEWELLYN LIBBEY, *sworn and examined.*

BY MR. STROUT:

Question. Are you Postmaster at Albion?

Answer. Yes.

Question. A Republican?

Answer. Yes.

Question. Were you present at the annual town meeting for the election of officers in eighteen hundred and seventy-nine?

Answer. Yes.

Question. At what time was it currently known how the vote of Unity Plantation stood?

Answer. At two o'clock, at the latest.

Question. Who brought the news?

Answer. One George Foss.

Question. What do you know as to its being the subject of general talk?

Answer. It was reported there currently and we all talked it over. I supposed that every one knew just how it went, and it went just as we expected it would go, too.

BY MR. HALE:

Question. How far is it to Unity Plantation?

Answer. About six miles.

Question. Were you present when these returns were made up?

Answer. No; I was there till the vote was declared; then I came to Augusta with the vote.

Question. Any other matter that you know in relation to it?

Answer. No, I do not know as there is.

FEBRUARY 24, 1880, P. M.

ALBION P. BONNEY, *sworn and examined.*

BY MR. STROUT :

Question. Where do you reside?

Answer. Buckfield.

Question. What office in the town of Buckfield did you hold during the year eighteen hundred and seventy-nine, if any?

Answer. I was chairman of Selectmen.

Question. State whether you were present at the annual election September eighth, eighteen hundred and seventy-nine, held in the town of Buckfield?

Answer. I was.

Question. Where was it held?

Answer. At our Town House.

Question. Whether or not you assisted in making up the returns?

Answer. I did.

Question. Please examine the return that is shown you and marked "Exhibit P, G. D. B., Clerk of Committee," and state whether or not it is the return for County Officers from the town of Buckfield?

Answer. I should say I had seen that before; and it is the return, I should call it.

Question. Whether or not any part of it is in your handwriting?

Answer. The most of it is in my handwriting, and there is my signature.

Question. Do you mean the body of the return?

Answer. Yes; the body of the return is in my handwriting.

Question. That was made out by you?

Answer. Yes, it is my writing.

Question. The signature "Albion P. Bonney" is your signature?

Answer. Yes.

Question. Whether or not the signatures of the remaining Selectmen are original signatures?

Answer. Yes; I saw them sign.

Question. Where was the return made up?

Answer. At the Town House in Buckfield.

Question. I call your attention to the heading of the return, and ask you to state whether or not you find the name of the town and the county therein written?

Answer. No, it is not written.

Question. Whether or not you find any attempt to write any part of the name of the town or county, and if so state what it is?

Answer. In the place for county here it seems that some one commenced and made an "O"; but it is not my doings.

Question. Whether or not that is either in your handwriting or any one of the Selectmen of Buckfield for that year?

Answer. I should say it was not.

Question. I now call your attention to the signatures of the Selectmen and of the Town Clerk, "C. C. Spaulding," and the word "*Buckfield*" which is written under the printed word "Selectmen," by which the return would read, as signed, "*Albion P. Bonney, Merritt Farrar, A. F. Mason, Selectmen of Buckfield.*" I call your attention to the word *Buckfield* written there? [Witness examines return.]

Answer. That I should say was not put in there.

Question. That was not put in at the time the return was made up?

Answer. No, it was not.

Question. Is that in your handwriting?

Answer. It is not.

Question. Is it in the handwriting of C. C. Spaulding, Town Clerk?

Answer. I should say it was not.

Question. Is it in the handwriting of Merritt Farrar or A. F. Mason?

Answer. I should say it was not.

Question. Did you ever see that word written there before?

Answer. No.

Question. With the exception of that word, which you say was not written by yourself or the other Town Officers, was there anything upon the face of the return to show for what town the return was made, on the face of the return?

Answer. No, not on the face.

Question. Is the filing on the back of the return in your handwriting?

Answer. I should say that was my handwriting.

Question. So that the return, as originally made out, left the name of the town and the county blank, did it not?

Answer. I should say so; yes.

Question. Have you, or has any person, to your knowledge, written the word in since? Do you know of any person who did it?

Answer. No, I do not.

Question. Did any of the Town Officers do it, to your knowledge?

Answer. Not to my knowledge.

Question. When did you first hear, as near as you can recollect, that this return was defective, or that it did not appear upon the face of the return from what town or county the return was made?

Answer. I do not know as I can tell what time it was. I heard by the way of 'Squire Bisbee that it was defective.

Question. George D. Bisbee?

Answer. Yes.

Question. Whether or not he was sent to Augusta?

Answer. Yes.

Question. Was he sent for the purpose of examining the returns?

Answer. I cannot tell you about that.

Question. I now call your attention to three other returns marked "*Exhibit Q, G. D. B., Clerk of Committee,*" "*Exhibit R, G. D. B., Clerk of Committee,*" and "*Exhibit S, G. D. B., Clerk of Committee,*" purporting to be the returns for Representatives and Senators, and the Clerk's return from the town of Buckfield for the annual election of eighteen hundred and seventy-nine, and ask whether or not you find the names of the town and the county properly written in, in the headings of these returns?

Answer. Yes; I find them all written in.

Question. Examine the signatures of the Town Officers and the Town Clerk, and state whether or not you find the word "*Buckfield*" written there in like manner as it appears to be written on the return for County Officers to which your attention was first called?

Answer. No; I do not find the word "*Buckfield.*"

Question. In that respect does or does not the return that you first examined, where the word "*Buckfield*" was written in an unknown hand, differ from the other three returns which you hold?

Answer. Yes; we did not consider that the word "*Buckfield*" was necessary to be written in.

Question. Whether or not in the first return shown to you the word "*Buckfield*" there written is written in any hand writing you ever saw or ever remember of seeing?

Answer. I do not remember of seeing any.

Question. You are a Republican?

Answer. Yes.

CYRUS C. SPAULDING, *sworn and examined.*

BY MR. STROUT :

Question. Where do you reside?

Answer. Buckfield.

Question. Whether or not during the year eighteen hundred and seventy-nine, you were Town Clerk of the town of Buckfield?

Answer. Yes.

Question. Please examine the return for County Officers from the town of Buckfield, marked "*Exhibit P, G. D. B., Clerk of Committee,*" and state whether or not the signature therein as Town Clerk is your own?

Answer. Yes, it is.

Question. Were you present when that return was made up?

Answer. I was.

Question. Where was it made up?

Answer. Made up at the Town House in our town.

Question. And signed by all the Selectmen?

Answer. Yes.

Question. Did you see their signatures?

Answer. Yes.

Question. I now call your attention to the word "*Buckfield*" written opposite the signatures of the three Selectmen, and ask you if that is in your hand writing?

Answer. No, sir.

Question. Is it in the hand writing of either of the Town Officers of the town of Buckfield?

Answer. I should say not.

Question. Is it in any hand writing with which you are acquainted?

Answer. No, sir.

Question. Please examine that return and state, from your knowledge of the several hand writings that appear there, whether or not the word "*Buckfield*" was written upon it by any officer of the town of Buckfield, when it was sent forward to the office of the Secretary of State?

Answer. I should say not.

Question. Whether or not it has been added since it left your hands?

Answer. I should suppose it had; it shows there.

Question. State whether you sent forward the several returns, yourself?

Answer. I did.

Question. Were they sealed up in open town meeting?

Answer. Yes.

Question. They were sealed up and forwarded to the Secretary of State's office?

Answer. Yes.

Question. After those returns were sealed up in open town meeting did any person open them again?

Answer. Not to my knowledge.

Question. Did they remain in your possession till you deposited them in the mail?

Answer. Yes.

Question. Was there any opportunity to tamper with the returns after they were sealed up by the Town Officers before they were delivered into the Secretary of State's office?

Answer. No.

Question. I call your attention to the other returns made from the town of Buckfield at that time; were those returns also sealed up and sent forward by you?

Answer. Yes.

Question. Do you recognize them as the original returns?

Answer. Yes, I do.

Question. You find that those returns have the town and county properly written in, in the heading?

Answer. Yes.

Question. Whether or not this return with the word "*Buckfield*" written off against the Selectmen differs in that respect from what is usual in making up your returns?

Answer. Yes.

Question. I call your attention to the first return shown you, for County Officers, to an attempt to fill one of the blanks; what do you find there?

Answer. I find a part of an "O;" I should say some one began to write "O."

Question. Commenced to write and then gave it up?

Answer. Yes.

Question. Is that your writing?

Answer. No, sir.

Question. Is it the hand writing of any of the Town Officers in your town?

Answer. I should say not; I cannot tell, but I should say not.

Question. What are your politics?

Answer. I am a Democrat.

Question. And the gentleman who last testified?

Answer. He calls himself a Republican.

Question. Have you any doubt that the return last shown you has been changed, by adding the word "*Buckfield*," after it left your hands as Town Clerk of Buckfield?

Answer. I should say it had; I should say that that word had been written in since it left my hands.

GEORGE D. BISBEE, *sworn and examined.*

By Mr. STROUT :

Question. You are Clerk of this Committee?

Answer. Yes, sir.

Question. Where is your residence? and what is your profession?

Answer. Buckfield, Oxford county; I am an attorney at law.

Question. State whether or not, after the September election, you were employed by any persons to come to Augusta for the purpose of examining the returns from Oxford county; and if so, by whom, and when did you come, and what did you do? State fully.

Answer. I was employed by a portion of the County Officers,—I recollect by the Republican candidates for Judge of Probate and County Treasurer; and I was also employed by the Republican candidates for the Senate and the House of Representatives.

Question. Did you come to Augusta?

Answer. I came to Augusta on the first day of December, I think; it was Monday before the first Tuesday of December, and I think it was the first day of December.

Question. State what you did, and what took place?

Answer. I came to the Council Chamber on the night of Monday, the first day of December, and I saw some members of the Council; I saw Mr. Foster, of Bangor, and Mr. Moody; and Mr. Fogg, perhaps. It was late in the afternoon; they had other business, and they told me if I would call in the morning I should see the returns from Oxford county. I did call in the morning,—Tuesday morning, the second day of December,—and they gave me admission to the Council Chamber; and, after some consultation, they decided to allow me to see the returns for County Officers from Oxford county, such as I had certified copies of the records of. There are some thirty-seven towns in our county, and I only had with me then

certified copies of the records of some eighteen towns; among them I had a certified copy of the record of my own town of Buckfield. Mr. Moody, and, I think, Mr. Chase, of Portland—one of the Council—showed me those returns, and among them, this return from the town of Buckfield, which I hold in my hand, for County Officers.

Question. Is the return you hold in your hand the return marked “*Exhibit P, G. D. B., Clerk of Committee?*”

Answer. Yes.

Question. The same one Mr. Bonney and Mr. Spaulding testified about?

Answer. Yes; I saw that return that day, and examined it carefully; and nowhere on the face of the return did the name of the town or county appear.

Question. I call your attention to the blank in the printed heading of the return, left for writing in the name of the county, and ask you to state whether there was any writing there, or any attempt to write; or whether there was a clean blank when you saw it?

Answer. I examined it very carefully, and discovered nothing there.

Question. I call your attention to the word “*Buckfield,*” which was written against the signatures of the Town Officers?

Answer. It was not there that day.

Question. You are positive?

Answer. I know it, because I opened the return. I went in the first time and saw the return, and noticed that defect or omission; and there was a query in my mind whether I would call the attention of the Council to that fact, because, as I understood the law of eighteen hundred and seventy-seven, I supposed if the town was notified of the fact the return could be amended by substituting the record; it was a Democratic town, and would count in a portion of the Republican County Officers if thrown out, and I decided then not to call their attention to the fact. I retired to the ante-room and had a consultation with Judge Wing, of Auburn, and then decided that I would call their attention to the fact. I then went back into the Council Chamber and called for this return, and showed it to Mr. Moody and some others of the Council,—I cannot name who they were. I think Mr. Brown saw it, but I would not say positively that he did; Mr. Brown was a stranger to me. I called Mr. Moody’s attention to the fact that the name of the town or county did not appear in the return, except the filing on the back of it.

Question. Any remarks made about it at the time by them?

Answer. I think not; they let me do most of the talking.

Question. Did you call the attention of any person to the fact that the return from your own town was defective in not having upon its face either the town or the county from which it was returned?

Answer. I did; I went, on the third day of December, from Augusta to Fryeburg, where our Court was in session, and there saw Enoch C. Farrington and told him about it, and others there; and after I went home, I told my townsmen,—among them Mr. Spaulding and Mr. Bonney.

Question. Was that a matter of fact that was open and notorious at the time?

Answer. Yes, sir.

Question. You are acquainted with the hand writing of the Town Officers of your town?

Answer. I am. The Town Officers have their office in my office.

Question. State to the Committee whether the word "*Buckfield*," which appears upon the face of that return at this time was written by any one of the Town Officers of the town of Buckfield?

Answer. I should say it was not.

Question. It has been written in since that time?

Answer. Since that time; I know it was not there on the second day of December.

BY MR. SPRINGER:

Question. Did you look especially at the signatures when you were here?

Answer. Yes.

Question. You would have been likely to have seen that?

Answer. I know I should, because I opened it. The first time I was in the Council Chamber I did not discover the filing on the back of the return, and it was a question with me how the Council knew what return to hand out to me when I called for the return of Buckfield. The mode they proceeded in was this: I took my certified copies and arranged them in alphabetical order; when I came to the town of Buckfield, I notified them I had that copy, and they immediately got this return. The second time when I went into the Council Chamber I examined it with more care, and discovered the filing on the back, and that satisfied me that was the way they knew which town it was a return from.

By Mr. STROUT :

Question. State what the majority was for one party or the other as appears by the return?

Answer. The Republican candidates have one hundred and eight votes and the Fusion candidates two hundred and forty.

Question. So that the Fusion majority in that town was how much?

Answer. One hundred and thirty-two; I notice there is a slight variation: one Republican candidate has but one hundred and seven.

Question. Which one is that?

Answer. Mr. Watkins, candidate for County Treasurer.

Question. Is there any other fact within your knowledge affecting that return?

Answer. I cannot say how I heard it, but just about the time the Governor and Council were issuing certificates to County Officers, a rumor came to our town, both ways—that this return was to be counted and that it was not to be counted; we were in suspense about it—and I was down here, I think, the first week the Legislature met,—which met the first Wednesday in January,—and I went to Mr. Gove and asked to see the returns again; I then had not seen the Representative and Senatorial returns;—but they did not allow me to do it, and I never saw the returns again till they were placed in my hands as Clerk of this Committee; I then found this word “*Buckfield*” written in.

Question. Whether or not it is precisely in the condition now that it was when it came into your hands as Clerk of the Committee?

Answer. It is.

Question. In every particular?

Answer. Yes, excepting the mark of identification.

Question. Did you at that time examine the other returns which have been shown the witnesses, from the town of Buckfield, or either of them?

Answer. When I was here in December I did examine the Clerk's return, but the Senatorial and Representative returns they declined to allow me to see.

Question. Did you ask to see them?

Answer. I did.

Question. Who refused?

Answer. I argued the question at some length. The Governor finally informed me that it was the first time the request had formally come before the Governor and Council when they were in session;

and after I had argued, perhaps ten or fifteen minutes, as to my right to see the Representative and Senatorial returns, the Governor informed me that if I would retire they would consult and give their decision; and some one of the Council,—I think Mr. Fogg, but would not be certain,—afterwards came into the ante-room and told me they had decided not to show them; that was Tuesday, the second day of December.

BY MR. HARRIS :

Question. What would have been the result if this return had not been counted?

Answer. If this return alone had not been counted the Republican candidates for Judge of Probate and County Commissioner in our county would have been elected, as they tabulated the returns.

Question. Then the election of those two officers depended upon the counting or not counting of this return?

Answer. Yes.

GEORGE D. BISBEE, *recalled.*

WITNESS. There is one more statement I wish to make in regard to the Buckfield returns. On or about the thirteenth of December, I sent by mail, directed to the Governor and Council, a written statement of such errors in the returns as I found while I was there, calling the Governor's and Council's attention particularly to the fact that the name of the town or county did not appear in the return for County Officers from the town of Buckfield; I sent it by mail directed to the Governor and Council. Since coming here, among other papers that have been found and turned over to me, was that statement or protest that I filed with the Governor and Council; it was found among other papers and turned over to me; I think it bore date the thirteenth of December or the fifteenth; at any rate it was dated Friday before I understood the certificates were to issue the next week, about the seventeenth. In that paper I called attention to the fact that the name of the town or county did not appear in the return from Buckfield for County Officers, and to certain other matters.

BY MR. STROUT :

Question. Have you in your possession some affidavits in relation to the Oxford county returns?

Answer. I have.

Question. Will you produce them before the Committee?

Answer. I will.

Question. Look at the docket or tabulation made up by the Governor and Council,—and turn to Buckfield, to this return,—and find for whom it is tabulated?

Answer. It is tabulated and counted for the various County Officers voted for by both parties, in Oxford county.

Question. Look at the Hebron return and see for whom those seventy-two votes were tabulated?

Answer. They were tabulated and counted for Henry G. Walker.

Question. Not Henry “C.” Walker.

Answer. Henry G. Walker?

Question. Turn to Brownfield and see for whom the votes there were tabulated?

Answer. They are tabulated and counted for the various County Officers voted for by both parties in Oxford county last fall. There were but two sets of candidates.

Question. I call your attention to the papers which appear to have been filed by O. N. Bradbury, and identified as “*Exhibit V, G. D. B., Clerk of Committee,*” and ask you in whose hand writing those papers are?

Answer. The first statement or protest is signed by and is in the hand writing of Alfred S. Kimball of Waterford.

Question. Look at the last paper and state in whose hand writing that is and who signed the jurat?

Answer. It is in the hand writing of Alfred S. Kimball, and the signature to the jurat is “Alfred S. Kimball, Justice of the Peace.” Mr. Kimball was the Democratic or Fusion candidate for County Attorney in Oxford county last fall.

Question. Is it or not a fact that he was here at Augusta after the eighth of December?

Answer. I do not know only by hearsay, and by finding his name registered at the hotel.

Question. At the Augusta House?

Answer. Yes.

Question. Where did that affidavit come from? Where did the papers you have identified as being in Mr. Kimball’s hand writing, come from?

Answer. They were turned over to me by Major Nye.

BY MR. HILL:

Question. Who is he?

Answer. He is a resident of Augusta ; and I understand he is, or was, on General Chamberlain's staff.

Question. Do you know his given name ?

Answer. Frank E., I think, but I never was acquainted with him till I came here this time.

By Mr. HARRIS :

Question. What would have been the result if both the returns from Brownfield and Buckfield had not been counted ?

Answer. The whole board of Republican County Officers would have been elected, as I have tabulated it. In counting all of the towns in Oxford county, with the exception of Buckfield and Brownfield, the Republican candidate for County Commissioner would be elected by sixty-five majority ; the Republican candidate for County Attorney by three ; the Republican candidate for County Treasurer by forty-nine ; and the Republican candidate for Judge of Probate by one hundred and fifty-seven.

By Mr. HILL :

Question. What returns from Oxford county have been before the Committee at this hearing ?

Answer. The returns from the towns of Buckfield, Brownfield and Hebron.

Question. Do you know of any other mistakes in any other towns ?

Answer. Not that I have got the proof. There are certain matters where there are erasures, but it is impossible, till you find out from the parties, to tell whether they were made by the Clerk before he sealed up his return, or made since.

Question. You do not know which side it would favor if that had been looked to ?

Answer. I have found some that would favor both sides, but the majority seem to lean towards the Fusion side.

Question. In their favor ?

Answer. Yes ; but I have found certain erasures that would favor the Republicans, where apparently there were mistakes.

Question. You have no idea as to the results, as you have gone through, to which side they would tell ?

Answer. I never have made any tabulation excepting the tabulation I hold in my hand.

Question. Who were the candidates voted for in the town of Buckfield for County Commissioner ?

Answer. Frank Y. Bradley and Henry G. Walker.

Question. Who were the votes counted for in Buckfield?

Answer. I never knew anything to the contrary but what they were counted for those two parties voted for.

GEORGE D. BISBEE, *recalled.*

Question. Have you any means of fixing the time you were there with Mr. Wing?

Answer. The only time I was there with Mr. Wing, when I saw the returns, was the first and second days of December. I was not here when the Representative returns were shown, when Judge Virgin was here.

ENOCH C. FARRINGTON, *sworn and examined.*

BY MR. STROUT :

Question. You reside where?

Answer. Fryeburg, Oxford county.

Question. What is your business?

Answer. I am in trade.

Question. Whether or not you were one of the Republican State Committee in eighteen hundred and seventy-nine?

Answer. No, sir, I was not.

Question. Whether or not you came to Augusta after the September election, for any purpose, and made any examination as to returns?

Answer. I came here on Monday, December eighth, for the purpose of examining some of the returns from Oxford county.

Question. What was the cause of your coming?

Answer. There had been a good deal of controversy in regard to throwing out some returns, and Mr. Bisbee had come to my town and told me the condition that he had found some of them in; that he had not examined them fully, and so I concluded to come down and give them a critical examination if I could have access to them; I left the following Monday for that purpose, and came here.

Question. Did you go to the office of the Secretary of State and to the Council Chamber?

Answer. Yes.

Question. Before the Governor and Council?

Answer. No; I came to Augusta, and saw some members of the Council at the Augusta House. I told John B. Foster, of the Council, what I would like to do; and he told me if I would come up in

the evening he would come up with me and show me the returns for County Officers. I came up to the Council room in the evening with him, and he laid the returns for County Officers before me and allowed me to examine them.

Question. Had your attention been particularly called, a few days before, to the return for County Officers from the town of Buckfield?

Answer. It had.

Question. By Mr. Bisbee?

Answer. Yes.

Question. Did you examine that return; and, if you did, how thoroughly?

Answer. I examined it very carefully.

Question. I hand you "*Exhibit P, G. D. B., Clerk of Committee,*" which purports to be the return for County Officers, and ask you to examine it and state whether or not that is the return which you examined here at Augusta on the eighth of December?

Answer. It has the appearance of being the same return so far as that is concerned, although I doubt if I would want to swear that I could identify those signatures of the Selectmen.

Question. State what its condition was at that time so far as containing upon its face either the town of "Buckfield" or the county of "Oxford"?

Answer. Neither was entered upon the face of the return.

Question. Are you sure of that fact?

Answer. I so swear, Mr. Chairman.

Question. You took special notice, at the time, to ascertain it?

Answer. I did; I examined it very minutely.

Question. What change has there been made in the return since that time?

Answer. "*Buckfield*" has been written in beneath the printed word "Selectmen."

Question. Opposite the written signatures of the Selectmen and Town Clerk?

Answer. Yes. I called Councillor Foster's attention to the fact that the name of "*Buckfield*" did not appear upon the face of the return, and he examined it with me, and admitted that he could not tell from whence the return came, by anything that appeared upon the face of the return.

Question. Look at the printed heading of the return—the blank for the name of the county to be filled in—and state whether you find any attempt to fill that up?

Answer. It looks as though there was an attempt made to fill in the county—something that looks as though it was intended for an “O.”

Question. An attempt made and abandoned?

Answer. It has that appearance.

Question. Have you anything about you or in your possession connected with that event, which fixes it further in your mind?

Answer. I made a memorandum of these errors that I found in the returns that I examined, and after a few days I sent a communication to the “Oxford Democrat,” stating in substance the errors that I found, and I have a copy of the paper.

Question. Will you produce it before the Committee?

Answer. I would say this is not printed precisely as I sent the communication, although the facts are substantially stated in the first part of the article there.

Question. Read that part of the article which refers to this?

Answer. “*The Town Clerks of Buckfield and Brownfield omit to state in the returns the name of the town from which they came.*”

Question. Did you see the returns for Representatives and Senators at that time?

Answer. I saw the return of only one Representative town.

Question. Which one was that?

Answer. That was Brownfield.

Question. Did you make any request to see the others?

Answer. I did not; and I do not think I asked to see that.

Question. Will you leave that paper with the Committee?

Answer. Yes, sir.

Question. What is the date of the paper having this communication?

Answer. December sixteenth, Tuesday.

Question. Any other facts you know of in relation to this matter of Buckfield?

Answer. It does not occur to me now.

Question. At that time,—of which you have just been speaking— or any other time, did you examine the returns from the town of Hebron?

Answer. I did at that time.

Question. I call your attention to the return for County Officers from the town of Hebron, marked “*Exhibit T, G. D. B., Clerk of Committee,*” and ask you whether or not you saw the return when

you were here? whether you have any doubt that is the return you saw?

Answer. I think it is the same return, although if it is, there have been some changes made in it.

Question. Outside of the changes?

Answer. I should say it was the same return.

Question. State to the Committee the names of the parties who were voted for, for County Commissioner?

Answer. They were Frank Y. Bradley, Republican candidate, and Henry G. Walker, Fusion candidate.

Question. Were you acquainted with both parties?

Answer. Very well indeed.

Question. Frank Y. Bradley from the own where you reside?

Answer. Yes. Henry G. Walker was long a resident there, and long a neighbor, but he now lives in the adjoining town of Lovell.

Question. A man you are well acquainted with?

Answer. Yes.

Question. When you examined that return,—examining the name of Henry G. Walker,—calling your attention particularly to that,—at that time how did you find it written?

Answer. I found it written "*Henry C. Walker.*"

BY MR. INGALLS :

Question. December eighth?

Answer. Yes; the evening of December eighth.

BY MR. STROUT :

Question. Did you make a memorandum at the time?

Answer. Yes.

Question. And knew the parties perfectly?

Answer. Yes.

Question. How do you find that written now?

Answer. "Henry G. Walker," it would be called, I should think.

Question. Has or has not the "C." been changed to "G." by adding a line to it?

Answer. It has.

Question. Whether or not you find the original "C." still upon the paper, so it can be clearly seen and identified without the aid of a glass?

Answer. It looks so to me.

Question. How was it changed?

Answer. I should suppose it was changed by making an additional pen mark down.

Question. Does it or not appear upon its face clearly?

Answer. Yes, sir.

Question. The top of the pen mark commencing with the bottom of the "C." and extending down through the loop, making a "G." of it?

Answer. Yes, sir; I called the attention of the Council to the fact at the time.

Question. You called the attention of the Council at the time to the fact that the return, as it appeared before them, was for *Henry C. Walker*?

Answer. I called the attention of Councillor Foster to it, and he examined it with me.

Question. Whether or not it appears on the face of this paper that it was written with different ink from what the original *Henry C. Walker* was written with?

Answer. Yes, I should say so.

Question. Has or not that return been changed since you saw it here on the eighth day of December, by changing the "C" into a "G"?

Answer. Yes, it has.

BY MR. COOK :

Question. Would that have affected the result in any way?

Answer. I am not certain whether, alone, it would have affected the result of that office.

BY MR. STROUT :

Question. If the vote for Henry G. Walker, as it now appears, had been thrown out upon the ground that it appeared upon the return for "*Henry C. Walker*," what difference would it have made in the aggregate vote which he received?

Answer. Seventy-two votes.

Question. Whether or not you communicated this fact to any person or to the "Oxford Democrat?"

Answer. I sent it to the "Oxford Democrat."

Question. Read to the Committee the article in that paper which refers to the name of *Henry C. Walker*?

Answer. "*The town of Hebron gives Henry C. Walker, candidate for Commissioner, seventy-two votes, instead of Henry G. Walker.*"

Question. I understand you to say you called the attention of John B. Foster, one of the Council, to the condition of that return at that time?

Answer. I did.

Question. Did he make any remark about it that you remember?

Answer. He asked me whether it was the Republican or Fusion candidate, saying that he had not examined the returns and did not know the parties.

Question. Did you tell him?

Answer. I told him that it was for the Fusion candidate,—that he was the Fusion candidate.

Question. So that fact was understood after that by him?

Answer. I told him.

Question. Is there any other fact you know in relation to that identical matter, on either side, affecting it in any way? if so, state it to the Committee.

Answer. I do not know of anything now.

Question. You have no personal knowledge by whom the change was made?

Answer. I have not.

By Mr. INGALLS :

Question. Did you call the attention of any other member of the Council to the “C” in that name?

Answer. I do not think I did.

Question. Where was this?

Answer. In the Council Room.

Question. Any others of the Council present?

Answer. There were two or three; I think that Mr. Brown was present and I think Mr. Monroe was present. They were not doing any business; it was not a session of the Council; but there were two or three Councillors aside from Mr. Foster; I do not know but Mr. Chase was in the Council room a part of the time.

Question. Were they within hearing, and listening to your conversation?

Answer. I do not know that they were; Mr. Foster and I sat down at the Council table, and he got these returns and sat down by me and we examined them together, he passing them to me.

Question. Do the same remarks apply to the return from Brownfield? did you call anybody else’s attention to that return excepting Mr. Foster’s?

Answer. No, I do not think I did.

Question. To any person outside of the Council?

Answer. I mentioned the fact outside.

Question. I mean there was no other person to whom you showed it?

Answer. I think not.

BY MR. HILL :

Question. What time in the season was it you were there?

Answer. The eighth of December, Monday evening.

BY MR. INGALLS :

Question. Was the Governor present?

Answer. No ; I should say not.

BY MR. STROUT :

Question. I wish now to call your attention to the return for County Officers from the town of Brownfield, in the county of Oxford, marked "*Exhibit U, G. D. B., Clerk of Committee.*" I pass you the return for examination?

Answer. I examined that return, I should say, at the same time.

Question. The eighth of December?

Answer. Yes.

Question. Whether the name of the town and the county at that time appeared upon the face of that return?

Answer. It did not.

Question. Whether or not it has been written in since that time by some person?

Answer. Yes.

Question. In the printed heading of the return?

Answer. Yes,—the name of the town and county.

Question. Did you make particular examination of it at the time?

Answer. I did.

Question. Did you make minutes of it at the time?

Answer. I did.

Question. Went there for that purpose?

Answer. Yes.

Question. And examined it?

Answer. Yes.

Question. Was there any person present when you made the examination?

Answer. Mr. Foster was by the side of me,—and other parties were in the Council room.

Question. Whether or not you spoke of that return, also, in the presence of Mr. Foster?

Answer. When I took that return, discovering that the name was not written in, I laid it down upon the Council table and took hold of it so that Mr. Foster could not turn it over, and I asked him if he could tell me what town that return was from, holding the paper all the time myself upon the Council table; he looked over the front part of the return, and says “I can’t.” I then opened the return and let him look upon the inside, and he says “I can’t tell where the return is from.” Then he asked me if I called it a good return. We then turned it over and ascertained on the other side it was from the town of Brownfield, or at least “*Brownfield*” appeared on the back of the return. That circumstance I speak of because the filling in is so adroitly done. I mention this circumstance as one of the facts that assisted me in identifying the return.

Question. So that from your personal recollection of these facts you know that that filling in has been done since you examined it on the eighth of December?

Answer. Yes. I know it was not filled in at that time.

Question. Henry G. Walker was the Fusion candidate?

Answer. Yes.

Question. And it appears by this return that he had one hundred and eighty-four votes and the other candidate,—state how that was?

Answer. Frank Y. Bradley had one hundred and twenty.

Question. What was the Fusion majority in the town of Brownfield for County Officers?

Answer. That would be sixty-four votes. I would say further that I examined all the names very carefully, and, while my attention has not been called to it before, it looks to me as though there was an evident tampering with one of the names for County Attorney.

Question. What name is that that appears to have been tampered with? and in what does the alteration, if any, consist?

Answer. “Alfred S. Kimball” has the appearance of having been changed from “*Alford*” to “*Alfred*.”

Question. Was there any tampering with the return, or any change of the return, when you examined it—to your recollection?

Answer. I should say not.

Question. Were you looking out for matters of that sort?

Answer. Very particularly.

Question. Was Alfred S. Kimball the Fusion candidate for County Attorney in Oxford county?

Answer. Yes.

Question. John P. Swasey was the Republican candidate?

Answer. Yes.

BY MR. SPRINGER :

Question. Did you include Brownfield in your report to the "Oxford Democrat?"

Answer. Yes.

Question. In what words?

Answer. I coupled it with the town of Buckfield, saying that the Clerks of the town of Buckfield and Brownfield omit to state in the returns the name of the town from which they came.

BY MR. INGALLS :

Question. Did you say anything about this name of *Alfred*?

Answer. No ; I did not.

Question. Why not?

Answer. I made no memorandum of it. I could not state to the Committee that I saw it to be "*Alfred*."

BY MR. STROUT :

Question. There was nothing of that kind that attracted your attention?

Answer. No.

Question. Might not that erasure have been there without your observing it?

Answer. I think it might.

BY MR. INGALLS :

Question. Do you know in whose hand writing that return is, the body of it?

Answer. I should say it was in the hand writing of S. P. Bean, one of the Selectmen.

BY MR. BISBEE :

Question. S. P. or Eli?

Answer. I mean Eli, a brother ; I am not acquainted with the hand writing—so I could identify it—of either of those parties. I understood that Eli was the chairman of the board of Selectmen.

BY MR. STROUT :

Question. Is there any other matter you know in relation to that return?

Answer. I think not ; nothing occurs to me now.

Question. I wish to call your attention to the letter “*H*” in the name of Augustus H. Walker ; supposing you should scratch off the first half of the “*H*” what would remain?

Answer. I should say it would be a “*C*.”

Question. Whether or not there is an appearance, on the face of the paper, of its having been mended or added to?

Answer. It looks as though something had been done to it with pen and ink.

Question. Did you observe that at all when you examined the returns on the eighth day of December?

Answer. I did not, to my recollection.

BY MR. INGALLS :

Question. Was there anything about that letter which attracted your attention,—any such change?

Answer. There was not, that I remember.

Question. Look at the “*H*” just above in another name and see, if you scratch out the first part, what would remain?

Answer. I should think it would be a “*C*.”

Question. The only difference is that one seems not to have been done by the same stroke ; is there any other difference?

Answer. I should say very trifling, if any, except that it has the appearance of being mended.

Question. It would have been the same if it had not been mended?

Answer. I think I should have called it an “*H*.”

BY MR. HILL :

Question. What would you have called it if the first part had been erased like the one below?

Answer. I should think it would look like “*C*.”

GEORGE C. WING, *sworn and examined.*

BY MR. STROUT :

Question. Were you one of the Republican State Committee last year?

Answer. Yes.

Question. Whether or not you were present at Augusta at any

time when those returns were before the Governor and Council, and made application to see the Senatorial and Representative returns?

Answer. Yes, sir.

Question. When was the first time?

Answer. I was here the seventeenth of November; I do not know as I made application at that time, but I did soon afterwards. I was here with Mr. Savage of Auburn, to look after the interests, so far as I could, of the people of Androscoggin.

Question. What time did you say?

Answer. I was there the seventeenth of November; I was there the first day of December, I think Monday; if the first day of December was Monday that was the day.

Question. Did you go to the Council Chamber?

Answer. I did.

Question. Who went with you?

Answer. Mr. Savage.

Question. What did you go for, and what did you do?

Answer. I went to the Council Chamber at that time, for the purpose of seeing the returns. I had received assurances that they would, at that time, be exhibited.

Question. What returns?

Answer. All of them.

Question. Representative, Senatorial and County Officers?

Answer. Yes.

Question. From whom had you received such assurance?

Answer. I think from Mr. Brown, and I think from Captain Chase of Portland; and I do not know but Mr. Fogg. I went just before six o'clock, Monday evening, and saw the returns for County Officers; Captain Chase had charge of them and exhibited them to me. I saw them and took what memorandum I wanted. Mr. Savage and I were both in and saw them at that time; at five minutes of six I requested to see the returns for Representatives and Senators; Captain Chase said that he was in favor of my seeing them; and Mr. Foster stated that it was not a full board, and he should rather wait till the next morning; that if I would come at ten o'clock the next morning I could see the returns. At half-past nine I was in the ante-room of the Council Chamber, and I waited there till about twelve. Various parties were going in and out. I sent in a number of times to know when I could go in. Finally I wrote in to Mr. Fogg this letter. [Witness produces letter — “*Exhibit W, G. D. B., Clerk of Committee.*”]

Question. What parties did you see going in and out?

Answer. I cannot remember.

Question. You wrote him the letter marked "*Exhibit W, G. D. B., Clerk of Committee?*"

Answer. Yes; it is a letter I wrote in the ante-room and folded up, and it was carried in by Mr. Harden, the Messenger.

Question. Mark Harden?

Answer. Yes.

By MR. INGALLS :

Question. How do you know that reached them?

Answer. There is a memorandum on the back of it in Mr. Fogg's hand writing.

Question. What is it?

Answer. "*That the messenger be instructed to inform Messrs. Wing, Savage and Bisbee that the Council have decided not to submit any inspection of the returns for Senators and Representatives, as no defects in the returns can not be changed.*"

By MR. STROUT :

Question. Is that in the hand writing of Mr. Fogg?

Answer. Yes.

Question. Is the letter addressed to him?

Answer. Yes. [At request of Mr. Strout the witness reads to the Committee the letter from witness to Mr. Fogg.] I was summoned into the presence of the Governor and Council, and what was written on the back was communicated to me, only it was in little better English than this.

Question. When did you next make application?

Answer. I can not tell you. I was here so much, and around that Council Chamber so much, I should not dare to swear to time with that exception. I could tell at home.

Question. Did you endeavor from time to time, after that, to get sight of the returns?

Answer. Yes.

Question. Were you able to do so, and when, for the first time?

Answer. My recollection is it was the day they were opened for the inspection of everybody. I was in there with Orville Baker, and Mr. Heath, and other gentlemen; it was the day of the hearing on the petition for mandamus, I think; but the exact day I cannot fix. I did not go in till the whole thing was completed.

Question. Before the summonses were issued?

Answer. I should think it was.

Question. Was it before the middle of December?

Answer. I should think it was somewhere along the eleventh or twelfth of December.

Question. Did you see any other returns excepting the Androcoggin returns?

Answer. I think I did; I think I looked over some of the Oxford returns with Mr. Bisbee; that is my recollection.

Question. Was Mr. Bisbee there the same time you were?

Answer. Yes, he was at one time. I remember I examined, with Mr. Bisbee, the County returns.

Question. Any other matter you know about to testify to?

Answer. No, I do not know that there is.

Question. Did they give you any excuses or reason why you could not see the Senatorial and Representative returns?

Answer. No, sir. At one time, when Mr. Savage and I made application there, the Governor stated "as at present advised" they regarded the law allowing correction of returns, unconstitutional.

Question. Stated that to you?

Answer. Yes.

Question. Did you refer to the statute of eighteen hundred and seventy-seven?

Answer. Yes; it was fully discussed. I made my application, and then I made it still further, that if I had not made it and couched it in the exact language of the statute I wanted no mistake to be made as to what I intended; and I was informed that my request was perfectly well understood.

Question. But that they could not amend the returns or receive evidence to amend them because, "as at present advised," the act of eighteen hundred and seventy-seven was unconstitutional?

Answer. Yes; Mr. Savage spoke, and said he had never heard of the Executive department considering a law unconstitutional. The Governor stated that he had taken such advice as he considered satisfactory.

Question. Did he state the source of the advice?

Answer. No.

FEBRUARY 25, 1880, EVENING.

ELI B. BEAN, *sworn and examined.*

BY MR. STROUT :

Question. What is your full name ?

Answer. Eli B. Bean.

Question. Where do you reside ?

Answer. Brownfield.

Question. What is your occupation ?

Answer. Trader and farmer.

Question. Whether or not you were one of the Selectmen of the town of Brownfield for the year eighteen hundred and seventy-nine ?

Answer. I was.

Question. Who were the other Selectmen ?

Answer. D. B. Seavey second Selectman and W. S. Haley third.

Question. Who was the Town Clerk ?

Answer. Joshua Harnden.

Question. Have you been in business at Brownfield for many years ?

Answer. I have, quite a number.

Question. Are you acquainted with the hand writing of the Selectmen and Town Clerk of that town ?

Answer. Somewhat so—yes.

Question. Were you present at the annual meeting for the election of State and County Officers last September ?

Answer. Yes.

Question. At what time did the meeting commence ?

Answer. It was called at ten o'clock.

Question. At what time did the polls close ?

Answer. About five o'clock ; I do not recollect the exact time.

Question. Whether you made up the returns ?

Answer. I wrote them up.

Question. For the Clerk ?

Answer. Yes.

Question. Examine the return for County Officers from the town of Brownfield, marked "*Exhibit U, G. D. B., Clerk of Committee,*" and state whether or not it is signed by you and the remaining two Selectmen ? whether the signatures, yours and theirs, are original ?

Answer. Yes, my signature, and the others were signed in my presence.

Question. Whether that return with the other returns were made up and sealed up in open town meeting?

Answer. They were.

Question. Were they put into the mail and forwarded?

Answer. They were put into the hands of the Clerk, and he told me he mailed them and brought me the postage bill and I paid it to him.

Question. Have you examined by day-light this afternoon, the return which you hold in your hand, for County Officers?

Answer. I have looked at it in the office below this afternoon.

Question. In the presence of the Clerk of the Committee?

Answer. Yes, Mr. Bisbee.

Question. I call your attention to the body of the return with the exception of what is filled into the blank printed headings; whether it is in your hand writing?

Answer. It is all in my hand writing.

Question. I now call your attention to the word "*Brownfield*" in the printed heading, and the word "*Oxford*," and ask you whether or not they are in your hand writing?

Answer. I do not think they are.

Question. Is it in the hand writing of any one of the Town Officers of Brownfield?

Answer. I should say not.

Question. Is it in any hand writing that you recognize as ever having seen before?

Answer. I do not recognize it.

Question. I understand you to say you have examined it?

Answer. I examined it this afternoon; Mr. Bisbee handed it to me in the office below and I looked at it.

Question. Have you any doubt that the words "*Brownfield*" and "*Oxford*" now found in the blanks for the town and county for which the return is made up, have been added since the return left your hands?

Answer. I am satisfied it is not in my hand writing, but I do not know whose it is, or who could put it there.

Question. When were you first informed by any person that this return was defective?

Answer. I do not know the precise time, but some time, I guess, in December.

Question. Do you recollect from what source you learned it?

Answer. I cannot be positive as to that now ; but it was currently reported there in our town that our returns were defective, and some of them on that account—that the town and county were left out in the blank. The question was asked me by some one if I thought it could be so ; I told them I did not know.

Question. I call your attention to the word “ Alfred.” “ *For Alfred S. Kimball, one hundred eighty-four, 184,*” you perceive now that there has been an erasure and alteration in the word?

Answer. I do, yes.

Question. To your recollection or knowledge, did you make any erasure or alteration in that or any other word,—but in that word, while it was in your hands?

Answer. I have no recollection of making any alteration, but I have an indistinct recollection of asking one of the Selectmen who sat by, to tell me whether that name was spelled Alford or Alfred on the ballots ; but I have no recollection of making the alteration, and do not know but I did ; I cannot say as to that, but I have an indistinct recollection of asking that question.

Question. You were not quite certain how it was spelled at the time?

Answer. No.

Question. Have you any recollection of any person making any erasure or alteration in any returns before they were sealed up?

Answer. I do not think it was done, excepting what I did myself. If any erasure was done I did it myself before they were sealed up. I cannot say as to that—whether it was corrected or not by me.

Question. I call your attention to “ *Exhibit X, G. D. B., Clerk of Committee,*” which is the Brownfield return for Senators ; that was also signed by yourself and the Municipal Officers of the town?

Answer. Yes.

Question. I call your attention to the word “ Third” in “ *Third Senatorial District,*” examine it and state whether or not you find an erasure there?

Answer. I should think that was.

Question. Have you any recollection of any such erasure being made by yourself?

Answer. I do not recollect distinctly about it, but I should think that the writing there was my writing.

Question. How is it with the words “ *Brownfield*” and “ *Oxford*” in that return? are they in your hand writing?

Answer. I should say so.

Question. In the return for Representative from that town, marked “*Exhibit Y, G. D. B., Clerk of Committee,*”—whether or not that is in your hand writing?

Answer. I do not see anything that would lead me to suppose it was not.

Question. How about the words “*Brownfield*” and “*Oxford*” in that blank?

Answer. I should say it was mine.

Question. Were you first Selectman?

Answer. Yes.

By MR. INGALLS :

Question. Did you examine this name “*Alfred*” in the day time?

Answer. I did look at that, below, the same time I did the other.

Question. Is there anything about that by which you can tell whether you made the alteration or anybody else?

Answer. I should say at sight I made it.

EDWARD A. AUSTIN, *sworn and examined.*

By MR. STROUT :

Question. Where do you reside?

Answer. Addison, at Addison Point.

Question. In Washington county?

Answer. Yes.

Question. What is your business?

Answer. Lawyer.

Question. Whether or not you are the Town Clerk of Addison?

Answer. I am.

Question. Were you Town Clerk in eighteen hundred and seventy-nine?

Answer. I was.

Question. You recollect the circumstance of the annual town meeting?

Answer. I do.

Question. Were you present at the annual meeting, September eighth, eighteen hundred and seventy-nine?

Answer. I was.

Question. And assisted in making up the returns from the town of Addison?

Answer. I did.

Question. Please examine the return from Addison for Senator marked “*Exhibit Z, G. D. B., Clerk of Committee,*” and state by whom the body of the return was written?

Answer. Written by myself.

Question. Are you acquainted with the hand writing of the Selectmen?

Answer. I am.

Question. Whether or not the signatures appended thereto are the original signatures?

Answer. They are correct.

Question. Is the Town Clerk's signature your own?

Answer. Yes.

Question. Have you examined that return during the day time?

Answer. I have.

Question. State what defect there is in that return?

Answer. The defect in this return is in this respect: the whole number of ballots given in was four hundred and sixty-seven, and in making up this return we added together the whole number of votes that were thrown, which makes it four hundred and sixty-seven; it should have been two hundred and ninety-nine.

Question. Two hundred and ninety-nine instead of four hundred and sixty-seven?

Answer. Yes.

Question. That was the defect in the return?

Answer. Yes.

Question. What did you do with that return that night? what was done with it after it was made up?

Answer. It was put into the post-office,—put into an envelope, sealed up, and put into the Post-office.

Question. Directed to whom?

Answer. Secretary of State.

Question. What kind of an envelope was it? the regular printed envelope?

Answer. Yes. Our names were on the envelope.

Question. Whether or not the return which you hold in your hands and the envelope in which the return was placed were made on blanks that were sent to you from Augusta from the Secretary of State's office?

Answer. They were.

Question. The usual form?

Answer. Yes.

Question. I find the names of "Gilbert L. Tabbut" and "Henry Nash." Are you acquainted with those gentlemen?

Answer. I am.

Question. What are the politics of Mr. Tabbut and of Mr. Nash?

Answer. Tabbut is a Greenbacker; Nash is a Republican.

Question. What are yours?

Answer. My politics are Republican, and always have been.

Question. State what, if anything, occurred in relation to the returns from Addison; state fully all that took place?

Answer. I think it was the eighth day of November, eighteen hundred and seventy-nine. As I came down from my house to my office I met at the door of my office Mr. Tabbut and Mr. Nash; they said they wanted to see me.

Question. The Selectmen?

Answer. Yes; Henry Nash and Gilbert L. Tabbut. I said "Very well, we will go into the office." So we went into the office and Mr. Tabbut said that he had a return; he took it out of his pocket and said we had made a mistake in our Senatorial return, and he wanted it amended. I asked him how he came by the return. He said it was sent to him by the Secretary of State. Said I, "To you alone?" He said "Yes." I said I thought it was a little queer that he should have it come to him. I asked him by what authority or law he expected to amend the return in that way. He said that Mr. Drisko told him that it was lawful that we should make an amendment to our return. I utterly refused to do so, and told him I knew of no law whereby we could make such an amendment. And he said that if we did not amend the return that he would have something from Augusta by Tuesday that would oblige us to do so. I told him very well, when I was obliged to make an amendment I would do so but not before. This was Saturday, I think the eighth of November, either the eighth or fifteenth; I am not very sure on that point; but I think the eighth. He came to me again the following Monday and said, "Ain't you going to sign that return?" I said, "No sir, I am not." "Well," he says, "if our town is thrown out on account of your not signing this return, at the next March meeting you will be" —— I am at sea now as to what he said.

Question. Give the substance of it?

Answer. I do not recollect the exact language. At any rate "Any town office you may hold you will lose at that time," was the substance of the matter. I told him "Very well, that I was ready for anything of that kind."

Question. You are a lawyer?

Answer. I am.

Question. You told him what the law was?

Answer. I did.

Question. Did he show you the blank which he said he had?

Answer. Yes.

Question. What kind of a blank was it?

Answer. Just such a blank as that shown here with nothing written in it. It was inclosed in an envelope; he took it out.

Question. Did you see the envelope?

Answer. I did.

Question. What kind of an envelope was it? how did it differ, if at all, from the envelope in which you sealed up the regular returns in open town meeting, which you forwarded to Augusta?

Answer. The same thing.

Question. With the same kind of directions on the outside?

Answer. Yes, directed to the Secretary of State.

Question. Was it the same kind of a blank as those that came from the office of the Secretary of State?

Answer. Yes, the same thing.

Question. He said that he had that from Mr. Drisko; did you, or do you, know, what Drisko he referred to?

Answer. Yes, George W. Drisko, of Machias.

Question. Do you know what his business is?

Answer. Editor of the "Machias Union."

Question. Is that a Republican paper?

Answer. No, sir, it is not; it is a Democratic paper, we call it.

Question. Did Mr. Nash have anything to say?

Answer. Mr. Nash was present at the time this conversation took place.

Question. Is Mr. Drisko a prominent man in politics?

Answer. In Washington county, he is.

Question. Do you know whether he was in Augusta just before this took place?

Answer. Mr. Tabbut said that he had been here and got the returns from the Secretary of State.

Question. He said that in connection with this return which he had?

Answer. Yes.

Question. And in explanation of it, where it came from?

Answer. Yes.

Question. What did Mr. Nash say in relation to it?

Answer. After I refused to sign the return, Mr. Nash refused, and left the office ; he went out before our conversation was closed.

Question. Are there any other facts you know in relation to this matter?

Answer. Nothing.

BY MR. INGALLS :

Question. How many returns did you send?

Answer. Only one, for Senators.

Question. How many in all?

Answer. I do not know, I am sure ; we sent one for Governor, one for County Officers, one for Senators, and one for Representatives ; I think that is all.

Question. Did you send any duplicates?

Answer. No.

BY MR. HALE :

Question. You are absolutely certain that this took place as late as in November?

Answer. Yes.

Question. Are you absolutely certain that it was another return in blank which was shown to you, and not one you had already filled out?

Answer. I am.

Question. And that the envelope was a blank just such as the Secretary of State sends, that had not been filled out?

Answer. I am.

Question. You were requested to make a new return to cover the mistake in the old return?

Answer. Yes.

Question. And you refused because the law did not permit you to do that?

Answer. I did.

Question. You were threatened, if you did not do it, with expulsion from office?

Answer. Yes.

Question. Are all of those things absolutely clear in your mind?

Answer. Yes.

Question. You have no doubt about it?

Answer. No doubt about it at all.

BY MR. HARRIS :

Question. Was the error stated to you that was in the old return?

Answer. Yes.

Question. Did Tabbut inform you how he knew it was in the old return?

Answer. No, only that Mr. Drisko told him that such was the case.

Question. Did Mr. Drisko have any occasion to learn that there was any error, from you?

Answer. No, not from me.

Question. Or from the books of the town?

Answer. No, he did not see the books.

Question. Were you aware that there was an error in the return at that time?

Answer. No, not till this time he came there; that was the first intimation I had of it; I did not think of it.

Question. How far does Mr. Drisko live from your place?

Answer. Eighteen miles.

BY MR. INGALLS :

Question. How is your record?

Answer. Just the same as that return.

Question. Remains so now?

Answer. Yes; the whole number of votes cast, I think my record says, four hundred and sixty-seven. That heading says "The whole number of ballots."

BY MR. COOK :

Question. Did he tell you how to correct this return,—did Tabbut?

Answer. No.

Question. How did he expect you to correct it if you did not know what the error was?

Answer. He told me what the error was and how we ought to do it.

BY MR. STROUT :

Question. Did he say anything to you about having twenty days?

Answer. No.

BY MR. HARRIS :

Question. What was the vote of the town, for the Democratic or Republican candidates?

Answer. James R. Talbot, one hundred and fifty, John T. Wallace, Jr., one hundred and forty-nine. Those are Democrats. Austin Harris, eighty-four, Alden Bradford, eighty-four. They are Republicans.

Question. Democratic majority of what?

Answer. Sixty-six and sixty-five.

Question. So it would make a difference of sixty-six votes if thrown out?

Answer. Yes.

By MR. INGALLS :

Question. Did you send a statement to the Secretary of State?

Answer. I did.

Question. Did it contain the same error as the other?

Answer. Yes, it was a general summary of the whole thing.

Question. And contained the same error in the number of votes that the return did?

Answer. Yes.

Question. So the error was discovered by — or might have been discovered by — the statement to the Secretary of State?

Answer. I do not know about that ; I think it was the same thing ; I think it was just the same on the Clerk's return that it was on the Senatorial return.

By MR. STROUT :

Question. Would it follow absolutely that because there was an error in your return to the Secretary of State,—in the Clerk's return,—that there was an error in the returns that were sent to the Governor and Council to be counted?

Answer. No, I should say not, — not absolutely.

By MR. INGALLS :

Question. What was the question?

Answer. He asked me if it would follow absolutely that my general summary to the Secretary of State would contain the same error that the return sent to the Secretary of State for Senators would.

Question. Have you any doubt of it?

Answer. No, I have not any doubt of it.

HENRY NASH, *sworn and examined.*

By MR. HALE :

Question. Were you in eighteen hundred and seventy-nine one of the Selectmen of Addison?

Answer. I was.

Question. Present at the September meeting?

Answer. Yes.

Question. Present at the making up of the returns at the close of the meeting?

Answer. I was.

Question. Who made up the body of the returns?

Answer. Mr. Austin, the Clerk.

Question. Did you sign the returns in open town meeting?

Answer. I did.

Question. What became of the returns after they were signed?

Answer. I sealed them up and put them into the Post-office that night myself.

Question. All of the returns?

Answer. All of the returns.

Question. Examine the Senatorial return from Addison, marked "*Exhibit Z, G. D. B., Clerk of Committee,*" and see if you identify it as the Senatorial return made up in open town meeting on the day of election, and by you sealed up and put into the Post-office?

Answer. I do.

Question. To whom was it directed?

Answer. To the Secretary of State.

Question. In what kind of an envelope?

Answer. In a printed one, with directions on the back.

Question. How do you recognize that as the Senatorial return?

Answer. I recognize it by my signature, and also Mr. Austin's and Mr. Tabbut's.

Question. Where was the third Selectman?

Answer. He wasn't there.

Question. Read the whole number of votes written in?

Answer. "*Whole number of ballots given, four hundred sixty-seven.*"

Question. Read the names of the candidates?

Answer. "*James R. Talbot, one hundred fifty (150); John T. Wallace, Jr., one hundred forty-nine (149); Austin Harris, eighty-four (84); Alden Bradford, eighty-four (84).*"

Question. So that the whole number there is made by adding the votes of all four of the candidates?

Answer. Yes, sir.

Question. Instead of the two highest?

Answer. Yes.

Question. When was your attention first called to this return or about any alleged error in it, and by whom?

Answer. By Gilbert L. Tabbut. I think it was the eighth of November, but I wouldn't say positive whether the eighth or fifteenth; it was one or the other, and I think the eighth.

Question. State what took place?

Answer. I was going from my store and I met Mr. Tabbut on the street; he says: "We have made an error in our Senatorial return." He says: "I have a blank and I want to get it corrected." I was on my way up street towards Mr. Austin's, the Clerk's office, and, seeing him coming, I told him, "We will go to Austin's office and see what can be done about it."

Question. Did he state to you then what the error was?

Answer. Yes.

Question. State what he said?

Answer. He said there was an error in adding up the figures on the return—adding them all four instead of taking the two highest.

Question. Did he show you the return he had then?

Answer. Yes.

Question. What was it?

Answer. A blank, such a return as the Senatorial I previously identified,—only in blank.

Question. Any writing on it?

Answer. No.

Question. The envelope,—did he have that too?

Answer. I cannot say whether he did or not.

Question. State what he said?

Answer. He said he wanted that corrected. I asked him how he came by it. He was the second Selectman and all papers on such business came to my box or the Clerk's.

Question. What are Mr. Tabbut's politics?

Answer. A Fusionist. I said to him: "Where did you get this blank?" He said: "It came from the Secretary of State," I said to him: "This looks a little curious you should get it in that way." I was about going away into another town. We talked a little; I cannot say what I said; I told him: "I will see you again, Mr. Tabbut." That is about all I said. The next Monday he came to my store and says: "Ain't you going to sign this blank?"

Question. Where was this first talk you had with him?

Answer. At Mr. Austin's office.

Question. You went away and left the two men there?

Answer. Yes.

Question. And left the blank with him?

Answer. Yes. The next Monday he came to my store quite early in the morning and says: "Ain't you going to fix this paper?" I says: "No, Mr. Tabbut, I am not going to do anything of the kind." He says "You will have to." I says "If I have to then I shall, but I shall not put a scratch of pen on paper now." That is about all.

Question. Did you believe it right or legal to make a new return?

Answer. I did not.

Question. Did you so tell him?

Answer. I did.

Question. Was it in your hearing at Mr. Austin's that he said that Mr. Drisko told him it was lawful to make a new return?

Answer. I think not.

Question. You think it was after you left that it occurred?

Answer. Yes.

Question. You do not remember of hearing anything about Mr. Drisko?

Answer. No.

Question. When you came away did you leave Austin and Tabbut at Austin's office talking about this matter?

Answer. Yes.

Question. What took place after that, you do not know?

Answer. I don't.

Question. Was Mr. Tabbut very earnest that you should sign?

Answer. He seemed to be very.

Question. He stated that it was legal to correct the error by making out a new return?

Answer. He did.

Question. He insisted upon its being done?

Answer. He did.

Question. Which you declined to do?

Answer. Yes.

Question. You say that Mr. Tabbut told you it came from the Secretary of State?

Answer. Afterwards—at the store—he told me it came from Mr. Drisko.

Question. That was the next Monday?

Answer. Yes.

Question. In the second interview with Mr. Tabbut where did he tell you he got the return?

Answer. He said it came from Mr. Drisko.

Question. That Mr. Drisko gave it to him?

Answer. Yes.

Question. Did he state to you anything that Mr. Drisko had stated to him?

Answer. No.

Question. Did he cite Mr. Drisko as authority for its being legal to make a new return?

Answer. No.

Question. Have you any knowledge or information as to the fact of Mr. Drisko having, a little while before that, been in Augusta?

Answer. No, sir; I heard at the time that he had been in Augusta.

Question. What are your politics?

Answer. I am a Republican.

Question. Mr. Tabbut is a Fusionist?

Answer. Yes.

Question. Mr. Austin?

Answer. Is a Republican.

Question. At other times matters coming for the Selectmen in the way of business of the town, had come to you?

Answer. Yes; I am chairman of the Selectmen.

Question. What is the third Selectman?

Answer. Mr. Leighton is a Republican; he was not there.

HENRY NASH, *recalled.*

BY MR. HALE:

Question. Do you remember distinctly when Mr. Tabbut came to you with the blank return?

Answer. I do.

Question. He told you what the defect was, as to the number of ballots?

Answer. Yes.

Question. And that was to be the change made in the new and amended return?

Answer. It was.

Question. Was there any other change to be made?

Answer. Not that I know of.

Question. Did he say anything to you, either at that time or at the next interview, in reference to putting anything in there to show the date when the return was made?

Answer. No, sir.

Question. Was the whole thing left on your mind at the time, that this was a new and corrected return to be substituted for the other?

Answer. That was my idea.

Question. Nothing was said by him that would in any way contradict that?

Answer. No.

Question. In either interview?

Answer. No.

Question. Was there anything said by him about putting on to the envelope any change as to its being sealed up in open town meeting?

Answer. No, sir.

Question. You are confident?

Answer. I am.

Question. Or on the return itself?

Answer. No.

Question. In either interview?

Answer. No.

Question. You are positive?

Answer. I am.

GILBERT L. TABBUT, *sworn and examined.*

By MR. HALE :

Question. Of Addison?

Answer. Yes, sir.

Question. Were you one of the Selectmen of Addison in eighteen hundred and seventy-nine?

Answer. I was.

Question. Present at the September election that year?

Answer. I was.

Question. Were you present when the returns were made up?

Answer. Yes.

Question. Were they signed in open town meeting?

Answer. They were.

Question. By all the Selectmen?

Answer. By two of them.

Question. I am speaking of the returns made on the day of the town meeting?

Answer. They were signed by Mr. Nash and myself.

Question. Who made up the body of the returns?

Answer. Town Clerk, Edward A. Austin?

Question. What was done with the returns after being made up and signed there that day?

Answer. They were sealed by Mr. Nash, chairman, and deposited in the Post-office.

Question. Look at the paper marked "*Exhibit Z, G. D. B., Clerk of Committee,*" and see if you identify it as the Senatorial return made up that day in open town meeting?

Answer. Yes; I should call that it.

Question. That is your signature?

Answer. It is.

Question. You recognize the signatures of the others?

Answer. Yes.

Question. Read off the whole number of ballots as written there?

Answer. "Four hundred and sixty-seven."

Question. For each candidate?

Answer. "*James R. Talbot, one hundred and fifty (150); John T. Wallace, Jr., one hundred and forty-nine (149); Austin Harris, eighty-four (84); Alden Bradford, eighty-four (84).*"

Question. So that the total of ballots on that return is got by adding up all four of the Senators' votes?

Answer. Yes.

Question. Instead of the two highest?

Answer. Yes, that is what the Clerk said I was to do, take the whole four numbers together and add them up and tell him what the whole amount was.

Question. When was your attention first after that called to this return or to any error in this Senatorial return, and by whom?

Answer. On the fourteenth of November following, by George W. Drisko, of Machias.

Question. State in your own way what took place and where it was?

Answer. Mr. Drisko came to my house the morning of November fourteenth, and told me there was an error in making up our return on Senatorial vote, and unless it was changed the town would probably lose the votes on Senators. He said there were some three or four other towns that made the mistake, and there were blank returns forwarded to Machias to be sent around to those different towns.

Question. Blank returns sent to him from where?

Answer. He didn't say they were sent to him; he said they were sent to Machias.

Question. For the purpose of correcting those several towns?

Answer. Yes; from the Secretary of State, I think he told me. He told me what the error was.

Question. What did he tell you the error was?

Answer. In giving the whole number of ballots, "four hundred and sixty-seven," when it should have been about half that number.

Question. That is in adding up all four instead of the two highest?

Answer. Yes.

Question. He told you that was the error?

Answer. Yes, sir.

Question. And unless corrected the Senatorial vote would be thrown out?

Answer. Yes; and he passed me a blank Senatorial return and told me he wanted me to get it amended. I asked him if the law would allow us to do it. He said it would; he said he called at Jonesborough and saw the Selectmen there, and they were going to amend their return and we could do the same.

Question. State in that return what the Fusion majority is in Addison?

Answer. Sixty-six, the return shows. He told me if the Town Officers would do this that we could make up this return as an amended return and sign it on the day we made it; not to make it up as though it was done in open town meeting, and it would be an amended return, and date it the day we made it.

Question. Did he have the envelope with him?

Answer. He did.

Question. In the ordinary form of the printed envelopes from the Secretary of State's office?

Answer. Yes.

Question. What did he say to you about having been to Augusta lately?

Answer. He didn't say he had been there.

Question. Didn't you understand from him, or in some way, that he had just come from Augusta?

Answer. I heard a while after that, that he had just come from Augusta, but he did not say anything about being there.

Question. Didn't he state to you how he had found out there was this defect?

Answer. No, he didn't say anything about it—didn't say how he knew it.

Question. You don't know that he had been there to look at the record?

Answer. No.

Question. He must have found it out from the return at Augusta?

Answer. I suppose so.

Question. You supposed so at the time?

Answer. I did.

Question. He did not claim there was any other way that he had got the information?

Answer. He did not.

Question. Excepting that the return was incorrect?

Answer. He did not state to me how he knew.

Question. What other towns did he mention besides Jonesborough?

Answer. I remember of Jonesborough, and Whiting, I think; I do not seem to remember what the others were; I think he said there were four, Addison, Jonesborough, Whiting—and I do not know whether the other was Cutler or what.

Question. Where the danger was that, if they were not corrected, the Senatorial vote would be thrown out?

Answer. Yes, sir.

Question. Are those that you mention all Democratic or Green-back towns?

Answer. I think they were.

Question. Did he say anything about correcting any errors in any Republican towns?

Answer. No; he didn't mention any towns, only what I have told you.

Question. The altered return you were to make was to be sent where?

Answer. Sent to the Secretary of State.

Question. At Augusta?

Answer. Yes.

Question. The same as the other?

Answer. Yes.

Question. To be used by the Governor and Council?

Answer. I supposed so.

Question. Did you take from him the blank return?

Answer. I did.

Question. Did you inquire of him particularly as to the legality of the act,—whether you had a right to do it?

Answer. Yes; I asked him if we had a right to do it.

Question. What was his assurance to you?

Answer. He said he thought we had, thought there was no doubt about it.

Question. Didn't he say whom he had consulted with?

Answer. No, sir.

Question. You had known him for years?

Answer. I had.

Question. As a prominent politician?

Answer. Yes, sir; and editor of a Democratic paper at Machias.

Question. What more did he say to you that you think of now?

Answer. He told me that if the Town Officers wouldn't amend this return to write him so he would get the letter by Saturday's mail, the next day. I believe that is all I remember now.

Question. Did he intimate, if he learned they wouldn't do it, that he was to get any authority from Augusta to compel them to do it,—or what did he say about that?

Answer. I think he said that he would notify them at Augusta.

Question. Who was he going to notify at Augusta?

Answer. I do not know as he said. He might have said the Secretary of State or Governor and Council; I do not know which now, and do not know as he did; but he was going to write to Augusta or telegraph, I don't know which. He wanted me to write him the next day any way.

Question. As to what success you had?

Answer. Yes, sir.

Question. This was November fourteenth?

Answer. Yes.

Question. After he left you what did you do on that same day?

Answer. I went up to the village where Nash and Austin lived; I found Mr. Nash in the store and told him there was a mistake in making up our return on Senatorial vote.

Question. Told him what the mistake was?

Answer. I did. And he and I went up into the Clerk's office and I told him what the mistake was.

Question. Mr. Austin?

Answer. Yes, and he saw the mistake; he said there was a mistake. I told him what was wanted. He said he didn't know as the

law would allow us to amend the return. I told him I didn't know certain, but I thought there was a law that we could amend it.

Question. Didn't you look at the record?

Answer. I think Austin took his minutes down that he used in town meeting, at election, and looked at them. I believe it was not recorded that day.

Question. The minutes were the same as the return?

Answer. Just the same.

Question. What did you do then in the way of urging him to do it?

Answer. We talked a little about the law that day. Mr. Nash was going to Jonesport, and was looking for his team every minute. I do not think we were in the office over three minutes before his team came along; his boy brought it. Mr. Nash said he did not think we had any right to amend it, but said he would attend to it to-morrow morning,—look the matter up. Nash or Austin,—I do not know which,—asked me where I got this return. I told them it came from the Secretary of State; and they asked me if it came to me as one of the Selectmen. I told them “Yes.” I didn't tell them that day who handed it to me.

Question. You didn't tell them that day that Drisko gave it to you?

Answer. No, sir.

Question. Why was that?

Answer. Drisko told me it came from the Secretary of State's office to be sent to the Town Officers of the towns that had made a mistake in making up returns.

Question. You thought it best that day not to let it be known that Drisko had any hand in it?

Answer. Yes; I didn't think it necessary to tell them that Drisko had anything to do with it.

Question. So you told them it was from the Secretary of State?

Answer. Yes, sir.

Question. You believed it came from the Secretary of State to Drisko?

Answer. Yes.

Question. So that day nothing was said about Drisko?

Answer. Not a word.

Question. Did you urge them pretty strongly to make out a new return?

Answer. Not very strong.

Question. Mr. Nash went off and left you and Austin there?

Answer. Yes; I was putting up potatoes to go aboard the boat

Saturday morning, when Drisko called at my house. I went up with this return and told them what was wanted, and I was in a hurry to get back home so I could haul potatoes to the village the next morning. I told Austin that I was in a hurry, and as Nash would attend to it the next morning, we wouldn't stop to attend to it that day. I went home and I think took the paper with me. The next morning I called at Nash's store and asked him if he would attend to that matter. He said he would not—or anything that came from George Drisko.

Question. He said that the first thing?

Answer. Yes.

Question. How did he know that came from George Drisko if you hadn't told him the day before?

Answer. I do not know unless Drisko was seen on the Point; he was there an hour or two that afternoon.

Question. When he mentioned Drisko's name what did you tell him?

Answer. I told him if the law would allow us to amend the return I thought he ought to do it; I didn't want the town to lose the vote if it was right for the Town Officers to correct the return. He said when there was anything came direct from the Secretary of State or Governor and Council to the Selectmen he would attend to it, and do anything he had a right to do.

Question. Mr. Nash?

Answer. Yes; I answered, "Probably you will have a chance to do it." I supposed then there would be a return come from the Secretary of State, from the talk Drisko had with me. I then went up to Austin's office and talked with him a few minutes. He said he should not do anything,—should not sign it. I told him that if the law would allow us to amend this return, and the town lost the vote in consequence, probably the town would look out who they put in for Town Officers another year. "Now," he said, "let's look the law up and see if the law will allow us to do it." He went to looking the law up; I was satisfied before I left the office, that I had no right to do it, and I did not urge it any further.

Question. Did you tell him then and there that Drisko was your authority?

Answer. Yes; I told Austin that day that I had that from Drisko.

Question. Told him all about it?

Answer. Yes.

Question. Didn't you urge him that day to do it?

Answer. No further than what I told you.

Question. Have you seen Mr Drisko since?

Answer. I have ; I saw him this morning.

Question. Talk with him about this matter?

Answer. We talked about it a little.

Question. What did he say?

Answer. He told me he wanted me to tell it just as the conversation was between him and me.

Question. He told you when you talked with him to-day, didn't he, that the truth would be that he directed you to make out a return and sign it as of the date when it was made?

Answer. No, he didn't.

Question. Haven't you talked that over with him to-day?

Answer. No, I never mentioned it—or yesterday. At my house I told him I should not sign that return as made up in open town meeting.

Question. You told him that first?

Answer. No ; I didn't say that till after he told me. He said he supposed we would have to date it the same day we made it, and mark it as an amended return. I made answer, "I shall not sign it as made up in open town meeting."

Question. Did you tell this to Nash and Austin?

Answer. No.

Question. You didn't mention that to them?

Answer. I do not remember that I did.

Question. Wasn't it singular you should not have mentioned that to them when they objected to signing it?

Answer. They objected to making it up. If they had gone so far as to making it up I should have told them.

Question. Why did you not tell them what you say Drisko told you about dating it that day, so it would not appear to be an original return?

Answer. I do not know.

Question. Did you not feel in your own mind it was easier to make it as made that day and not have it purport to be made in open town meeting?

Answer. Yes ; and I should not have signed it as of open town meeting.

Question. Did you not tell the Selectmen when you went to them,

and the Town Clerk that you thought it was legal, and thought there was a law to do it?

Answer. Yes.

Question. Drisko told you?

Answer. Yes.

Question. That was your view?

Answer. It was, then.

Question. Your view was, it was legal to make up a return and date it on the day when you made it up and sign it as of that date?

Answer. It was,—as an amended return.

Question. Yet you say you did not tell them, in urging them to sign, that you were to make it up in that way, dated that day?

Answer. I do not remember that I did.

Question. You do not remember that you told the Clerk or the Selectmen?

Answer. I might have, but I do not remember it.

Question. Would it not be very remarkable that you should not have told them that or remember that?

Answer. I do not seem to remember whether I told them or not.

Question. You would not have thought of signing it otherwise?

Answer. No, sir.

Question. That must have been the leading inducement in your mind?

Answer. The leading inducement to me to sign it was, I did not want the town to lose the vote if the law would authorize the amendment.

Question. The minor inducement was that you were to sign it and date it the day you made it up?

Answer. I think so, I would not have signed it any other way.

Question. You did not state that to the other Selectmen and Town Clerk as an inducement to them?

Answer. I cannot say.

Question. You cannot remember that you said anything to them indicating that this new return was to be anything but a substituted return?

Answer. I told them, "An amended return."

Question. Amended in what respect?

Answer. To the number of ballots.

Question. Taking the two highest in the list instead of taking all together?

Answer. Yes ; take the highest and the lowest.

Question. That was the trouble you were going to cure ?

Answer. Yes sir.

Question. You were to cure it by writing a new return on blank paper ?

Answer. Yes, sir.

Question. You did not propose to amend the old return ?

Answer. I did not.

Question. You did not say that ?

Answer. No.

Question. You were to make out a new return and were to put it in this blank envelope ?

Answer. Yes, sir.

Question. And the blank envelope says "*Sealed up in open town meeting.*" Did you say anything to them about changing that envelope ?

Answer. I think I told them that we should sign it that date ; I would not say certain.

Question. A little while ago you said you did not remember anything on that question. Did you or not tell those gentlemen whom you were talking with, anything whatever about the date you were to sign it, as when you made it up or about any change in the envelope ?

Answer. I cannot say.

Question. You cannot remember that you did ?

Answer. I cannot.

Question. On either the envelope or return ?

Answer. I cannot say in regard to that, but I made up my mind that I should have it signed on the day we made it, and mark it "*Amended return.*"

Question. But you do not remember of saying anything to them about it ?

Answer. No.

Question. The envelope was just such a one as had been sent on in September, a printed envelope directed to the Secretary of State ?

Answer. Yes, sir.

Question. Given to you by Mr. Drisko, when he gave you the return ?

Answer. It was.

Question. To go with the return to be sent to the Secretary of State ?

Answer. Yes, sir.

Question. Did you communicate to Mr. Drisko the ill-success of your mission?

Answer. I think I wrote him.

Question. When did you do that—after the first or second interview?

Answer. After the second.

Question. You did not write to him after the first?

Answer. I saw him that afternoon; I talked with him the first day.

Question. On his way back?

Answer. Yes, sir.

Question. What took place between you and him after the first interview with Nash and Austin?

Answer. I told him that I had a little talk with them and they did not think we could it.

Question. What said he?

Answer. He said he thought the law would allow us to do it.

Question. Did not seem to have any doubt about it?

Answer. No, sir.

Question. Did he tell you it was no use to try any further if they objected?

Answer. No, sir; I told him they agreed to meet the next morning and look the matter up.

Question. He still continued to advise you to do it, after hearing their objection?

Answer. He did.

Question. Did you write him after your second interview?

Answer. I did.

Question. What did you tell him?

Answer. I do not know as I can give the exact words; but I wrote him we could not find any law that would allow us to do it, I think, or something of that kind.

Question. Did you hear from him afterwards?

Answer. No, sir.

Question. Got nothing more from the Secretary of State or anybody else?

Answer. I did not; that is the end of it.

Question. What are Mr. Drisko's politics?

Answer. Democrat.

Question. What are Nash's?

Answer. Republican.

Question. Austin's?

Answer. Republican.

Question. The third Selectman—Leighton's?

Answer. Republican.

Question. Your's?

Answer. Greenbacker.

Question. There is a majority of about sixty-six for Greenbackers in your town?

Answer. Fusion; yes.

Question. When did you see Mr. Drisko last?

Answer. This morning; I left him in Portland. We came by the steamer "Richmond."

Question. When was he coming to Augusta?

Answer. He will be up this afternoon on the train.

Question. You do not know whether he is here or not?

Answer. I do not.

Question. What did he say about this amended return,—this matter of the return of Addison?

Answer. He did not say much about it, only he said he wanted me to tell it just as the conversation was.

Question. Have you talked it over with him some as to what the conversation was?

Answer. No, I think we did not say anything about it.

Question. Did you not compare notes as to what your recollection was?

Answer. No, sir.

Question. Did he say he was coming here before the Committee?

Answer. He did.

Question. Did he not tell you this morning where he got those returns?

Answer. No, sir.

Question. Did he not say he was acting under authority from Augusta?

Answer. He did not.

Question. That he thought he was acting right?

Answer. No, nothing of the kind.

BY MR. STROUT :

Question. Do you remember any of the other towns he spoke of where there were defects, besides Addison and Jonesborough?

Answer. I think it was Whiting for one.

Question. What did he say the defect was in that town?

Answer. If he told me, I cannot remember now.

Question. Do you remember of his speaking about that town, as having no "whole number of ballots," that blank being left unfilled?

Answer. I do not think he told me what the trouble was.

Question. What other town?

Answer. It seems to me it was Cutler, but I would not say certain.

Question. Do you remember what he said about Cutler?

Answer. I do not.

Question. Are you quite sure it was Cutler?

Answer. I would not say certain.

Question. Wasn't it Marion?

Answer. It might have been; I would not say certain.

Question. You were pretty much interested in politics at that time?

Answer. I was.

Question. Was the town he spoke of a town that had the same difficulty there was in the return of Addison?

Answer. I cannot say.

Question. Did he talk with you as to what effect it would have upon the election of Senators there, if you could correct those defects in the towns?

Answer. I think he said that if those returns were amended, we should elect Senators.

Question. That the Fusionists would elect both of their Senators?

Answer. Yes, sir.

Question. But you could not elect Fusion Senators if the returns were also amended from the Republican towns; what did he say about that?

Answer. He did not say anything. He said if those returns could be amended and the votes counted of those towns we should elect our Senators. That is all he said about it.

Question. Look at the Senatorial return marked "*Exhibit Z, G. D. B., Clerk of Committee.*" You will see there is nothing on the return itself—no date—which would indicate it was made up in open town meeting?

Answer. No, sir.

Question. All there is about that is in the printed heading?

Answer. Yes, sir; there is no date on that to tell when it was made up.

Question. On the blank envelope which is handed you, you find printed upon it "*Sealed up in open town meeting by*", and then follows the names of three Selectmen?

Answer. Yes, sir.

Question. When you went down there had you any intention of altering or doing anything to the blank return itself, or did you intend that should appear on the envelope which you were going to send the amended return in to the Secretary of State's office?

Answer. Make the change on the envelope.

Question. You intended to make the change on the envelope?

Answer. Yes, sir.

Question. You did not intend to change or add anything on the return itself?

Answer. I do not know as that occurred to me. I did not think but that was dated; but my idea was to date it the day we changed it.

Question. Was it your idea to date the blank which you intended to fill up to take the place of the blank you had already sent, or the envelope you sent it in, one or both? what was your intention about that?

Answer. I do not know as I could tell you, only that my idea was to date it the day we made it.

Question. To date the blank return or the envelope?

Answer. I do not know but we should have dated them both.

Question. Do you remember?

Answer. That did not occur to me at that time.

Question. Did Mr. Drisko say anything to you about what should be done?

Answer. He first told me he supposed we should have to date it the day we made it.

Question. Date what?

Answer. He did not say what.

Question. What did you understand; was it to be the envelope which you were to sign or the return which you were to sign?

Answer. I supposed the return that we were to sign, and to make the change in the envelope the same; that was my idea.

Question. Did you intend that the return should indicate when the second return was made up, or only the envelope, one or both?

Answer. It did not occur to me but what the date was on the return. I never had that return in my hand only long enough to sign.

Question. There is in the return: “*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:*” There is nothing that indicates that it was sealed up in open town meeting?

Answer. I could not have signed it under this, and had it correct. It says that the Town Clerk should form a list of the whole number of ballots given in, and he did not do that.

Question. But you signed a return that had those words in it?

Answer. Yes, sir.

Question. And sent it forward?

Answer. Yes, sir.

Question. Can you testify that you have any recollection that it occurred to you to add or change anything in the blank upon which the second return was filled up?

Answer. I intended to change it so it would show it was an amended return made up in November.

Question. I understood you to say you could not tell whether you intended to do that or whether you intended to amend simply the envelope?

Answer. My intention was to make it so it would appear on both that it was done in November.

Question. What did you intend to add, or what did anybody say to you to add to the blank return?

Answer. All the change they wanted made was to put in the number of ballots “two hundred and thirty-four” instead of “four hundred and sixty-seven?”

Question. Did you have in your mind any other words to add to that return excepting to put “two hundred and thirty-four” instead of “four hundred and sixty-seven.”

Answer. Nothing excepting that it was done on a certain day in November—the amended return.

Question. Do you now testify that you remember that you were to add words—or intended to add words—to the blank return?

Answer. Certainly. That is what Mr. Drisko told me, that we should have to do it, and that is why it occurred to me to do it—because Drisko said so.

Question. Have you not already testified that you went over the law with Austin to see whether you had a right to make an amended return?

Answer. Yes, sir.

Question. Did you intimate to him at that time what kind of an amended return you were intending to make?

Answer. I cannot say whether I did or not.

Question. You have no recollection that you did?

Answer. I have not.

GILBERT L. TABBUT, *recalled March 2d, Evening.*

BY MR. STROUT :

Question. State to this Committee what Mr. Drisko said to you in relation to the defect in the return?

Answer. He called my attention to the mistake in making up the vote for Senators.

Question. What did he say the mistake was?

Answer. He said the mistake was in giving the number of ballots, that the number of votes was cast up and put in for the number of ballots.

Question. He stated that to you?

Answer. He did.

Question. Did he state any other defect?

Answer. I think not.

Question. Do you recollect clearly and distinctly what he did say, and have you so stated to me this evening?

Answer. I think I did. That was all the mistake I talked of with the other officers, and he gave me a blank.

Question. Did he say one word to you about any mistake in spelling or in the word junior, or any other error in that return than what you have stated under oath twice to this Committee?

Answer. I think not.

Question. You have heard the testimony of Mr. Drisko here to-night before this Committee?

Answer. I have.

Question. Are you positive of the statement you have now made?

Answer. I am.

Question. Do you swear to it positively?

Answer. Yes, and that is the blank I received from him.

Question. Do you now produce before the Committee the blank envelope containing the blank return handed to you by George W. Drisko in November last and to which you have just referred?

Answer. Yes, the very one, marked "*Exhibit 12,*" etc.

Question. Did Mr. Drisko place in your hand at that time this return which is marked "*Exhibit 12, G. D. B., Clerk of Committee,*" and contains the usual printed directions to be signed by the Selectmen and Town Clerk?

Answer. Yes, sir.

Question. Did he request you to get the Municipal Officers to sign in these blanks?

Answer. Yes, sir; to make them up and sign them.

Question. And return it to Augusta?

Answer. Yes; he told me to have it made as an amended return and date it in November.

Question. Did he say one word about your sending a certified copy of the town record?

Answer. No, sir.

Question. Not a word?

Answer. He did not.

Question. Did he say one word about his having been to the Town Clerk's record himself?

Answer. I do not remember that he did.

Question. Did you know there was any defect in this particular which you have stated, as to the number of ballots in that return, till you were so informed by George W. Drisko?

Answer. I did not.

Question. Did you inform him that there was any such defect in this return?

Answer. I did not. I told him how the return was made up.

Question. Did Mr. Drisko tell you first that there was a mistake in the carrying out of the number of ballots?

Answer. Yes, sir.

Question. Before you said anything to him about it?

Answer. Yes; the first I knew about it.

Question. Did you not tell him that the next morning Henry Nash and you would go to the Town Clerk in relation to this matter?

Answer. I told him that afternoon that we agreed to meet the next morning.

Question. And the matter was therefore open?

Answer. Yes.

Question. Did he intimate to you that he would go and examine the record?

Answer. No, sir.

Question. Did not say anything about it?

Answer. No, sir.

Question. Did he refer to the record in any way, directly or indirectly?

Answer. I do not know but he did in the morning.

Question. Do you remember that he said anything about looking at the record or seeing what it was?

Answer. I think he did.

Question. What?

Answer. He said that the record would show the facts, probably.

Question. He had not seen it?

Answer. He did not say he had.

BY MR. STRICKLAND :

Question. Did you not know that the record was defective in this particular at the time Mr. Drisko spoke to you?

Answer. Before he spoke to me I did not.

Question. Did you not know how it was made up?

Answer. No, it did not occur to me.

Question. Did you recollect, after he did mention it to you, how it was made up?

Answer. Yes, I remembered how the votes figured up, because I cast them up. The Clerk took the votes that the four candidates received and added them together.

Question. You knew that before he spoke to you about it?

Answer. Yes, but I did not know how he put it in there.

Question. But you knew the record showed it?

Answer. No, I did not.

Question. How did you know it was so?

Answer. I knew that was the way I cast the votes up, and Mr. Drisko told me that the whole number of ballots as returned was four hundred and sixty-seven, and that was the number of votes that the four candidates received.

Question. You knew that to be the fact when he spoke to you?

Answer. Yes; after he told me how it was, it came to my mind how it was done.

Question. Did you not assume then that the record was made up so?

Answer. I supposed that the record was the same.

Question. Did you make out a new return?

Answer. No, sir.

Question. He did not direct you to make a new return as being of the same date as the original?

Answer. No, sir.

Question. But to put on the date on which it was made?

Answer. Yes, sir.

Question. Did you think there was anything wrong in that, provided the paper itself showed when and how it was made?

Answer. I did not; I thought at the time we had a right to do it.

BY MR. HALE:

Question. The first thing that happened, Mr. Drisko came to you, and told you what the defect was in the town record?

Answer. Yes.

Question. He told you what the whole number of ballots was?

Answer. Yes; four hundred and sixty-seven.

Question. Showing he had got information as to how it was. Did he tell you how he had got it?

Answer. No, sir.

Question. Before he told you what the defect was, and that the whole number of ballots was written in "four hundred and sixty-seven," had you told him or intimated to him at all what you knew about it?

Answer. No, sir.

Question. The first information came from him to you?

Answer. Yes, sir.

Question. That the whole number of ballots was written in "four hundred and sixty-seven," and it was a defect, and the town would be counted out if it was not corrected?

Answer. He said probably it would be counted out.

Question. Then you recollected how that amount had been reached?

Answer. Yes, sir.

Question. Then you talked with him about that; but you are certain that was after he had told you what the defect was and what the number of ballots was?

Answer. I am.

Question. You have no doubt about that?

Answer. No.

By MR. STRICKLAND :

Question. Did he mention any other defects, or errors that would be likely to prove defective, in returns?

Answer. Not that I remember of.

By MR. STROUT :

Question. The whole matter is vividly impressed on your memory?

Answer. I think it is, the whole transaction.

Question. It was an unusual thing for a man to come to you in that way?

Answer. That was the first time I ever had anything of that kind happen.

ASA W. TRICKEY, *sworn and examined.*

By MR. STROUT :

Question. Where do you reside?

Answer. Jonesborough.

Question. In what county?

Answer. Washington county.

Question. Whether or not you were the Town Clerk of Jonesborough for eighteen hundred and seventy-nine?

Answer. I was.

Question. You are at this time?

Answer. Yes.

Question. Who were the Selectmen of that town?

Answer. George R. Crandon, first; William Thompson, second; and Jotham L. Merritt, third.

Question. Were you present at the annual meeting for the election of State and County Officers?

Answer. I was.

Question. September eighth, eighteen hundred and seventy-nine?

Answer. Yes.

Question. Were you present at the making up of the returns?

Answer. I was.

Question. Where were those returns made up?

Answer. At the hall where we held our meeting.

Question. What returns did you make up? did you make up a return for County Officers?

Answer. Yes.

Question. Did you make up a return for Senators?

Answer. Yes.

Question. Did you make up a return for Representatives?

Answer. Yes.

Question. For Governor?

Answer. Yes.

Question. Who were present when you made up those returns?

Answer. The Selectmen were all present and a number of the towns people.

Question. By whom were the bodies of those returns written?

Answer. I wrote them out myself.

Question. You filled them up?

Answer. Yes.

Question. By whom signed?

Answer. Signed by the Selectmen and myself.

Question. Was that or not in open town meeting?

Answer. Yes.

Question. What was done with the returns after you signed them?

Answer. The first Selectman sealed them all up excepting the statement that is returned by the Clerk to the Secretary of State, and he carried them to the Post-office and I carried the statement and we deposited them in the office together.

Question. Did you, yourself, see those returns sealed up in open town meeting and deposited in the Post-office?

Answer. I did.

Question. Whether or not those returns were written upon blanks furnished from the Secretary of State's office?

Answer. They were.

Question. The usual form of blanks?

Answer. Yes.

Question. Were they put in envelopes with printed backs?

Answer. Yes.

Question. In the usual form?

Answer. Yes.

Question. Did those envelopes come from the Secretary of State's office?

Answer. They did; they came to me before election.

Question. This was the eighth of September; when were they put in the mail?

Answer. About fifteen minutes after the polls were closed.

Question. Had you got the bodies filled out—all except the vote?

Answer. No ; we filled them out just before the polls were closed, and then sealed them up, the usual way.

Question. And carried them and put them in the office?

Answer. In the Post-office, yes.

Question. To your personal knowledge were the returns all filled out for the several officers spoken of, and were they all put in the Post-office?

Answer. Yes, sir. I am positive they were all filled out, and were all deposited in the Post-office.

Question. What next occurred in relation to the returns, if anything?

Answer. Some time previous to the seventeenth of November,—I would not state positive—just what date it was, but I think about the eighth of November, Jotham Merritt came to my house with a blank return and said to me : “There is a defect in our Senatorial return.”

Question. Jotham L. Merritt, one of the Selectmen?

Answer. Yes.

Question. What are his politics?

Answer. I think that he voted the Greenback ticket this fall.

Question. George R. Crandon?

Answer. He was a Greenbacker.

Question. William Thompson?

Answer. I think he is a Republican ; I am not positive.

Question. State what occurred between yourself and Mr. Merritt?

Answer. Mr. Merritt stated to me “There is a defect in our Senatorial return.” He says “I have a blank ; we will fill out a new one and send it on.” I asked him how he came by this blank, and he told me that George Drisko, of Machias, gave it to him and he was going through to Addison to get Mr. Austin to make a new return of that town. I asked Mr. Merritt if it was right that we should make a new return ; and he said it was ; he said that Mr. Drisko told him that we had twenty days to correct all errors. I asked Mr. Merritt in what respect our Senatorial return was defective. He said it was not made out according to statute law. I asked him about the form of statute law ; and he told me.

Question. What did he tell you about it?

Answer. He said that our return was not written out, the second candidate's name was “ditto” and it should be written out at length ; and he said that I must make one and write out the words at length,

and the votes they received. I told Mr. Merritt that that would not correspond with my record that I had made, because my record was "*ditto*." He said it did not make any material difference, he thought, about how the record stood. I filled out the return as he said and signed it, and he signed it in my presence and took it away to Mr. Crandon for him to sign. And Mr. Crandon told me he signed it and sent it to the Post-office.

Question. Was that return,—the second return you made out,—upon a blank identical with the blank upon which you filled out the first return that you sent forward?

Answer. That was the same kind of a blank.

Question. Was the envelope, into which it was placed and sealed up and sent forward to the Secretary of State's office, the same kind of an envelope that you sent forward the first return in?

Answer. The same.

Question. Are you sure of that?

Answer. I am positive.

Question. Printed upon the back of it and with the direction on the back?

Answer. Yes.

Question. You say that the first return was signed and sealed up in open town meeting, and was signed by all three of the Selectmen?

Answer. Yes.

Question. Examine the return for Senators from Jonesborough, Washington county, marked "*Exhibit 2, G. D. B., Clerk of Committee,*" and also the envelope marked "*Exhibit 1, G. D. B., Clerk of Committee,*" and state what return that was,—which of the returns you made out, if either?

Answer. This return, gentlemen, is the second return that was sent.

Question. In whose hand writing is the body?

Answer. Mine.

Question. And the signature is yours?

Answer. Yes.

Question. What two signatures do you find upon it?

Answer. "George R. Crandon," "J. L. Merritt."

Question. How do you know that is the second return you made out and sent forward?

Answer. I am positive this is the second, because the words are written out in this.

Question. Is there any other fact by which you identify it? Do you identify it as to the number of Selectmen that signed?

Answer. Yes, because there were three signed the first one, and in this there are but two.

Question. Have you ever seen the first return you made out from the time it was sealed up and deposited in the Post-office?

Answer. No.

Question. Look at the envelope that you hold in your hand, and state whether that was the envelope with the first or second return you made up?

Answer. This is the envelope that that first return was put into.

Question. How do you identify that?

Answer. All three of the Selectmen are named, and the date it was mailed in Jonesborough, September ninth.

Question. Do you know what has become of the first one? have you any knowledge, yourself?

Answer. No.

Question. I call your attention now to the blank return found with this envelope, marked "*Exhibit 1, G. D. B., Clerk of Committee;*" examine that, and state whether or not it is any return you ever saw before to your knowledge, or any blank you ever saw?

Answer. I never saw this before to my knowledge till I saw it in the office below to-day.

Question. With the Clerk of the Committee?

Answer. Yes.

Question. With the other returns?

Answer. Yes.

Question. Did you send forward with either sets of papers a blank return for Senators from Jonesborough?

Answer. No; we did not send any blank at all.

Question. Was there any sent forward by yourself or any of the Town Officers?

Answer. No; that is, I did not send any, and none of the Town Officers sent any that I know of.

Question. The first Senatorial return that was made up by yourself and the Selectmen, sealed up in open town meeting had the name of "James R. Talbot" written out, and the second name, "John T. Wallace," with the ditto marks under it instead of the words,—two dots right along? And the name of "Austin Harris" was written out, and the name of "Alden Bradford," and ditto marks carried out?

Answer. Yes.

Question. In the second return you wrote those out in full?

Answer. Yes.

Question. And that you were informed was a defect,—considered defective?

Answer. Yes; I was told it was not according to statute law.

Question. You were to make out this second to cure that?

Answer. We made out the second one as correcting the error in the original.

Question. Did anybody speak to you of the number of days you had to make out the different returns or correct errors in the returns you made?

Answer. Yes; Mr. Merritt said we had twenty days to correct all errors or mistakes in returns. I think he told me that Mr. Drisko told him that was the case.

Question. Did Mr. Drisko have any knowledge from you, or an examination of the town books, as to what the error was in the first return?

Answer. No; I never saw Mr. Drisko after town meeting, till, I think it was last, Saturday.

Question. Did you know or did you understand that there was any error in the first set of returns that you made up and forwarded to the Secretary of State's office till you were informed what Mr. Drisko said, by Mr. Merritt?

Answer. I never knew anything about it till Mr. Merritt came to my house with the blank return.

Question. Then it was that Mr. Merritt told you what Mr. Drisko told him the error was?

Answer. Yes; that is the first I ever heard of it.

Question. Did you know or were you informed where Mr. Drisko obtained his information or where he had been?

Answer. No, sir; I did not know anything about where he got his information.

Question. Have you had any conversation with him about it since?

Answer. I saw him last Saturday in Machias, after I had received my summons to come here, and talked with him a few minutes.

Question. So that when you made up the second return you were led to believe that you were doing what the law authorized you to do, were you?

Answer. Yes; I supposed it was all right to do so.

Question. So far as you were concerned you made them up and forwarded them in good faith, thinking you did what the law gave you a right to do?

Answer. Yes, that is just so.

Question. You know Mr. Drisko?

Answer. Yes.

Question. Do you know what his politics are?

Answer. He is a Democrat.

Question. Leading Democrat in that part of the State?

Answer. I believe he is called so,—a prominent man.

Question. Editor of the “Machias Union?”

Answer. Yes.

Question. A Democratic paper?

Answer. I suppose it is.

Question. Do you know anything else about this matter?

Answer. No, not that I know of.

By Mr. INGALLS :

Question. Do you know anything about this piece of paper,—this blank return?

Answer. No, sir.

Question. Any more than any other piece of paper found about the State House?

Answer. No, I never saw it till I saw it in the Clerk’s room.

Question. You don’t know where it came from?

Answer. I don’t know anything about it.

Question. What was contained in the statement or return to the Secretary of State that you speak of?

Answer. It is a blank filled out by the Clerk,—the usual statement that goes from the Town Clerk. It contains the number of votes as thrown for every officer voted for,—Governor, Senators, County Officers and Representatives.

Question. Did you fill that up with the ditto marks as you speak of?

Answer. I do not know but I did for the Senators; I cannot say positive whether I filled that that way or not.

Question. Wouldn’t you be likely to fill them the same way you did the returns?

Answer. I do not know but I should; I cannot say how I filled that out.

Question. How was that directed?

Answer. To the Secretary of State.

Question. How were the others directed?

Answer. They were all directed to the Secretary of State.

Question. What were the different marks on the envelopes? were there any?

Answer. Each return specified on it what it was.

Question. You mean on the envelope?

Answer. Yes, sir.

Question. Showing which was sent for the Governor and Council and which was sent for the Secretary of State?

Answer. Yes.

ASA W. TRICKEY, *recalled.*

BY MR. STROUT:

Question. Have you the book now?

Answer. Yes. [Witness produces book.] You can see how it was in the return,—the same as there.

Question. James R. Talbot had seventy-two. John T. Wallace, Jr., follows with ditto marks under the words “had” and “seventy-two,” and the figures “72”?

Answer. Yes.

Question. And that was the difference between the two?

Answer. Yes.

Question. I observe in the second Senatorial return you made out, that you have got the name “John T. Wallace,” and left off the “Jr.”?

Answer. Yes.

Question. But the record shows the “Jr.”?

Answer. Yes; that was a mistake of mine; I did not intend to have it that way.

Question. What is his true name?

Answer. His name is John T. Wallace, Junior. That is all I know him by.

BY MR. COOK:

Question. You state that this gentleman, when he came to you, told you you had twenty days under the law to rectify mistakes; twenty days from when, did you understand it?

Answer. Twenty days before the seventeenth of November.

Question. Not twenty days after election?

Answer. No; I understood him that the seventeenth day of November was the day the returns would be counted by the Gov-

ernor and Council, and he said to me: "We haven't but a few days more to get this return in."

BY MR. HALE:

Question. When Mr. Merritt came to you, and told you that your return needed correction, are you positive that the correction that he called your attention to was that you had used the ditto marks in your return?

Answer. Certainly I am.

Question. Are you certain that he did not call your attention to any blank return that had been sent him?

Answer. I am certain that he called my attention to the ditto marks.

Question. Have you ever heard anything about a blank return being sent in, till lately?

Answer. No; I never heard of it till about a week ago.

Question. You were asked to correct it by writing in the full names?

Answer. Yes.

Question. And numbers and figures?

Answer. Yes.

Question. You did make that correction?

Answer. Yes.

Question. You did not make it from your town records?

Answer. I took the number of votes from there. I did not make it to correspond with the record, because the record shows the ditto marks; it corresponds, with the exception of that.

Question. But the records were the same as your original return?

Answer. Yes.

Question. Had the ditto marks?

Answer. Yes.

Question. You are positive you heard nothing then of the blank return?

Answer. I am.

MARCH 2, 1880, P. M..

JOTHAM L. MERRITT, *sworn and examined.*

BY MR. HALE:

Question. You live where?

Answer. Jonesborough.

Question. Were you in eighteen hundred and seventy-nine one of the Selectmen?

Answer. I was.

Question. Present at the town meeting?

Answer. Yes.

Question. Were you present when the returns were made up at the end of the town meeting?

Answer. I was.

Question. Were they made up in open town meeting?

Answer. They were.

Question. Do you remember who made up the body of the returns?

Answer. The Town Clerk, A. W. Trickey.

Question. Were the returns signed by all the Selectmen?

Answer. They were.

Question. Do you remember the manner in which the votes were carried out for the second candidate on each ticket in that return, whether by being written or by ditto marks?

Answer. I do not think that I could say that I do remember, not looking particularly about that.

Question. You do not remember distinctly about that?

Answer. No.

Question. At the time?

Answer. No.

Question. You remember that all the Selectmen signed?

Answer. Yes.

Question. What was done with the returns?

Answer. They were put into envelopes and sealed up in open town meeting,—all of the returns.

Question. Did you seal them up yourself?

Answer. No; I saw George R. Crandon do it; he was chairman.

Question. Do you remember on or about the eighth or seventh of November, of going to Mr. Trickey's house, to see about those returns?

Answer. I remember of going to his house, but don't remember the date.

Question. From your recollection would you say it was near that time?

Answer. I should not want to say, because I do not think I know about it. At the time I supposed I was doing all there was for me to do, and what was necessary, and took no minutes of it; I should say it was in November.

Question. What did you have with you in the form of blank returns when you went there?

Answer. I had an envelope with a blank in it, as near as I can recollect, just like that filled out in town meeting.

Question. Both envelope and blank?

Answer. Yes.

Question. Senatorial blank?

Answer. Yes.

Question. Where did you get that envelope and blank?

Answer. I had it of George Drisko, editor of the Machias Union.

Question. Where did Mr. Drisko give that to you, and how long before you took it to Mr. Trickey's house?

Answer. He gave it to me I think in the forenoon sometime.

Question. When Mr. Drisko gave you that Senatorial blank and that envelope from the Secretary of State's office, which were as you have stated like the envelope and blank filled out on town meeting day, what did he say to you?

Answer. He says: "There is an error made in your return." I asked him what it was; and he said it was in filling out; he says: "You carried out the first name all right, wrote that in words, but the next one was not, but you put it down ditto;" and he said that both of them should have been written in words and carried out in figures, and he wanted I should see it was corrected; and I told him I would do so.

Question. He gave you the blank for that purpose?

Answer. He did.

Question. For a new return to be written out in full?

Answer. Yes.

Question. Where did he say he got the blank?

Answer. He did not say anything about it. I did not ask him any questions where he got it.

Question. Had you known Mr. Drisko for some years?

Answer. Oh, yes.

Question. Has he been for years a prominent politician in that county?

Answer. The most I know about that is his paper; he is editor of the "Machias Union."

Question. Do you remember that he said anything about having lately come from Augusta?

Answer. He did not.

Question. He assured you it was all right to make a new return?

Answer. He told me we had a right to.

Question. What did you do with the return when you got it?

Answer. I carried it to the Clerk's office and told him there was a blank that Mr. Drisko gave me to correct—to make a new one by, to correct an error there was in the first one—and told him where the error was.

Question. In relation to the ditto marks?

Answer. Yes.

Question. Do you remember of looking at the record with him?

Answer. No, I did not.

Question. You haven't looked at it since?

Answer. No.

Question. You don't know whether the record is ditto marks or not?

Answer. No, not by my own sight; I wouldn't say positive, but I think Trickey told me it was ditto.

Question. Did Mr. Trickey, in your presence, make out a new return with the corrections that you advised him to make?

Answer. He did.

Question. Did you sign the return?

Answer. I did.

Question. Did he sign the return?

Answer. He did.

Question. Did Mr. Crandon, one of the other Selectmen, sign the return?

Answer. I don't know.

Question. Did you leave it with Mr. Trickey?

Answer. No; I signed it and carried it to Mr. Crandon's house with the intention of handing it to Mr. Crandon, but he was not at home, and I left it with his wife and told her there was an envelope I wanted her to hand to Mr. Crandon as quick as he got home, and told her to "Be sure and tell him because this has got to go out to-morrow."

Question. Go out?

Answer. Be put in the office.

Question. Sent to Secretary of State?

Answer. Yes.

Question. You asked her to have him sign?

Answer. No, I didn't tell her that.

Question. What did you leave it with her for?

Answer. For him to sign. The next morning he came to me quite early and says "What does this mean?" I says, "I don't know what it means." I told him where I got it, the same as I have stated here. He asked me about the same questions you have. He took it and I asked him afterwards if he signed it, and he said he did, and put it in the office.

Question. You don't know of its being taken to the other Selectman at all to be signed?

Answer. I do not think it was.

Question. Look at that paper, which purports to be a Senatorial return from the town of Jonesborough, marked "*Exhibit 2, G. D. B., Clerk of Committee,*" and see if that is the new return which you have just been testifying about, and your signature and how you identify it?

Answer. That is the second return.

Question. Did you ever hear of any other return being sent from the town of Jonesborough excepting the first return made up in open town meeting, which was signed by all three Selectmen, and the second return which you have identified as being signed by two?

Answer. No, sir.

Question. Did you ever know, or did you hear, anything of any blank return being sent from that town?

Answer. No.

Question. Never had any knowledge or heard of anything of that kind?

Answer. No. I have heard so lately. Mr. Trickey states some things I have no recollection of, but they do not amount to anything.

BY MR. HARRIS :

Question. You have spoken of "office;" by that you refer to Post-office?

Answer. Yes.

BY MR. HALE :

Question. What are your politics?

Answer. I voted for Mr. Garcelon.

Question. Look at that blank return marked "*Exhibit 1, G. D. B., Clerk of Committee,*" and state whether you ever inclosed that in an envelope and sent it to the Secretary of State—or know that anybody else did?

Answer. No, sir.

Question. Confident of that?

Answer. I am.

Question. When have you seen Mr. Drisko since this affair?

Answer. I saw him this morning, last.

Question. Did you have any conversation with him about this matter?

Answer. Nothing particular,—nothing more than I told him what my summons was, that I was coming up here to tell, as near as I could find out, that I got that blank of him.

Question. Where did you see him?

Answer. On board the boat.

Question. Was he on his way to Augusta?

Answer. Yes, he told me he was; he said he would be here this afternoon.

Question. Did he, in any way, account for having this blank he gave you?

Answer. He did not to me.

Question. He didn't come on the train with you?

Answer. No. He said he should come in the later train this afternoon.

Question. Did you see the envelope that was sent with the first return signed by all the Selectmen and Clerk?

Answer. I did.

Question. Is that it? [Envelope "*Exhibit I, G. D. B., Clerk of Committee,*" shown witness.]

Answer. That is it.

Question. You never signed any other envelope with the other two Selectmen and Clerk?

Answer. No.

Question. The post mark is September nine; you know that envelope contained no blank return?

Answer. I do.

Question. It contained the full, completed Senatorial return?

Answer. Yes, with the exception of the ditto marks for the second candidate.

Question. Of that you have no doubt?

Answer. I haven't the least.

BY MR. HARRIS :

Question. Is that all you know about the circumstances pertaining to this?

Answer. Yes, that is all I think of. Any questions you can think of I am ready to answer.

BY MR. HALE :

Question. You have given all the talk you had with Drisko about it?

Answer. I do not remember anything more. I told him what I was coming up here for, and he told me that he thought he was doing right in giving me the return, and he wasn't afraid to come here and state the facts to you.

Question. In the conversation you had with Drisko at the time when he gave you this blank to fill out what other town or towns did he mention as being defective, beside Jonesborough?

Answer. Addison is the only one I can name, but I think there was some other town.

Question. You do not remember what?

Answer. No.

Question. Did he say he was going to have this corrected?

Answer. He didn't say.

Question. Did he speak about having the Addison return corrected?

Answer. He, I think, told me he was on his way to Addison.

JOTHAM L. MERRITT, *recalled.*

BY MR. HALE :

Question. You remember the time that Mr. Drisko came to you?

Answer. Yes ; I cannot give the date.

Question. You remember it distinctly?

Answer. I do.

Question. Did he then tell you what the defect was in the Senatorial return of Jonesborough?

Answer. He did.

Question. What did he tell you was the defect?

Answer. It was put down ditto instead of in words.

Question. Did he say that was incorrect, and subjected the town to the danger of the vote being thrown out?

Answer. I do not recollect as he said anything about its being thrown out ; but he said that according to law it should be written out in words, and carried out in figures.

Question. Did he state any other defect in your town?

Answer. No.

Question. Did he allude to any other defect or mention any other?

Answer. He did not.

Question. But mentioned that as the distinctive defect in the Jonesborough Senatorial return?

Answer. Yes, sir.

Question. You did not know of it before, yourself?

Answer. No, sir.

Question. Had you heard of it before?

Answer. No.

Question. So there was no suggestion from you to him?

Answer. No. It was a new thing; I did not know that there was any defect, had not heard of any.

Question. You remember distinctly that Mr. Drisko told you that that was the defect in the Jonesborough return that ought to be corrected, that the ditto marks had been used instead of writing out the number of votes?

Answer. Yes, sir.

Question. You swear to that positively?

Answer. I have, and do again.

Question. He mentioned or referred or suggested no other defect?

Answer. No, sir.

Question. He came to you as if he knew the defect and told you?

Answer. That is what he told me.

Question. He did not tell you where he got his information?

Answer. No.

Question. He left the blank with you to correct the return?

Answer. He did.

Question. You do not change or qualify your statement in the least since hearing Mr. Drisko's statement?

Answer. No, sir; I have told the truth and nothing but the truth.

Question. When he says that he simply suggested to you what defects might be in your town and suggested different kinds of defects, the writing of names and misspelling, etc., and did not state to you that this was the distinctive defect, he stated what is not true?

Answer. I have no recollection of his stating anything else to me.

Question. Is your recollection positive?

Answer. My recollection, I think, is positive. I have no recollection of his stating anything to me other than to tell me what the error was.

Question. What the distinctive error was?

Answer. Yes, sir.

Question. Your recollection is clear?

Answer. Yes, sir ; and asked me if I would see to it.

FEBRUARY 25, 1880, EVENING.

HERBERT M. HEATH, *sworn and examined.*

BY MR. STROUT :

Question. Your residence?

Answer. Augusta.

Question. Occupation?

Answer. Attorney at law.

Question. Whether or not you were employed by any persons as an attorney in connection with the returns from Washington county, and if so, by whom and when?

Answer. I was employed, as near as I can remember, about the latter part of October, by Senators Harris and Bradford ; and, still later, I was employed to have charge of the entire county of Washington so far as Representatives were concerned ; and, after that to have charge of the County Officers ; so that the whole charge of Washington county before the Governor and Council came under my control.

Question. Whether or not you came to the State House at any time in connection with the Senatorial returns, and, when first ; what officials did you see, and what occurred ? State fully each interview in the order it took place.

Answer. The first matter that caused me to give my particular attention to it, occurred about a week after election, before I was employed as counsel ; I think it was the latter part of that week, I met in Gardiner a young man—I need not give his name—who is a clerk for James R. Talbot, one of the candidates for Senator. I was chafing him good naturedly—knowing him well, and having formerly lived at East Machias—on the result of the election. He was a Democrat.

MR. INGALLS : Is this important?

WITNESS : The first time I came to the State House was the fourteenth of November. I filed my notice with Mr. Brown of the

Council, stating that I was attorney for Messrs. Harris and Bradford; I requested a hearing and requested the privilege of seeing the returns. I was told by Mr. Brown that I could see them, and could have a hearing, the next week. Then I was here, I guess, nearly every day from the seventeenth of November till the second day of December. I filed communications and letters, etc., and made personal request and went before the Governor and Council, and endeavored to see the returns, and was refused time and again till the eighth of December. I have a memorandum here which shows the exact date I saw the returns. [Witness looks at a paper.] On the eighth of December I went before the Council; Governor Garcelon was not present. Mr. Foster was in the Chair. I made an argument in support of my right to see the returns; I was told to come in, in the afternoon. I went in the afternoon, and repeated it, and was told then to put my request in writing, and it would be acted on that afternoon; I did so; they talked the matter over, and told me to come in the next morning, the ninth, when the Governor would be present. I went in about ten o'clock the next morning, and went over the same ground. I placed my right to see the returns on two grounds that had not been argued before; and the Council voted that I might see them. Up to that time no Legislative returns whatever had been shown to anybody. That I know, because I was here every day. At twelve o'clock I went into the Governor's Private Chamber and Governor Garcelon went in with me, and Mr. Moody, Chairman of the Committee on Elections. The Governor took down the returns. They were not folded as now, but were folded in this way [witness illustrates], with a rubber over them. The Governor took up the first return and said, "I must enforce the same rule with you that I have in the case of County Officers; I must require you to bring in your certified copies of the records." I told him I should have to go to my office for them; I went to my office as quick as I could; I got back about half-past twelve; I had a chance to ride. We commenced at half-past twelve to look at them. When they were laid on the table the bunch was laid in this way [witness illustrates], and that envelope marked "*Exhibit 1, G. D. B., Clerk of Committee.*"

Question. The same envelope which was testified to by Mr. Trickey as containing the first return made up by him?

Answer. Yes.

Question. What town?

Answer. From the town of Jonesborough. It was lying an inch or two from the other returns—just beyond them. Before that my attention had been called to the fact that on the seventeenth of November an envelope had passed through the Post-office and into the office of the Secretary of State, purporting to contain a return from the town of Jonesborough, and had been received here on or about that time. So my attention was called particularly to this town of Jonesborough. I glanced at that return and read every word there was on it as fast as I could. I noticed particularly that post-mark—“*Sept. 9.*”

Question. You mean you glanced at the envelope?

Answer. Yes; we went on examining the returns. The Governor would look at the return first. He told me, by the way, before we commenced to examine them, that he had never looked at Washington county returns and this examination was as fresh to him as to me. He would examine them and pass them to me and I would examine them with my attested copies. Mr. Moody sat at the other end of the table and kept, in pencil, a minute of all the defects we found and of all discrepancies there were between my copies of the record and those returns. By the way, before we had examined any of these returns, the Governor took this Jonesborough envelope—having the return inside—and put it down about nearly to the bottom of this file, so that it was out of sight, as matter of safety—to hold it there. We went on and examined perhaps two-thirds of them. I staid there till half-past one. Those that were examined were taken out, a rubber put around them and the Governor put them in his private drawer. The others, not examined, containing that envelope, were taken by Mark Harden and a rubber put around them; they were rolled up (I noticed particularly, for I watched everything, to keep track of the envelope) and put in a book-case—the north side of the Governor’s room—and locked up. When I left at noon, that envelope with those unexamined returns were locked in that book-case. The Governor told me to come down after dinner. At about half-past two I was there. I had to wait till half-past three. I sent word in to the Governor, reminding him of his promise that I might go on with the returns that afternoon. He came into his private room at once, and we sat down. Mr. Moody was there and took his paper ready to go on. The Governor spoke to the Messenger to get the rest of the returns, and he brought the bundle out and laid them down on the table, and this

envelope was not there, was not among them. I noticed that at the time. We went on and examined them all. The Governor wanted to know if I was all through. I told him "No," that I was not. There were three other returns, I think, one from the town of Waite, and two others I do not recollect, that we had not examined, and the Jonesborough return. He wanted to know what other returns there were. I told him I wanted to see the Jonesborough return. He says: "I must see Mr. Brown about that." Mr. Brown had not been there for the day. He went into the Council room and brought Mr. Brown in and they commenced to make a hunt for the Jonesborough return, looking over all the returns scattered over the room. I joined in the hunt, and I turned to the window where some returns were, aiding them in the hunt for the Jonesborough return, and when I turned around—I had been looking there a short time, perhaps a few seconds—Mr. Harden says "Why, here is the return." I cannot remember his exact words, but the substance was that he had found the return; and he says "I found it on the floor, it must have dropped on the floor at noon." I got my paper, to notice the defect. It was in the envelope. When the Messenger handed it to the Governor, the Governor did not stop to look at it; but took it up like that [witness illustrates] and opened it that way, did not look at it himself, but held it up.

Question. With the back to himself and the face to you?

Answer. Yes.

Question. Without looking at the face of it himself?

Answer. Yes. He says this was the Jonesborough return. I looked at it and could not see anything on it. I asked him to let me take it. I looked it all over. I could not say it was this same paper here.

Question. Was it a blank return?

Answer. Without any writing.

Question. Just like the return you hold in your hand?

Answer. It was similar. Whether it was the same thing I do not know. It was a paper somewhat dirty on the folded side, as this. I asked Mr. Moody to minute that fact, as I had all other noticeable defects that had come up. I saw him write opposite the town of Jonesborough, something, I did not know what. He kept them in tabular form. We went on and examined the other returns. They accorded me a hearing afterwards, on the eleventh of December. At that hearing I argued the case, town by town. I took up the town

of Kossuth first; then I spoke of the town of Jonesborough. I remember of using this language: "Of course the town of Jonesborough we do not count, there being nothing but a blank form." This same blank was before us at the hearing and was the only paper, up to that time, that had been shown from Jonesborough; no other return from Jonesborough, either at the examination of the returns or at the hearing. I said: "Of course, the return from Jonesborough we do not count, and is to be thrown out of our tabulation, being nothing but a blank form." The Governor says: "I want to ask you a question of law, Mr. Heath, as a lawyer." I stopped, and told him I should be happy to answer it if I could. Says he: "Suppose we have two returns from a town, which return shall we count?" I says: "I do not understand, your Excellency, that we have two returns from Jonesborough, have we?" He says: "I ask you the question, if we have two returns from a town, which return shall we count?" I says: "Your Excellency, I argue one case at a time, I do not understand that that point comes in, in this case." Messrs. Foster and Brown, personal friends of mine, laughed, thinking I was evading, I suppose, a question of law that might injure my party friends. Then I went on with the rest of the case.

Question. Look at the return which has been shown to Mr. Trickey, the Town Clerk of Jonesborough, and identified by him as the second Senatorial return that he made out from that town, and state whether or not that was before you at either of the hearings before the Governor and Council?

Answer. It never was there.

Question. Did any of the Council or did the Governor intimate to you that there was ever any other Senatorial return made to the Secretary of State's office from Jonesborough excepting that blank return?

Answer. The only return coming from Jonesborough was a blank form in this identical envelope marked "*Exhibit 1*;" that was the only paper from Jonesborough before the Governor and Council.

Question. Look at paper "*Exhibit 3, G. D. B., Clerk of Committee*," and state whether or not that is in the hand writing of Mr. Moody, and whether it is the original memorandum made of which you have spoken,—made by Mr. Moody while you were examining the returns with Governor Garcelon?

Answer. Yes; it is the same paper.

Question. When you came to Jonesborough what minute do you find he made?

Answer. "Jonesborough, blank return."

Question. The words "blank return" opposite the word "Jonesborough?"

Answer. Yes; these records were not presented to the Governor and Council under the law of eighteen hundred and seventy-seven, but simply records of my own that I held and that the Governor required me to bring there and compare with the returns.

Question. Did he give you any reason why you should bring certified copies of the records before you could see the returns?

Answer. He simply said that he had enforced that rule against everybody else in the case of County Officers' returns, and he said I ought to come up to the same rule.

Question. He gave you no reason?

Answer. No; I examined the returns for Kennebec County Officers without such a rule being enforced.

Question. Do you know of any such rule of law, or any requirement that would require you to bring certified copies of a town record before you could see any return for Representatives and Senators?

Answer. No, I never heard of it; I know the reason that Mr. Foster gave me, that if such a rule was not enforced that we would come there and go back and get the record fixed up and it would open the door to fraud. I would like to qualify one statement. You asked me if I had seen the return marked "Exhibit 2," before. I never saw it at any hearing; I first saw it three days ago in the Committee's room below, on the table.

Question. Any other matter in connection with this subject now before the Committee that you remember? If there is I wish you would state it.

Answer. Nothing in connection with the Jonesborough return.

BY MR. HARRIS :

Question. Are you entirely certain that the suggestion made by Governor Garcelon, which surprised you, about two returns being found from one town on the same subject matter, was made when you were arguing the Jonesborough part of the case?

Answer. Yes. He stopped me right in the middle of my argument. The minute I commenced to speak of Jonesborough he asked me that question of law, and I declined to answer it, as I have stated.

Question. You had no knowledge at that time, as matter of fact, there had been two sets of returns forwarded from Jonesborough?

Answer. No—only matter of suspicion.

BY MR. INGALLS :

Question. Do you recognize that (referring to “*Exhibit 3*”)—the hand writing?

Answer. I know Mr. Moody’s hand writing.

Question. Do you know that to be his hand writing?

Answer. I am not so familiar with it as I might be with some. I have no doubt it is his.

Question. Seen him write?

Answer. No.

Question. How do you know about it?

Answer. I have seen his writing.

BY MR. SPRINGER :

Question. Didn’t you see him write this?

Answer. Only in this way ; he sat across the table in such a way I could not see his hand writing really.

BY MR. INGALLS :

Question. What kind of paper did he use?

Answer. That [pointing to “*Exhibit 3*”] was the kind he used, and kept it with a pencil. Mr. Moody kept a record of the discrepancies between my record and the returns, and of the defects in the returns that I or the Governor asked him to minute, as we went along, town by town, and no other record was kept at the time. Sometimes the Governor would ask him to make a minute and sometimes I would. I only kept for my purpose such matters as were matters of law.

BY MR. HARRIS :

Question. In the search for the envelope of Jonesborough of which you spoke, did you notice whether or not that envelope was on the floor?

Answer. No, sir ; I saw the envelope put into that book-case, with those other returns and the rubber put around them, and locked in that book-case. When I went away it was left there locked, at half-past one. When I returned, at half-past three —

Question. Was it apparently in the same condition,—the package?

Answer. I know nothing about the inside. The package and all the returns were brought out apparently in the same condition ; but the envelope was not there.

Question. The envelope had been removed when you were absent?

Answer. That is an inference; I can state what the facts are; I should say it was removed. It was there when I went away and it was not there when I returned.

Question. Did the Governor when he held up the return which you spoke of, with the back towards himself and the face towards you, make any remark?

Answer. Simply turned and looked at me to see how I would take it. If you know him you know the look he makes up on his face sometimes. I could read in his face that he expected me to be very much surprised.

BY MR. HALE:

Question. Sort of a Jackson look?

Answer. Yes.

BY MR. STROUT:

Question. Have you any knowledge in relation to the Addison return?

Answer. I recollect that the Addison return was in the condition spoken of, and I called the Governor's attention to that fact; and the Augusta return for Representative was in the same condition. Our Augusta return for Representatives gave the whole number of votes instead of the whole number of ballots, and when the matter was argued before the Governor and Council, Mr. Pillsbury, who appeared on the other side, said it made no difference how the whole number of ballots was in that respect,—the return was good. I know that I took no position whatever as to the law. I simply asked the Governor and Council to be consistent.

Question. Had the Farmington return been discussed to your knowledge?

Answer. No, not publicly. I remember the towns of Addison and Marion, in that county, both had the whole number of votes instead of the whole number of ballots, and they were argued before the Governor and Council together. When we came to the Senatorial return from Kossuth—

Question. Washington county?

Answer. Yes.

Question. Which you hold in your hand and is marked "*Exhibit 4—G. D. B., Clerk of Committee.*"

Answer. Yes. When we came along to this return the Governor took it up, examined it, read it over and looked at it pretty criti-

cally—and finally threw it on the table and said, “That return is good for nothing,” that they couldn’t count that, and he told Mr. Moody to minute it. What brought that to my attention is the minute here: “*Kossuth, poor return.*” The return is written “James R. Tabbot” and “John T. Wallace, Jr.,” and “*nineteen*” written against neither one but between them; and Austin Harris and Alden Bradford with “*seven*” written between them—I remember the very statement I made there, that I took it for granted that the Kossuth return would be thrown out, and that we should reject that from our tabulation, and Mr. Brown spoke up and said it had been tabulated; and the Governor says if it had been tabulated let it stand. I find by the tabulation it was tabulated.

Question. And it does stand?

Answer. Yes.

Question. In this Kossuth return is there any number of votes—are the word “votes” or figures against them?

Answer. No.

Question. Simply the word “nineteen” between the two names?

Answer. Yes.

Question. For whom were the “nineteen?”

Answer. “James R. Talbot” and “John T. Wallace, Jr.” And “Austin Harris” and “Alden Bradford,” “seven.” The Governor said that it was evident to him that those signatures were all in one hand writing. I told him I should not claim a rejection on that account, for I thought evidence ought to be received from the parties themselves.

BY MR. HILL:

Question. Is the whole number of votes given?

Answer. Yes, twenty-six. I recollect of stating during that examination that we could offer evidence, if they held that to be the law, that no record whatever had been made in Kossuth, and could prove it; and the Governor told me there was no need of it—the return was worthless. I offered no evidence, and claimed it should be thrown out, and was answered it had been tabulated.

BY MR. COOK:

Question. Are those names spelled correctly there?

Answer. I never noticed it before; they are not.

Question. How is Talbot spelled?

Answer. T a l b o r t. That was tabulated for James R. Talbot. I recollect another matter; I examined these returns Tuesday, and Wednesday was the day that the mandamus hearing was had in the Senate Chamber before Judge Virgin. I was down here that morning to attend the hearing. At noon, as we went to dinner, I came to the Augusta House with Judge Virgin, and with John B. Foster of the Council. We had some general talk about the defects that had been found in the returns—about the carelessness of Town Officers—and Mr. Foster was giving instances, not naming towns, and I remember of saying, at the time, “Mr. Foster, you recollect that Jonesborough return was entirely blank.” He says “Oh, yes, very well indeed.” I called it to his attention before Judge Virgin. There never was any statement made to me by the Governor or Council that there was anything else before them excepting a blank return, from Jonesborough. The Governor and Council, in making the count, made a distinction between *John T. Wallace* and *John T. Wallace, Jr.*

By MR. HILL :

Question. Jonesborough was not counted at all?

Answer. No. I mean in the general count. Mr. Wallace lost a great many votes, I think four or five hundred, on account of the “*Jr.*” being off; but amending the returns by the rules they laid down, and Mr. Harris still had a majority over *John T. Wallace* and *John T. Wallace, Jr.*, although they stated differently. Mr. Wallace was not injured by making the distinction.

By MR. HARRIS :

Question. You commenced to give some testimony in regard to a conversation you had with Mr. Talbot’s clerk; did that conversation give you the idea that he knew, at that time, there was any intention of Mr. Talbot being counted in?

Answer. It did not at the time; I never dreamed of such a thing being done in this State. It did afterwards; I had no such thought at the time; but afterwards, in recalling it, it produced that impression. It was in relation to the vote of Cherryfield. I think that was Friday or Saturday of the same week after election.

By MR. STROUT :

Question. You are a Republican?

Answer. Yes, and always have been.

BY MR. HALE :

Question. Have you examined the tabulations as made up, upon which the certificates were issued in Washington county?

Answer. Not fully ; I had a tabulation of my own that I made which I used at the hearing.

Question. Do you know that the rejection of the Addison return would have elected Mr. Harris over Mr. Talbot, the difference of sixty-six votes?

Answer. My recollection of it is that Addison and Marion were both alike in that matter of giving the whole number of votes instead of the whole number of ballots, and if both had been rejected Mr. Bradford would have been certificated; and that Addison alone, I think, would have brought Harris ahead of Talbot.

Question. But left Talbot ahead of Bradford?

Answer. I think so.

Question. Then if Marion had been thrown out, or Kossuth had been thrown out, or the whole given, that would have left Bradford ahead of Talbot?

Answer. Yes.

Question. A change in Addison alone would not have elected Bradford?

Answer. I think not.

Question. But with Marion or Kossuth it would have elected him?

Answer. That is my recollection. I raised the point at the hearing that the Kossuth return was void for uncertainty, and I was answered by Mr. Pillsbury that if they could get at the intention of the return that the return should govern.

Question. Explain how the return from Talmage, Washington county, is made up, for whom the votes appear to be given, and how it was tabulated as matter of fact, as appears by the docket?

Answer. I recollect very well about this return. The return reads, "*The whole number of ballots given in, was eighteen. For James R. Tabbot, John T. Wallace, fourteen;*" all written on the same line. "*Austin Harris, Alden Bradford, four;*" all written on the same line. I remember of raising the point that no votes could be counted for Harris or Talbot. I was answered that the intention of the voters must govern.

Question. And it was tabulated according to the intention?

Answer. Yes.

By Mr. HARRIS :

Question. You say that the return is written “*Tabbot*” and is tabulated for “*Talbot*,” is that a Democratic town?

Answer. Yes.

Question. Do you know of any town in Washington county where an error was made in the name of any Republican candidate for Senator where that error was not corrected?

Answer. In the town of Northfield the vote for Austin Harris in the return was written very illegibly ; it appeared to be “*Auseen Herris*.”

Question. How was that tabulated?

Answer. In the same way, for *Auseen Herris* ; I offered to produce a copy of the record to correct it, and they refused me. And in the town of Danforth, Alden Bradford’s votes were tabulated—“*Allen Bradford*.” The “*l*” was made with a heavy mark and might pass for “*t*” or “*l*” ; it lacked the lower curve there is on a “*d*.” I think those are the only returns thrown out for bad spelling. Those were both Republican towns. There were no Democratic candidates thrown out in Washington county on what was apparently bad spelling.

SAMUEL J. GALLAGHER, *sworn and examined.*

By Mr. STROUT :

Question. Residence?

Answer. Augusta, at present.

Question. You are in the Pension Office?

Answer. I am.

Question. Were you in Augusta in September, October and November, eighteen hundred and seventy-nine?

Answer. All the time, excepting perhaps two or three weeks that I was at Calais, the first of October.

Question. State what you know, if anything, in relation to returns or envelopes directed to the Secretary of State’s office, such as returns come in from the Town Clerks or Town Officers,—envelopes sent out for the September election ; state what you know about any such returns or envelopes coming back to the Secretary of State’s office in November, after the September election?

Answer. I was in the Secretary of State’s office on the seventeenth of November, which was Monday. I stood against the desk of the Deputy Secretary of State, with my shoulder against it.

Question. His name was——what?

Answer. P. A. Sawyer. I was looking over the “Year Book” for Dr. Martin, who was trying to find where an officer was. I hunted over the “Year Book” to find the town. While doing this the mail-carrier, Fred Wilson, brought the mail in and dropped it on the desk. I looked on it and saw an envelope like that—like an envelope for Representative return—and on it was marked “*Town of Jonesborough.*” Fred Wilson says, “What is that?” innocently, I supposed; and Mr. Sawyer grabbed it quick and turned it over and rammed it under the lid of his desk. I says to Fred, “Don’t you know what that is? that is an election return.” George E. Minot and Dr. Martin were there. He put it under the lid of the desk. He paid no attention to the other letters at all, but went on reading the “Eastern Argus” headings in regard to the counting out.

Question. You have said it was like the envelope you now hold in your hand. Is that envelope you hold in your hand an envelope from Jonesborough?

Answer. Yes.

Question. One of the official envelopes?

Answer. It was an envelope of this kind, and had on it the word “*Jonesborough.*” I saw that. I was as close to it as I am now. There were only two or three other letters with it.

BY MR. HILL:

Question. Did you notice whether Senatorial or not?

Answer. No.

Question. Do not know what it covered?

Answer. No.

BY MR. INGALLS:

Question. What day was this?

Answer. Seventeenth day of November.

Question. How do you remember it?

Answer. I made a minute of it at the time.

Question. Of what?

Answer. Of the time this return came in, that day. George E. Minot and Dr. Martin and some other gentleman, a stranger to me, were there.

Question. Any other matter you know of in connection with this?

Answer. Not that I know of.

BY MR. HARRIS :

Question. Did Mr. Sawyer make any reply when Wilson addressed this remark, and asked the question about the envelope or return?

Answer. Mr. Wilson asked what that was, and Mr. Sawyer says, "I don't know as that is any of your business," and then picked it up and put it under the lid.

Question. That is all the conversation?

Answer. That is all, and Wilson went off; I staid there some few minutes, and went away.

PITMAN PULSIFER, *sworn and examined.*

BY MR. STROUT :

Question. You are a stenographic reporter?

Answer. I am.

Question. Were you present when F. M. Fogg delivered a speech in City Hall, Portland, the last of December?

Answer. I was.

Question. Did you report him?

Answer. I did, in part, for the Press.

Question. Do you remember of his taking a blank return out of an envelope and holding it up to the audience?

Answer. I do not remember of seeing any envelope; I do remember of his holding up what he said was a blank return, and saying, in substance: "How are we going to count this?"

Question. Speaking of it as a return from Jonesborough or Jonesport?

Answer. Yes, I think he called it "*Jonesport.*"

Question. Did he exhibit other returns there?

Answer. He exhibited other papers and spoke of them as returns.

FEBRUARY 26, 1880, P. M.

WINFIELD I. CRANE, *sworn and examined.*

BY MR. INGALLS :

Question. Where do you belong?

Answer. Whiting, Washington county.

Question. What office did you hold in that town, if any, in eighteen hundred and seventy-nine?

Answer. Town Clerk.

Question. Were you present at the September meeting in eighteen hundred and seventy-nine?

Answer. I was.

Question. Did you make the returns to the Secretary of State at that time?

Answer. I did not, excepting the general return, but my signature was to the returns. The chairman of the Selectmen made the returns, filled them out, and I signed them in the capacity of Clerk.

Question. Were the returns made at the time?

Answer. Yes.

Question. In open town meeting?

Answer. Yes.

Question. Signed by all the Selectmen?

Answer. I think not.

Question. By whom?

Answer. By two, I think.

Question. Who were they?

Answer. Peavey and Crosby.

Question. Who was the other?

Answer. Nelson Hall.

Question. Was he present?

Answer. I think he was not present when the returns were made up. He was at the meeting, but left before the close.

Question. Were the returns of which you speak sealed up in open town meeting?

Answer. They were.

Question. Were they sent to Augusta in any way?

Answer. I presume so. The chairman said that he would deposit them in the office the next morning.

Question. Did he take them?

Answer. He did.

Question. Have you ever seen the returns since?

Answer. No, excepting the record.

Question. Have you seen the returns that were made up in open town meeting?

Answer. No.

Question. Did you subsequently make any other return?

Answer. Yes,—or I did not *make* the return.

Question. Did you *sign* any other return?

Answer. I did.

Question. State the circumstances,—all about it,—when it was and how you came to do it?

Answer. On the seventeenth of November, the chairman of the board of Selectmen, Mr. Peavey, came to me and said there was an error in filling the return, and wished to have it corrected and forwarded, and after that he read me a letter from James R. Talbot, saying to this effect:—that finding there was an error committed in filling the return on the day of election,—the Senatorial return,—the whole number of ballots was not put in, and “*Please correct the mistake and forward to me.*”

Question. Who had that letter?

Answer. Mr. Peavey.

Question. To whom was it addressed?

Answer. To him, I suppose. I did not see the letter any more than as he held it in his hand and read that part to me.

Question. By whom was the second return signed?

Answer. I did not see it signed by only one man; I saw Mr. Peavey sign it, and I signed it myself.

Question. How do you fix it as the seventeenth of November?

Answer. I fix it from two persons being at my house on business. There was about to be a transfer in property there, with two men, and they were present.

Question. Examine this paper marked “*Exhibit 6, G. D. B., Clerk of Committee,*” and state what you know about it?

Answer. I know that is my signature, and I know this is the hand writing of the Selectman.

Question. Who?

Answer. William S. Peavey.

Question. State whether that is the return you signed in open town meeting?

Answer. I think it is not the return that I signed in open town meeting.

Question. What makes you think so?

Answer. The letter that Mr. Peavey received from him saying there was an omission—the whole number of votes was not put in—and requesting him to fill that blank and forward it, as this is here, and then my impression is that the blot was made at the time this was filled. As to the other, perhaps I cannot identify that any more than the signatures. I know there was a return filled on the day of

election and sealed in open town meeting, and it was carefully filled as they came along, with numbers, and laid open till they got dry, till the ink was dry, so there would be no blot. I know they were laid out and carefully signed. I do not remember that that blot was made at the time that was filled, but knowing that it was folded then leads me to think that was the one that was made on the seventeenth of November.

Question. When you signed the one signed on the seventeenth, how many Selectmen were present?

Answer. Only one present, Mr. Peavey.

Question. Was his name on at that time?

Answer. Yes.

Question. Then from anything you can remember or can see upon this return are you able to state distinctly whether it is the one you made on the day of election, or the one you made on the seventeenth of November?

Answer. No, nothing more than I have stated—that blot being made, and knowing that this letter was written to him saying there was an error, that the whole number of ballots was not put into the Senatorial return; and this one has, and I know it was put in that day.

Question. When that letter was read to you had you any recollection whether the other return contained the whole number of ballots?

Answer. No; Mr. Peavey filled the returns, all of them. I did not notice any mistake. I did not look over them particularly.

Question. Where were you when you made the second return?

Answer. At my house.

Question. Was the blank brought there?

Answer. Yes.

Question. Where was it filled up?

Answer. At my house.

Question. Filled up from your record?

Answer. Yes.

BY MR. STROUT :

Question. Did your record contain the whole number of ballots?

Answer. No.

BY MR. INGALLS :

Question. How did you get the whole number of votes?

Answer. By adding the number of votes thrown for each candi-

date. The record indicates the votes that were thrown. If that is an error, it is an error; it has been done for years, I suppose.

Question. What are your politics?

Answer. Republican.

Question. What is Mr. Peavey?

Answer. Democrat.

Question. Crosby?

Answer. Democrat, and so is the other.

Question. How came you to make the second return?

Answer. By request. I supposed it was proper, and knowing that that would be correct, that the whole number of ballots was so many.

Question. Mr. Peavey had no other return with him excepting the blank?

Answer. No.

BY MR. STROUT:

Question. Didn't he have an official envelope at that time?

Answer. Yes.

Question. With the usual printing that is found on envelopes for official returns, such as you had received from Augusta before?

Answer. Yes. I forgot to say I went with him to the house and that was not signed at the time the return was signed. He came down immediately after that with this envelope, and that was signed also.

Question. Where did he get it from?

Answer. From his store I suppose.

Question. How came he by this official envelope?

Answer. I suppose it came by Mr. Talbot, as the blank did.

Question. You hadn't any official envelopes left over from sealing up the other regular returns?

Answer. No.

Question. Did Mr. Peavey intimate to you in any way that he hadn't sent the return you made up in open town meeting?

Answer. No.

BY MR. INGALLS:

Question. Do you mean to say that this blank return was received from Mr. Talbot?

Answer. Yes.

Question. How do you know that?

Answer. From his presenting it for the change to be made. This

letter said "*Please correct the mistake in the enclosed return and forward to me.*" That is as I understood it in the letter.

BY MR. STROUT :

Question. Was the letter signed by James R. Talbot?

Answer. I suppose so. He said it was from him. I did not see the letter any further than it is from here to that table. [Three or four feet.—Reporter.]

BY MR. INGALLS :

Question. Did it say forward to Mr. Talbot?

Answer. I will not be positive whether he said forward to Mr. Talbot or to the Secretary of State. It said "*Please correct the error, in the enclosed blank, and forward.*"

BY MR. HALE :

Question. Referring to the blank you had?

Answer. Yes.

BY MR. INGALLS :

Question. It did not say forward to him?

Answer. I do not know that it did; I wouldn't be positive as to that.

BY MR. HALE :

Question. Was anything said about getting the signature of the other Selectman; does he, Crosby, live near by?

Answer. He lives about three and a half miles from where I live.

Question. Was there an opportunity of getting him?

Answer. Yes, there was an opportunity of getting him most any day.

Question. What did Mr. Peavey say about getting the signature of Crosby?

Answer. He did not say anything about it; but Crosby was at the village most every day, quite often.

Question. You have no doubt about that being his signature?

Answer. Oh, no.

BY MR. INGALLS :

Question. It is the signature of Peavey, too?

Answer. Yes.

BY MR. HALE :

Question. Mr. Peavey sat down in your house and filled in the return that was there, in accordance with the letter from Mr. Talbot, writing in the whole number of ballots?

Answer. Yes.

Question. On the blank that was produced there?

Answer. Yes.

Question. Then went back to the house and brought the envelope which came with the blank?

Answer. Yes. I suppose it came with the blank.

Question. Was that envelope filled up on the outside there by him and you?

Answer. Yes.

Question. You signed that?

Answer. Yes.

Question. And left it with Mr. Peavey to complete?

Answer. Yes.

By MR. INGALLS :

Question. There is a yellow spot ; have you any knowledge about that?

Answer. I have noticed that ; I do not remember anything particular about that. I looked at the blank and saw it was like the one filled the day of election—had the same appearance.

FEBRUARY, 27, 1880, P. M.

EPHRAIM K. SMART, *sworn and examined.*

By MR. HALE :

Question. Where are you from?

Answer. Pembroke.

Question. Did you receive a summons from this Committee to attend here?

Answer. Mr. Hersey, Deputy Sheriff, served one upon me ; I saw it in his hand.

Question. Did you read it?

Answer. No ; he handed it to me.

Question. Does the summons direct you to produce papers, documents and records?

Answer. Yes.

Question. Have you brought any with you?

Answer. I have brought all that I could find relating to the matter, and have them with me.

Question. What have you got?

Answer. I have a letter from Mr. Church, a letter from Mr. Wallace, a letter from Mr. Burns, two letters from Judge Whidden of Calais, and one from C. R. Whidden, the editor there. I also have a package here in a blank envelope, and a blank return for Senators. I have a statement of some matters which I drew up at the time, and which I forwarded or caused to be forwarded, or allowed to be forwarded,—I do not know exactly how, now,—to Augusta, or supposed it came here, together with some memoranda that I gathered up, during some time after the election, till perhaps sometime in December. I also have attached here the three opinions of the Supreme Court, and matters which I had cut out for my own reference.

Question. Were you engaged in the taking of affidavits of persons in towns neighboring to yours as to facts occurring at the September election, eighteen hundred and seventy-nine?

Answer. I did do something in that line.

Question. What led to your taking up that work?

Answer. Perhaps, in the first place, this letter from Mr. Church to me, will show. [Witness exhibited letter.] It is in answer to one from me. And that is the first that started me; I wrote making inquiries.

Question. Who is Church?

Answer. A member of the Greenback committee for the county of Washington.

Question. The first is a letter from C. E. Church of Cherryfield?

Answer. Yes.

BY MR. STRICKLAND:

Question. That is in reply to one you wrote him?

Answer. Yes; but it gave me certain facts on which I started; I do not know as that strikes the affidavits exactly, but it starts out; one thing rolls another on as we proceed. The result of the election, I expected to submit to; but during the six days after election, before I wrote that letter, certain facts came to me which led me very much to suspect that some things had been done wrong by the opposite party, in the way of bribery, and all that sort of thing, which caused me to conclude, if there were any irregularities whereby this might be properly overcome, under the requirements of the Constitution and the laws and the decisions of the courts up to that time rendered, with precedents established, it would be legitimate matter if it could be gathered up and properly used. How far it could

be used I could not tell. I did not propose to be the judge of that. That information started me on Cherryfield, to have that rejected. I thought that would throw it into the House or Senate, as the case might be. In these investigations, Mr. Rounds, being County Attorney, had often, up to that time, appeared in defence of persons accused of bribery, and very seriously objected to questions being put to his clients whom he offered in defence, as to whether they had any money left with them, or in their possession, for the purpose of bribery. It looked to me as though the only way to get at this would be in one of the houses of the Legislature, if one of them should happen to be carried in the interest of the party that desired investigation. That was my idea and I started out on it.

By MR. HALE:

Question. Did you know what the majority was in the House of Representatives by the returns as stated in the newspapers?

Answer. No. I did not know anything about that, so far as the House or Senate was concerned.

Question. Did you not read the newspapers?

Answer. Yes.

Question. Do you mean to say you did not know by a week after election that the majority was about twenty-nine on the part of the Republicans?

Answer. So far as reading them myself, I do not think I ever saw a statement. I will take that back; I guess I did see a statement that there was a majority in both houses.

Question. Did you not know that the majority was twenty-nine, on the part of the Republicans? Were not all the papers on both sides full of it?

Answer. I cannot say; I simply know that I read the statement.

Question. You started in with the idea that there might be technicalities enough found to shift that majority in one or both houses, and that is what set you to writing?

Answer. Yes.

Question. Whom did you write to then?

Answer. Mr. Church. He requested me to write and make a certain statement, and also Mr. Wallace; I wrote him, and I have his reply.

Question. Wallace was Fusion candidate for Senator?

Answer. Yes.

Question. Were you Fusion candidate for County Attorney?

Answer. I was.

Question. Counted in?

Answer. Yes.

Question. To whom else did you write besides Church and Wallace, in the course of this effort of yours to find technicalities upon which towns might be thrown out?

Answer. I do not recollect on that particular point of writing any others now; perhaps I did.

Question. During the prosecution of this enterprise of yours, to whom else did you write besides Church and Wallace?

Answer. I do not know whom I addressed.

Question. I mean in regard to the whole enterprise you started out in, of getting up evidence of technicalities; to whom did you write?

Answer. There was a slight change of objects as I went along.

Question. As to the whole object, during the whole time, give me a list of the persons to whom you wrote?

Answer. I cannot give you the whole.

Question. As far as you can tell?

Answer. The gentlemen I have letters from excepting Mr. Burns; I never wrote him; but to Judge Whidden and Charles.

Question. To whom in Augusta?

Answer. That is what I was trying to make up my mind; I may have written General Leavitt and his clerk, and mentioned it. I had business with them, and wrote a good many letters to the General, and some to his clerk; but the most of my writing to them, so far as I recollect, was on matters connected with his office,—pension matters,—to get at evidence of allotments, and one thing and another.

Question. During this time were you not in correspondence with General Leavitt, in reference to this matter?

Answer. If I had time, anything I wished to communicate when I was writing such a letter, to save expense I probably put it in; but how much of that I did I cannot say.

Question. To whom else in Augusta did you write?

Answer. I think I wrote to G. G. Stacy, referring him to this Cherryfield matter and Dennysville matter; and I think I also gave a statement, of which I have a copy, or very nearly a copy.

Question. To whom?

Answer. I think to Mr. Stacy. It might have been to Mr. Leavitt, and it might have been to both.

Question. At how early a time did you write to anybody in Augusta,—Leavitt, his clerk, or Stacy,—in reference to the Cherryfield case?

Answer. My opinion is it was very soon after receiving that letter.

Question. That letter bears date September nineteenth?

Answer. Yes.

Question. To whom else in Augusta did you write?

Answer. I never wrote any other parties, I believe, in Augusta, till I received from the Secretary of State,—or the Deputy, I think it was signed by,—a notice that Mr. Rounds had made application to have certain returns changed, or whatever you may call it, the return of Dennysville, the Calais matter, and the Marshfield case; I am only giving my recollection as to what was in that notice. That notice I received on the tenth of December. On the eleventh I was to have a hearing; and I telegraphed on the day I received that, that I could not get there; telegraphed Mr. Pillsbury, and told him there was a letter by mail. I wrote him the same day, and in that I gave what I could think, off-hand, and short, so far as this matter then in hand had a bearing.

Question. Have you got a copy of your letter to Mr. Pillsbury?

Answer. No; I kept no copy of anything excepting this matter I spoke of, that I know of; I found none among my papers.

Question. You wrote fully to Mr. Pillsbury as to those cases?

Answer. Yes. I wish to say further that on the next day I sent to Dennysville to examine their record—not having looked at it or had it examined—with reference to whether it had been tampered with after the meeting, and the Town Clerk refused inspection, and stated that it was not for the public inspection; that he could give a copy if desired, but had twenty days to do it in; I took the affidavit of this messenger of mine to that fact, and sent it on the next day, or next but one, to Mr. Pillsbury, on the eleventh or twelfth of December; it could not have been till the twelfth.

Question. That was the second letter to Mr. Pillsbury?

Answer. Yes. I heard nothing; I told Pillsbury, in my telegram, to appear for me, and in the letter I told him to employ D. R. Hastings, of Fryeburg, if he was here; I did not know any other person that would be sure to be here but Pillsbury. I never had any communication during the year with him up to that time. I told him also that if Mr. Gould was here he could employ him or appear him-

self; that was my first letter. Then I gave him my view of the law and argued it.

Question. What other letters did you write to Pillsbury?

Answer. I then waited till it seemed to me, it was long enough to hear the result; I heard nothing; I wrote again to Pillsbury, telling him what I had done, that I first telegraphed him and told him I would write, and had written, and recapitulated, I think, what I had sent. I got an answer from that, saying that my matter had been attended to,—short, nothing else in it. That is all the communication I had from him; I did not find it in my investigation or I would have brought it; I do not think I have got it.

Question. Can you produce Mr. Pillsbury's letter?

Answer. I cannot; I was not able to find it.

Question. You have produced other letters of your correspondence in this affair?

Answer. Yes; I have produced everything I have that I considered was called for.

Question. Those are letters that have been preserved by you which came to you in the course of your correspondence on the subject matter?

Answer. They were thrown into waste places and I ferreted them out.

Question. Have you brought here the four or five letters you wrote Mr. Pillsbury?

Answer. I did not write but three.

Question. Or any dispatches sent him, or any reply he made; have you brought originals or copies?

Answer. No; I had not copies of what I sent him or any memorandum.

Question. Have you brought any reply—any letter you received from him?

Answer. I never got but one.

Question. What has become of that?

Answer. I cannot say; I did not think of that in my search.

Question. Why were you not as likely to find that as the others?

Answer. I suppose I would; perhaps I might have thrown it into a waste-basket, or passed it to somebody else to look at, I cannot say what I did do with it. Those political matters do not go on file; this was my first correspondence with that gentleman, and he was almost a stranger to me.

Question. Had you had previous correspondence with him?

Answer. Years ago.

Question. And have always been in correspondence with him?

Answer. No.

Question. Have not you, from time to time, the last few years?

Answer. No.

Question. Have you not been acquainted with him?

Answer. No, he did not know me when I came. His name was as familiar to me as my own.

Question. Was there any reason why you should have destroyed his letter any more than the others which you have produced here?

Answer. I do not believe I destroyed it, and perhaps I have not lost it.

Question. Why did not you discover it?

Answer. It did not occur to me that that might be essential.

Question. Did not you in your letter state to him what the result of your investigation had been, and did not you ask him in regard to the matter?

Answer. I did not ask him what the result had been. I was afraid that my letter had missed, that he might be away and I have nobody to appear, and it would go by default. He answered me—my matter had been attended to,—and that was enough.

Question. You have not found that letter?

Answer. I did not look for it. I did not think it amounted to anything here, but I was thinking since I have been here that I ought to have looked particularly for that, because perhaps it might come up.

Question. You were candidate for County Attorney on the Fusion ticket?

Answer. Yes.

Question. Mr. Rounds was the Republican candidate against you?

Answer. Yes.

Question. Did not you see the statements in the newspapers of the vote showing that Rounds had been elected?

Answer. Yes; the newspapers stated it, I do not know as the paper stated that he was elected, but it might as well; it summed it up and stated the majority.

Question. Did not the "Calais Times" have the same statement?

Answer. I do not take that usually; I had the "Union," but I think that did not give the figures, but I got the figures; I borrowed,

or had my wife borrow, from her brother, a custom-house officer,—an “Eastport Sentinel,” that had a full report of the county tabulations by Clerk of Courts Longfellow, published in the “Machias Republican,” and copied into the “Sentinel,” and from that I drew off the vote for Rounds and myself.

Question. How many days after election did you first start off on the voyage to find technicalities in towns?

Answer. It seems by that the fourteenth I addressed the letter.

Question. What date was the election?

Answer. The eighth.

Question. Six days after that you began to make enquiries as to technical objections to votes in Washington county?

Answer. Yes.

Question. Between the time of the election and the time when you started out on this expedition or enterprise of yours, how many times had you been to Calais?

Answer. I do not think I had been to Calais at all.

Question. Are you positive?

Answer. No, because business might have called me.

Question. Had you been to Eastport?

Answer. I do not think I had; it is possible I had. Soon after election I was summoned to take depositions in Lubec, and was requested by Brother French, on the other side, to come down and pass over the ferry with him, and into Lubec where the witnesses resided, and I was there on that trip.

Question. Had you been to Eastport after election and before this time, when you started out by writing a letter to Cherryfield?

Answer. I should have serious doubt if I did before I wrote that letter.

Question. Had you seen Mr. Leavitt?

Answer. No.

Question. Had you seen Mr. French?

Answer. If I saw French it must be that that journey I made was before writing that letter.

Question. Had you seen Mr. Burns?

Answer. No.

Question. Had you seen Mr. Whidden?

Answer. No, not at that time.

Question. After you began to write these letters, and to hunt up these technicalities, and while in the prosecution of that did you see Mr. Whidden?

Answer. I do not think I saw him.

Question. Did you see Charles Whidden?

Answer. I do not think I did. That was the one I answered in regard to first. Then I did not know but I had seen Judge Whidden in the meantime, but I do not think I had.

Question. You saw neither of them during the prosecution of this search or during this correspondence?

Answer. I do not think I did.

Question. Are you certain?

Answer. No.

Question. Did not you go to Calais during this time?

Answer. I have no recollection of anything calling me to Calais.

Question. Did you not go to Calais between the September election and the correspondence you had in December?

Answer. I do not recollect it.

Question. Not at all?

Answer. No.

Question. Did you go to Eastport?

Answer. Yes, I did go to Eastport, I think, twice.

Question. Did you see Mr. Leavitt?

Answer. I do not think I saw Leavitt till after the October term of Court.

Question. Did you see Leavitt during the prosecution of this enterprise?

Answer. Oh, yes.

Question. How many times?

Answer. I saw him at least twice, in my opinion.

Question. Did you see Mr. Burns during that time?

Answer. It is barely possible I saw him every time I went to Eastport, but if so I simply passed him.

Question. And Mr. French?

Answer. Yes; I do not very often go to Eastport without seeing French, and Leavitt if he is there?

Question. In reference to those technicalities in certain towns round about you, did you go into those towns and take affidavits, yourself?

Answer. Yes, after a while.

Question. At whose suggestion did you go into those towns and take affidavits?

Answer. The suggestion came from my own mind, but it resulted

from a conversation which General Murray, United States Marshal, had with me.

Question. Who suggested to you to take these affidavits?

Answer. Nobody but myself.

Question. Did you have any direction or instruction from anybody in regard to it?

Answer. No.

Question. To take these affidavits?

Answer. Oh! yes; to take some, but not those I took. Burns' letter gave me instruction to go to Robbinston and take four depositions at the request of McNichol, who was a member of the Democratic State Committee, and it is possible that I had from McNichol before I got Burns' letter.

Question. Do you not think you had correspondence with and letters from McNichol?

Answer. I never had a letter from him, I think, during that time on any matter of this kind.

Question. Or any interview?

Answer. I do not think I did with him.

Question. What is it you might have had from him?

Answer. I might have had a letter from McNichol or some one, communicating that request as coming from him.

Question. Have you any letters you had from McNichol?

Answer. No; there were certain things in my mind that led me to have doubts whether I received any.

Question. Do not you believe, on thinking it over, you had some letter from McNichol?

Answer. I would not think I did.

Question. What was it you referred to when you said you might have had it from him before you had it from Burns?

Answer. On looking at Burns' letter now, this letter is dated Eastport, and says: "*I came from Calais yesterday,*" and then he goes on to state what McNichol wanted me to do at Robbinston on the next Monday. It is in regard to evidence of bribery. I will read the whole of it if you wish. This does not give me all the information I had. I must have had somebody tell me. I had information that Burns, in going towards Calais, had got sick and expected to die in Robbinston, and somebody wanted me to go and see him, and I was making haste to get there. I know when I got there I expected to find Burns at O'Brion's hotel. I found he was

not there ; and a good deal I had heard about his being so sick was not true. Therefore I am not absolutely certain whether I went on Monday after November eighth, as he asked me to, or whether I went prior to Monday, but I think I went on that Monday, and I understood that he was there. It might be I had not read Burns' letter. It oftentimes takes me three or four days to read his letter, he writes so bad.

Question. Whether you had heard from McNichol before that?

Answer. I do not know but some one had told me he wished me to go there.

Question. Did you hear from McNichol?

Answer. No, I do not believe I heard from McNichol during the campaign or since.

Question. The affidavits you had started to take in the towns around—what was to be done with them ; where were they to be used?

Answer. My recollection is I made one myself in regard to a couple of votes which I found recorded on the record of Edmunds as not thrown for "Ephraim K. Smart" but "E. K. Smart," having what I thought sufficient evidence to show those two votes were intended for Ephraim K. Smart.

Question. Where were they to be used?

Answer. That affidavit, together with a copy of the Town Clerk's record, I made and caused to be forwarded to Augusta to be used before the Governor and Council if it was material, and deemed proper by the parties that would represent us, and I supposed it would be the Fusion committee.

Question. To be used before the Governor and Council?

Answer. That is what I intended.

Question. Did you make any other affidavits excepting the one you have referred to in the town of Edmunds?

Answer. No, I think not.

Question. Are you positive you made no other affidavits excepting the one in Edmunds, in relation to the two votes thrown for you for County Attorney?

Answer. No, I do not believe I did.

Question. Look at that (paper shown witness) and see whether it is in your hand writing?

Answer. Yes ; but that is not an affidavit sworn to by me, but is an affidavit sworn to before me by a gentleman residing in Dennysville, and was to apply to that.

Question. Did you make that yourself?

Answer. Yes.

Question. Then you made one in Dennysville?

Answer. I did, two.

Question. Is this all in your hand writing?

Answer. I think it is, every part.

Question. Including the signature of the person?

Answer. Yes, and he made his mark as is usual.

Question. Witnessed by you?

Answer. Yes.

Question. The jurat is yours, and sworn to before you?

Answer. Just what it purports to be. [Witness reads affidavit to the Committee.]

Question. That was made where?

Answer. At the dwelling-house of Ebenezer Anthony in Dennysville. His son's wife was present, and there may have been two or three little children there.

Question. His son's wife did not sign as a witness?

Answer. No.

Question. What other affidavits?

Answer. In connection with that I had the affidavit of James Dunn.

Question. Did you write the affidavit?

Answer. I did.

Question. Is it here?

Answer. I think so.

Question. Where did you write it?

Answer. I think at John N. Anthony's, which was also the dwelling-house of James Dunn.

Question. Did you write it in the presence of Anthony and Dunn?

Answer. I think Dunn had told me before what his testimony would be, and I think I wrote it at home; it is the same with the others.

Question. When you started out on this trip you wrote the affidavits before you started?

Answer. I wrote it on the testimony they had given to me or statement they had made to me when I met them somewhere on the road or at their place.

Question. You had seen these parties before?

Answer. Yes, Dunn and John N. Anthony.

Question. Were these affidavits changed by you after originally written?

Answer. No. In some instances I missed when I got to the man ; it is possible these are not so ; let me see that.

Question. No ; I prefer to ask you without.

Answer. I prepared the affidavits in the first place, and found in some respects they were wrong, and I got their true statement and went back home and made a new one, perhaps. I expected different names, but one was away in Boston, and therefore I had to make use of such as I could find. Not a particle of change was made after they put their marks or signatures on.

Question. Whether you had occasion to change them after you had made them and before the witness signed?

Answer. Yes ; it might be after I had first made them I re-wrote.

Question. The affidavit of James Dunn is witnessed by you. Do you remember of witnessing it?

Answer. I do not remember of witnessing it—because I had the impression that he wrote his name, but I guess he makes his mark.

Question. It is certified before you as justice?

Answer. Yes. [Witness examines affidavit.] This tells the story. The facts were different when I got to him from what I had been informed. I endeavored to make the facts appear.

Question. Did you take affidavits of any person or persons in relation to the town meeting at Charlotte?

Answer. Yes, two of them.

Question. Do you remember what the point was there?

Answer. Yes. In the first place, I was informed that the point was a little different from what it turned out ; but the point, if I recollect the way it did turn out, was, the Town Clerk held the check-list and did the checking. There were three Selectmen, not present, but the board was composed of three, one Republican and two Democrats ; the Republican was chairman, and he took charge of the ballot-box, and it seemed—that is what appeared to me, and what I tried to put in form—that the two Democrats were ignored, and one man had charge of the box ; that they went out of the meeting and came in and found even that man out, and the box not left in the care of anybody, unless the Town Clerk might have been there, the people standing around it.

Question. Do you recollect whose affidavits you took?

Answer. The two Democratic Selectmen, Ebenezer Royal and J. F. Mahar.

Question. Were those affidavits in your hand writing?

Answer. When Mr. Royal's was taken, Brother Rogers was with me, and it is possible some of it is in his hand writing, but the other must be my hand writing, for I think I was alone. [Witness examines affidavits.] Royal's appears to be all in my hand writing.

Question. Is it witnessed and sworn to before you?

Answer. There is no witnessing, but it was sworn to before me.

Question. The affidavit of Mahar,—is that your hand writing, and sworn to before you?

Answer. Yes, I think that is all in my writing excepting his signature.

Question. That is in reference to the same point?

Answer. Yes.

Question. Did you take any affidavits in Robbinston?

Answer. Yes.

Question. Whose?

Answer. My recollection is I took James W. Cox, Hiram Hunt, and S. O'Brien, the hotel keeper.

Question. What was the point there?

Answer. I had inspected the record, and found that the record gave the name of our candidate for County Treasurer, Joseph Wilder, Jr., as "*Joseph Wilder*," and also gave our candidate for Senator, John T. Wallace, Jr., as "*John T. Wallace*." I therefore saw we were hit twice by the record. I also saw the other side was hit once in their representative; Robert M. Loring was the candidate I supposed, and in Robbinston the Town Clerk had made the record as "*Robert Loring*." I think I am right. I took a copy of the record certified by the Town Clerk, and then went to these gentlemen to get testimony that they voted for Joseph Wilder, Jr., and John T. Wallace, Jr., and that they intended to vote for the nominees by the proper name.

Question. Where was this affidavit written?

Answer. I do not think that the two of them were there. I think I wrote them at Mr. Hunt's store, in his presence; I told him what I wanted and he furnished me paper and a chance to write; he was shipping potatoes at the time, on his wharf, and it is possible I might have waited for him to come back. I recollect now he was away, because when he did come he could not swear to it in the manner I had it written originally.

Question. [Paper shown Witness.] That paper is made by you?

Answer. Yes. The other two affidavits were made at the same place, Mr. Hunt's; and then I went to the other gentlemen and had them sign them.

Question. The paper marked "*Exhibit 9, G. D. B., Clerk of Committee,*"—the one just shown you,—is an affidavit in your hand writing?

Answer. Yes.

Question. The affidavits in that paper were drawn by you and are in your hand writing?

Answer. Yes.

Question. And were sworn to before you?

Answer. Yes.

Question. At the date they appear to have been made, November eighth, eighteen hundred and seventy-nine?

Answer. Yes, no doubt of it, unless I made a mistake.

Question. Were you the only Justice of the Peace in your town or in any other town about, where these affidavits were taken?

Answer. So far as Robbinston, I rather think Mr. Buck is, but do not absolutely know who.

Question. Is there not a Justice of the Peace in each one of the other towns?

Answer. In Edmunds there is a Trial Justice, Haywood, living three or four miles below, in Edmunds. That was sworn to before Mr. Levi in Pembroke.

Question. Is there not another justice in Dennysville?

Answer. Yes, at the village.

Question. In each of those towns where the affidavits are laid are there not other justices of the peace besides you?

Answer. Yes, I know there are.

Question. So there was no necessity of your making out these affidavits,—you being a candidate?

Answer. Only to save expense. I had not the means to pay for it. MR. HALE read affidavit in regard to Robbinston.

Question. This affidavit was as to the man they intended to vote for?

Answer. Yes.

Question. What did you do with that affidavit?

Answer. I know this, and it is all I can state, that within a few days of each other I put two packages in envelopes addressed to Charles R. Whidden, Calais, and deposited them in the hands of

John N. Young of Baring, who has the contract for carrying the mail, to personally deliver to Whidden or Judge Whidden or Mr. McNichol; I do not think I gave him any further liberty.

Question. Where was the paper to go, to be used?

Answer. My intention was, to be used by the Committee if they thought it material.

Question. Committee of the Council?

Answer. No; the Democratic and Greenback Committee supposing that somebody would appear and act for them if there was any contest. I supposed they would get here, that they would put them on their course.

Question. Before what body were the counsel for the Democratic and Greenback party to use them?

Answer. Finally the Governor and Council, provided the parties who were going to inspect deemed it important.

Question. They were to be used before the Governor and Council?

Answer. If needed and material.

Question. Look at the Senatorial return for town of Robbinston and give me the names of the candidates as there returned?

Answer. I take it for granted this is the return. "*The persons voted for severally received the number of votes following, viz: For Austin Harris, 95; Alden Bradford, 97; James R. Talbot, 63; John T. Wallace, 65.*"

Question. It is not "John T. Wallace, Jr.?"

Answer. No; I knew nothing about what the return might be. I only judged from the record.

Question. Look at the tabulation of the Governor and Council for Senators from Washington county—Senatorial district—and examine the return of the town of Robbinston and see to whom the sixty-five votes are credited.

Answer. James R. Talbot is credited on the tabulation, if this is it, with sixty-three votes, John T. Wallace, Jr., with sixty-five, Austin Harris, ninety-five, Alden Bradford, ninety-seven.

Question. The tabulation is the same as the return with the exception that the sixty-five votes in the return given to "*John T. Wallace*" are in the tabulation "*John T. Wallace, Jr.?*"

Answer. Yes.

Question. Did you take any affidavits in Robbinston except the affidavits of Hunt, O'Brien and Cox, with reference to their intention in voting?

Answer. No.

Question. Have you ever, since those affidavits left your hands and were delivered up to be used, if necessary, before the Governor and Council, seen them till to-day, in the hands of this Committee?

Answer. I have not.

Question. You have no doubt these are the affidavits originally made out by you?

Answer. I have not. That is my hand writing. I never made and put my jurat to any other than those.

Question. What had led you to believe, at the time you took these affidavits, that there was a necessity for it?

Answer. An inspection of the record of the town—I did not go up there to inspect it, but being there I saw it and this thing popped out on me.

Question. Not only does the return show that the vote was given for “*John T. Wallace*” but the record of the town shows it, and that is what gave you the first information that this affidavit was needed?

Answer. Yes; I did not know whether that would be material.

Question. You knew your candidate for Senator was John T. Wallace, Jr.?

Answer. I did.

Question. And the record of the town shows it was for “*John T. Wallace*?”

Answer. It did then.

Question. So it was not a question of correcting the return by the record?

Answer. No.

Question. But correcting the return and the record by affidavits?

Answer. Yes; showing whom they intended to vote for. I had not read the law, but it was swimming around in my head that it authorized it; I thought it did at the time. I wish to make one explanation, so far as sending these things along in the hands of these men that I authorized their being delivered to; there was no arrangement, only I supposed they were gentlemen who would put them in the right place.

By MR. STROUT:

Question. Where they would do the most good?

Answer. Yes; do the most good to justice. It is possible that I might have had a direction from Whidden to send along to him or

there and they would forward them. I have kind of an impression of something of that kind. In the drawing of the affidavit the ground I took was this: as matter of law the “*Jr.*” is no part of the name,—is a description of the person.

Question. What was the need of the affidavit?

Answer. I doubted whether there was any need, but I thought there would be evidence to show the identity of the person voted for.

Question. The Governor and Council carry out certain other votes to “John T. Wallace, Jr.?”

Answer. I am not responsible for what they did.

Question. I perceive that in the affidavit you prepared for Hiram Hunt, and to which he has made his signature, that you say, and he says, that the votes that were thrown for “*Joseph Wilder*” for County Treasurer, were intended to be cast for Joseph Wilder, Jr.?

Answer. Yes, the young man and not his father.

Question. I find that in the other affidavits the same declaration is made, and that was signed and sworn to by them?

Answer. Yes. They were drawn in haste.

Question. Look at the docket, and tell me how the votes were tabulated in Robbinston? [Tabulation passed to witness.]

Answer. For “*Joseph Wilder, Jr.*,” in this paper presented to me.

Question. I understood you to say you did not consider the “*Jr.*” as any part of the name, either of Wallace or Wilder?

Answer. I did not. My impression would be, if you find the statement I sent with this document, that I summed it up in that way. I thought where there were two men in existence, one known without the *Jr.*, and the other with the *Jr.*, that there should be some evidence to identify.

Question. Have you not said you did not think it was necessary to have these affidavits?

Answer. It might have been in a contest.

Question. Was there any contest at that time?

Answer. No; but I apprehended there might be.

Question. Had you ever known before in your life of any Governor or Council rejecting votes for a man because the *Jr.* was left off of his name?

Answer. I am not very familiar with anything of that kind unless it comes where I am connected; but I do not recollect that I had at that time or have now.

Question. If you had not, tell me how you came to think there was a contest to arise, and what contest?

Answer. As I have already stated, the papers had given it out as a fact, that certain candidates were elected; that was sent forward by the friends of the candidates, and that effort being made had a tendency to show that that was a mistake, which naturally caused to arise in my mind the idea that the opposite party, when they saw this effort was being made, would put in to off-set irregularities which might be shown in other places. If it came to that, I wanted parties to have them in their hands to use and provide against accident.

Question. You have already stated that you did not consider the "Jr." was any part of the name, and that you, to your recollection, never had known such an omission of *Jr.* to cause votes to be thrown out; now I want to know from what source or person did you get the idea which caused you to go about and take these affidavits in relation to the omission of this word "*Junior*;" why did you think the Governor and Council would adopt that rule of construction which would throw votes out if they were thrown for "*John T. Wallace*" instead of John T. Wallace, Jr.?

Answer. Had I been of the Council or in the position of Governor, and such returns came up with the "*Jr.*" off, and also returns with the "*Jr.*" on, with evidence put in that there were two men in the district voted for, one properly designated without the "*Jr.*" and the other with the "*Jr.*" I would not count them all in one.

Question. Did you or not mean to say that the "*Jr.*" was not a part of the name?

Answer. I understood you to be a lawyer, and to understand that as matter of law the "*Jr.*" is no part of the name, only a description to identify the person.

Question. Had you any intimation from any person that there was to be a rule of construction by the Governor and Council which would throw out votes if the "*Jr.*" was left off?

Answer. No; and I tried my best to find out whether there was anything of the kind. I think I had before this put questions to Mr. Leavitt, Adjutant General, to know if he knew the opinion on any point of this kind, and he told me distinctly nobody could tell, —no opinion was formed.

Question. If you had no knowledge that the Governor and Council would adopt that rule of construction why was it you went

around taking affidavits showing that votes without the “*Jr.*” were for the same man as those with the “*Jr.?*”

Answer. For prudential reasons.

Question. Had you ever done it in any election before?

Answer. I do not think I had ever taken part in a contest after election before.

Question. Had you ever known of its being done in any election before?

Answer. I never had known of any discrepancy where the “*Jr.*” alone was the point.

BY MR. HALE:

Question. During this enterprise of yours did you go to the town of Marion?

Answer. I did, but not with the intention of anything of this kind, but on a business matter outside.

Question. Did you have with you when you went to Marion, a blank return?

Answer. Yes, and wherever I went for weeks before, and prior to the election, I had with me the same.

Question. The blank returns?

Answer. The same.

Question. Were they blank returns?

Answer. I had but one, only as a memorandum to show me what the law was.

Question. How many blank returns?

Answer. I had but one election return; I do not recollect of having but one.

Question. Where did you get that blank?

Answer. I do not know where I got it, but I will tell you all I do know; sometime prior to election some parties came to our place in regard to the campaign, or interested in it, who were likely to be where these things could be obtained, and I requested that they send to me blanks that might be needed before election, and to include among them a blank of this kind.

Question. Sometime before election you requested certain parties to send you election blanks?

Answer. I cannot tell whom I did request.

Question. Such as might be needed?

Answer. Yes. It might have been Mr. Levi of our town.

Question. Are you a Town Clerk?

Answer. No.

Question. Do you not know that the Governor and Council furnish every town with every blank that it needs?

Answer. I presume so.

Question. What did you need election blanks before election for?

Answer. I am going to tell you ; I was being asked often by parties whom I had directed, where there were Democratic towns, and the officers were Republicans, to stand by and watch and carefully inspect the making of the record and see to it it was made up right ; and if it was not made up right and they refused to make it right, for those opposed to elect a new board to do it then and there, then have the whole thing done themselves in order to insure a correct return, so there would not be any mistake. We had been counted out quite a number of times in the past. In reference to this matter, the Senatorial return contained the most information that I and others would be likely not to know ; for instance, not half of us know the number of the Senatorial district, and it would call my attention to the fact that that had got to be in, and I could inform them if they did not know ; don't you see? Also I could show them by the law and form what had got to be done with them, not to deliver it to them, but as a memorandum for me ; but I found Democratic men were pretty well posted in regard to the matter.

Question. You were there before election with election blanks to be used, if you considered necessary, in towns where blanks had already been sent?

Answer. No. I was to instruct those men to stand by when the officers were adverse to the majority, and see it was done correctly, to instruct them so they would know when it was done right.

Question. How did you propose to use them, providing the men who were watching the votes could not have the returns made up to suit them? how were they going to use the election blanks?

Answer. Unless they could get those in the hands of the Town Clerk they would not have any, but they could keep their meeting open and send for aid.

Question. And fill up the other blanks?

Answer. No ; they might have made some.

Question. What did you get the extra blanks for, unless they were to be used, as you stated, in towns where the returns were not made up to suit you?

Answer. This was a memorandum for me whenever I might forget ; so I might give instruction if needed.

Question. You said you requested parties to furnish you with other blanks to be filled up?

Answer. I was given instruction to prosecute for attempt at bribery.

Question. From the Secretary's office?

Answer. No, sir.

Question. What did you mean by saying you requested parties to furnish you with other blanks?

Answer. They were to communicate with some of the Greenback or Democratic committee where they could get them, for them to furnish me, and the blank complaints came to me in a larger envelope than this, and those I took out and this (blank Senatorial return) I left. I have no particular recollection just the time I received this one, but finding it in that envelope those were sent to me in, I came to the conclusion that it did come into my hands that way. No particle of writing came in it excepting the direction to me on the outside.

Question. What did you mean when you said that you requested to be furnished with blanks so that in case town officers, who were against you, persisted in making them up wrong you might have the blank properly filled up and if necessary elect officers that would do it?

Answer. I meant this, that the law allows the voters assembled under a warrant, when the town officers refuse to act, even though present, to elect enough to make a majority of the board. My judgment was they would have authority to elect, if a Clerk should refuse to act.

Question. What did you mean by that they were to be prepared to stand by, and if the officers of the town did not do the right thing that the people might elect another board and make up the right returns?

Answer. That the making is substantially, as I understand it under the law, in the hands of the voters; that the officers are their servants and not their masters,—servants to do what the law requires of them, and they must do it right, and if they refuse and do it wrong it is a neglect of duty and the law authorizes the voters to do it.

Question. You proposed to be prepared for such an emergency?

Answer. Yes, sir.

Question. How long before election did you have consultation with parties in your party as to being prepared and armed with the proper documents in the event of election returns being made incorrectly?

Answer. After the canvass was getting pretty well along.

Question. About how long?

Answer. After they had got through with the discussion,—not through, because we had meetings clear up to Saturday night, but through the material part of the discussion; then my attention was directed to the question of having, at the polls, a proper attendance of inspectors.

Question. Was that probably within ten days before election that you had this consultation and made this request?

Answer. It might have been, and it might have been less.

Question. With whom did you consult or confer about that matter?

Answer. I cannot tell you any more definite than I have. I had the impression that I once or twice called Mr. Levi's attention that I thought he was not doing and was likely to miss. I do not recollect whom we had down there that was going up Calais way.

Question. Who were the parties that came to town that you spoke of?

Answer. I think it might have been a speaker, or Mr. McNichol or Charles R. Whidden.

Question. Was Charles R. Whidden there?

Answer. I do not know as he was.

Question. Did you see him within a month before election?

Answer. I cannot say.

Question. You were interested in this canvass?

Answer. I was.

Question. How long before election had you been nominated as County Attorney?

Answer. My first nomination was in June by the Greenbackers, and after that by the Democrats; when that was I cannot say. I was at Calais and saw Whidden once or twice between the two conventions.

Question. Where were the conventions?

Answer. I think both in Machias.

Question. You were interested in the canvass?

Answer. I was not interested as a candidate till the Democratic convention. I was intending to withdraw and have another nominated.

Question. But you took an interest after your second nomination?

Answer. Yes; I took an interest before the convention was called.

Question. You saw the speakers who came there?

Answer. I did.

Question. You spoke to parties who came to town about being prepared so you could have proper safeguards?

Answer. I am a little mixed in regard to the two years. We were running a Fusion ticket two years. At some time Mr. Pierce was there, and it seems to me he was not there the last year. I know I sent by Pierce for certain things.

Question. Did you talk with anybody about furnishing you proper safeguards for the polls two years ago?

Answer. I did not.

Question. Who was it you talked with, of certain parties that came to your town, about this matter of being furnished so that the polls might be properly guarded and there might be proper returns?

Answer. I cannot tell absolutely.

Question. Whom did you have in your mind when you said that you did talk with certain parties that came to your town?

Answer. It might have been Wallace Brown; I think he came down and brought a speaker, and he was going back to Calais.

Question. You think you may have talked with him about that?

Answer. Yes.

Question. When did you get that blank that you had?

Answer. I cannot say. The first I knew of it, it was inside this envelope that brought and contained those bribery blanks.

Question. Was it in answer to any letter you had written to anybody?

Answer. It was not.

Question. It came by mail?

Answer. It is possible it might have come to Mr. Levi, or he might have brought it, but I think it came by mail, and came open; I think it came as a circular to me.

Question. Postmarked where?

Answer. Parties have told me they believed it came from Calais, but I have always had the impression it came from Augusta.

Question. Printed matter?

Answer. Yes. That envelope was big enough so it went in. I carried with it sheets of paper folded up which I wanted to take down evidence on, or what speakers said.

Question. Have you got the envelope they came in?

Answer. No. That envelope tore out, soon after I was at Marion, so it would not hold anything, and I destroyed the envelope and threw it into the waste basket; then I put all my memoranda into this other one and this broke down some.

Question. That envelope is gone?

Answer. That wore out in my pocket.

Question. It was your impression that that came from Augusta?

Answer. That is my impression, but somebody undertook to tell me those blanks were printed at Whidden's, but I supposed they came from Augusta.

Question. That was your impression at the time?

Answer. It was.

Question. You had the blank at Marion when you went there?

Answer. I had these other papers, and I think likely I had that with memoranda at that time; when I found it I found it with those in it.

Question. Where did you get this envelope that you have here?

Answer. It was inside of that one that included those other blanks with a return there is in there, because when that original envelope broke down, the outside envelope, I transferred them inside the other.

Question. This had nothing to do with the original papers that came to you?

Answer. No, sir.

Question. The things that came to you in the original envelope, you supposed were from Augusta, were blanks, and this was one of them?

Answer. That came just as it is, and the others were blanks with an envelope right over the whole.

Question. The larger envelope contained the other blanks, and this (blank return) included?

Answer. Yes. That is my first knowledge of it. I found it in there and consulted it whenever I wished.

Question. This blank contained in this envelope is a blank Senatorial return?

Answer. It is.

Question. The same as comes from the Secretary of State to Town Officers?

Answer. I suppose so.

Question. It is headed “*Blank No. 2. Return of votes for Senators. Town of [blank] County of [blank.] [blank] Senatorial District. 1879*”?

Answer. Yes.

Question. At the bottom “*Important! Notice to Clerks*”?

Answer. Yes.

Question. With the notices following?

Answer. Yes.

Question. And blanks for the votes on the other pages?

Answer. Yes, and containing reference to the Statutes and Constitution.

Question. And that blank came in the envelope which you now hand to me?

Answer. I found it in there, the first I knew of it.

Question. And this envelope is directed in printing: “*For the Secretary of State, Augusta, Maine. This contains a list of votes given by the Inhabitants of the Town of [blank] in the County of [blank] for Senators for the [blank] Senatorial district, on the second Monday of September, 1879, sealed up in open town meeting by [three blanks] Selectmen. Attest [blank] Town Clerk*”? Did you advise the Clerk of Marion to make up a new return after election?

Answer. Substantially, yes; but perhaps not quite, yes.

Question. State what you advised the Town Clerk in Marion?

Answer. Mr. Fenderson of Marion, and the Town Clerk, came to my place, so I was informed by my wife when I arrived home one day, to see me in regard to a claim which the town or town treasurer of Marion had against Fenderson as tax collector, which they wished me to investigate.

Question. This was after election?

Answer. Yes. Not finding me there they made an arrangement, so my wife said, that I should go up Saturday; and what has gone before in those affidavits, has shown to me where I was to be Saturday and why I could not go. I could not go Saturday, but I was not engaged for the next day after my visit to Eastport, and I told her so. So the next day after my return from Eastport I went to Marion to attend to that matter. Before that Fenderson had asked me to see to it that James R. Talbot, Democratic candidate for Senator got a vote which they had cheated him out of, and he thought I would be able to fix it so he would have his rights. He seemed to feel a good deal annoyed about it. When I got there I told him to

tell Smith, the Town Clerk, who represented the Town Treasurer in this investigation, to come up. He says, "Now I want you to quiz him in regard to what I told you in regard to this vote and get it right if you can." I told him I would, and so I says, "Tell him to bring up the record of the meeting of September eighth." When he came he brought it and expressed a great deal of surprise and somewhat of temerity, and I thought was a little shy. He did not know why that had anything to do with the matter on which I came. I told him I was interested in the canvass and wanted to see how my vote stood recorded—if it was right—and all my friends. He said they were all right, and opened the record and I inspected it. I think our majority was only two. I noticed that he had not recorded the whole number of ballots thrown, in any case. I asked him if, in making up his return, he had reported the whole number of votes in each of those cases and he said he had followed the blank. I said, "You have no doubt about that?" and he said he had "not any doubt about it all." I said, "On this Senatorial question, have you got enough here so that by this you can tell how many the whole number of ballots was that you returned for Senators?" He said he could. I asked him to tell me how he got at it. He said he added them all together. I says, "Are you sure of that?" He says "Yes." I then says, "You have got it as much again as it ought to be." He disputed me; I told him that the law required him to record the number of ballots first and then give a copy of the whole thing. He disputed that, and said if there was anything wrong about it our folks were to blame who had sent the blank, for he had followed the directions. I told him no, that we had got one that probably came from the same source, and we would look at it together, and see how it was. I took that out and we examined it, and in looking at the law and the explanations he and I both came to the conclusion what it should be. He told me how much he had returned and he said it was wrong. He said they had always been wrong, and that he had done just as they had done for twenty years, or perhaps more. I says, "By the number of votes given for each Senator it shows that Mr. Bradford's name was stricken from two of the ballots, as Mr. Fenderson alleges, and Mr. Harris' name was stricken from two, as Mr. Fenderson alleges, and now Mr. Fenderson alleges that he knows the identical men who wrote James R. Talbot's name over those erasures and knows they put the votes in, and your whole number of ballots indicates it for the other officers. Now, I think

you have cheated him out of one ballot;" he says, "You have, and this looks like it." We went into a discussion and he said it was otherwise. I told him that if his whole number of votes was right, I thought in comparing the two the Governor and Council would be able to determine and perhaps correct that, and Mr. Talbot could get the other vote.

Question. Did you advise him to make a new return?

Answer. I asked him, therefore, if he had not better take that blank and make a new return and send it on. He indicated to my mind that he was afraid it would be improperly used if sent that way. I said I did "not mean it—and it never ought to be used as a return made up in open town meeting; but put on the date of the making of it and the reason why, if you please, and an affidavit stating your return you are satisfied is wrong and you want this as evidence to do justice if admissible, and if you wish the oath administered I will administer it to you." He finally declined and said that, as it was, in his belief, the return would be rejected, and it would help the Republicans; and if he made that correction, or put that in as evidence, it would help the Democrats or Fusionists; he would not do it for that reason. That ended there, and that is all there was about it. That went back into my pocket.

Question. I hold in my hand the affidavit made by the Town Clerk of Marion. [Mr. Hale read the affidavit.]

Answer. I wish to add this: that he added further that if I could get a majority of the Selectmen to draw that up and order him to certify it he would. I smiled, and said it was no consequence, only lost two votes, and I did not believe it was material, so far as our majority, only to take care of the others. He was not only Clerk and Chairman of Selectmen, but his brother-in-law was another of the Selectmen, and there was only one Democrat. How in the world was I going to get a majority when the two would be likely to be governed by him?

Question. Did you act as County Attorney the last term of Court?

Answer. I did.

Question. Did you, previous to acting as County Attorney, get instruction of anybody as to whether you had any right to appear before the grand jury?

Answer. I do not think I did. I might have talked it over. I got the Decision of the Court and read it. Our Court was Tuesday. On Monday Judge Peters came down about night. I did not see

him, but Judge Milliken rode with him and he had handed him a printed Opinion of the Court. He was somewhat elated. I was a little anxious to look at it; he wanted Mr. Longfellow to read it. He was busy and declined; I volunteered to read it and did so, and discussed it somewhat as I went along, perhaps opposed it pretty violently.

Question. I did not ask you that; I asked you whether you had the advice of anybody as to your right to go before the grand jury?

Answer. No.

Question. Didn't you ask the Judge whether you had any right to go before the grand jury?

Answer. I did not, I was in the court among members of the bar; the Judge had given his charge to the jury and they were to retire, and he told them that an officer would attend them and that the County Attorney would attend them; I nodded assent; I did not move; I waited to see if Mr. Rounds proposed to move. He did not move; I went; quite a number of the members of the bar,—McNichol for one, and I think Lynch,—nudged me and ordered me to go and I went.

Question. You waited to see if Mr. Rounds would go?

Answer. I gave him an opportunity to start first if he saw fit.

By Mr. STROUT:

Question. How many years have you been in the practice of law?

Answer. I was admitted to the bar in Oxford county in August, eighteen hundred and fifty-four, I think.

Question. I understood you to say that you received this blank from some source,—you cannot now designate for what reason?

Answer. I received these as circulars and paid but very little attention, laid the package down; when I came to look it over I found that it contained these blanks for bribery. I took these and filed them at my house and left them there for certain reasons; then, or shortly subsequently, I saw this other in there; the first I saw of it, it was in that envelope.

Question. What was your purpose in applying for this blank? did you not say you wanted it because it contained the law?

Answer. That was a part. It contained the law and the form which was to be carried out in making these returns, which was substantially the same in every case with the exception that the number of the Senatorial district was given here.

Question. Did you expect to be present at any other town meeting than your own?

Answer. No, and that is what I wanted to instruct outside for. I calculated to take care of my own town myself.

Question. Did you give them the forms of this blank?

Answer. No; I never said a word to Selectmen. It was to these parties who were what you might call *Inspectors*.

Question. Did you or they write off any forms from this blank?

Answer. No; when they asked me, if I knew and could explain to them without showing that, that was not taken out. If they wanted to know anything I could not make them understand without it I took that out; but I found those Greenbackers quite intelligent about these matters.

Question. This law on this blank is an extract from the Revised Statutes of the State of Maine?

Answer. It tells for itself; I guess there is some Constitution in it.

Question. There is a resolve to apportion the State for Senators, and that had nothing to do with making out the return?

Answer. No.

Question. This is the Statute law, and you have been a lawyer for many years. Did I understand you to say you carried this around for the purpose of instructing those outside parties as to what sort of a return they should make up, when it simply has upon it an extract from chapter four of the Revised Statutes?

Answer. I have in my practice had but very little to do with the election laws up to this year.

Question. You knew where the law was?

Answer. I could have found it, but when I was in my carriage, and perhaps in the woods and met men, I could not consult my book, and if I could have this in my hand and read it to them, if I did not happen to answer something they called my attention to, I could refresh my mind.

Question. Don't you think you could carry the election law quite as well in your mind without carrying around that blank, as a man that was not accustomed to the law?

Answer. I do not think I could much better.

Question. Did you ever read that before?

Answer. Yes.

Question. Is there anything there which will give you the information you say you wanted this blank to impart, as to the method of making up the returns?

Answer. There might be; a man's memory might be a little mixed.

Question. Whether or not there is in this printed extract from the Revised Statutes all the law that is necessary for you to instruct a man how to make up returns?

Answer. Yes; and not only that but the form of making the returns.

Question. Is this blank, which is a Senatorial return, a form which would apply to a return made for Representatives or County Officers?

Answer. It would with proper changes, I take it.

Question. In the return for County Officers are not the printed headings entirely different?

Answer. Yes; but when the Selectmen were making it up they would have that printed heading, but getting familiar with this with me they would readily understand any of it.

Question. They would not if a man refused to do his duty as you supposed?

Answer. I did not suppose they would refuse when their attention was called to it.

Question. If they did not refuse what necessity would there be of electing a new board, or filling up the board in order to make it so that you would have the machinery by which you could make up the return?

Answer. They would keep the meeting open till they could get the blanks or make them.

Question. Would that single return you had enable them to do it?

Answer. Not to do that.

Question. Revise your recollection and state whether or not it is a fact that you had that blank return in your pocket for the purpose of enabling you to instruct outside parties how to act in case the Selectmen refused to do their duty and make up the returns required by law?

Answer. Yes; and also it gave me to understand what the record ought to contain.

Question. You say that as a lawyer?

Answer. For me as a lawyer.

Question. That having that Senatorial return you could instruct a man when you met him in your carriage, in general terms, without giving him the blank, so he could go home and remember from that and make up a return for County Officers or Representatives?

Answer. Or let him have the blank and I could have got another one if the Town Clerk had a surplus.

Question. Did you ever know a Town Clerk to have a surplus?

Answer. Yes; Mr. Smith had one—not for this purpose—but a town warrant.

Question. How many Town Clerks, or how many persons did you instruct in the several towns in relation to this matter, and who were they?

Answer. One man I instructed was this same Mr. Fenderson, although he had been a Town Officer. He asked for information and I gave it. It did not require a blank to give what he asked; I don't think I displayed it to him.

Question. Can you tell any other person that you instructed in relation to this matter after you received this blank?

Answer. I cannot now. In town we had it talked over. Dennis Collins may have been one.

Question. You were yourself there in town to look after it?

Answer. Yes; when they stopped receiving ballots I found Mr. Rogers and Mr. Collins and several other Greenbackers determined to stay and look after it. I considered them competent. And Albert Farnsworth had agreed that he would stay and see it was all right. I told them I was going home and would not come down again till telegrams came; I went home and got my supper.

Question. Had you instructed those men from this blank?

Answer. It is possible, but I cannot swear I did.

Question. Can you recollect any single person other than those you have stated?

Answer. Not any individual.

Question. Can you recollect you did to any person other than Fenderson?

Answer. I know they had enquired of me.

Question. Whom?

Answer. I cannot tell, but a good many of them in different towns.

Question. Mr. Fenderson was in the same town with Mr. Smith, and Mr. Bridges and Mr. Thompson in Marion; are either of those Democrats?

Answer. Bridges and Fenderson are Greenbackers.

Question. Bridges,—one of the Selectmen whose duty it was to make these returns up,—was a Greenbacker?

Answer. Yes.

FEBRUARY 28, 1880, A. M.

EPHRAIM K. SMART, *examination continued.*

BY MR. HALE :

Question. Did you have occasion to take out the blank return, "Exhibit 10, G. D. B., Clerk of Committee," which you say came to you with the blanks for prosecution?

Answer. Yes.

Question. Did you, while you had it with you, from time to time?

Answer. Yes.

Question. In doing so do you say you wore out the envelope in which it came?

Answer. Yes.

Question. I now call your attention to that return, and ask you to state whether it is not a perfectly clean return upon its face, and upon its back?

Answer. Yes, I should think so. My intention was to keep it pretty clean.

Question. Are you not mistaken when you say that this return, which appears to be as virgin white as it was when it was issued from the office, could have been carried about by you and taken out and looked at frequently—as you say, so frequently that you wore out the envelope in which it was put,—and leave it in the condition it appears now?

Answer. The return was inside the envelope for it; and the envelope in it thus enclosed was inside the other envelope.

Question. Inform the Committee how you could have examined the quotation from the Revised Statutes which is upon the inside of the blank return, without taking it out and examining it?

Answer. I could not without that.

Question. How do you account for that return being perfectly clean and white if you had it about with you and were taking it out and using or examining it as you say?

Answer. I account for it because it was thus kept within the enclosures.

Question. I notice the envelope you produce is considerably worn?

Answer. Yes; after this original envelope broke, then I took my other memoranda relating to this matter and put inside this envelope. Those others were taken out and put in when this was not touched; that is what disfigured that (envelope).

Question. I just asked you if you had not occasion to look at this blank return frequently, and you said you had?

Answer. Yes; but not so many times as the others.

Question. Still, it was taken out and put into that envelope?

Answer. It was.

Question. That envelope appears to be dirty on the face of it?

Answer. Yes.

Question. Refresh your memory and tell us where the complaints for bribery came from?

Answer. I supposed, as I have stated, that they came from Augusta, but from whose office or what person I cannot say; parties that were acting with us,—I mean the Greenback and Democratic committees in Augusta,—I supposed it came from them; but Mr. McNichol told me that these blanks, he thought, were printed by Charles Whidden, and I must have got them from him; but I cannot say anything about that.

Question. How did they come to you?

Answer. By mail.

Question. Was there not any letter with those blanks?

Answer. Not a particle, not a word said; it was an open envelope with less postage than would have been required if it had been sealed.

Question. Had you had any conversation with any person about it before?

Answer. I had, as I stated, asked parties to get them for me.

Question. What parties had you asked for them?

Answer. I think I had asked Mr. Levi.

Question. Had you talked with Mr. Whidden about it?

Answer. Possibly I did; if he was down there I undoubtedly did.

Question. Haven't you any recollection about it?

Answer. Not in regard to Whidden's being down there; I have the impression he was not down there such a time as I would be likely to have talked with him.

Question. Do you testify you have no recollection of talking with Whidden in relation to these blank complaints for bribery, before election?

Answer. I don't think I did, but I might.

Question. Whom else besides Levi did you talk with about them?

Answer. In our town I exhibited them to our people generally.

Question. Before election?

Answer. Yes.

Question. What leading man in your county did you have conversation with?

Answer. I do not think I did with those outside of Pembroke.

Question. Prior to election did you see Governor Garcelon or F. M. Fogg, one of the Council?

Answer. I never saw them in my life; yes, I have seen Governor Garcelon before he was Governor,—twice, I think, in Democratic conventions.

Question. Did you know of their being down in Washington county in August?

Answer. I knew they had been down, after they had been down and returned.

Question. When was that?

Answer. I cannot tell; that was before election wasn't it?

Question. Yes.

Answer. That brings to mind, it seems to me I was in Calais and in conversation with McNichol, and that was communicated to me.

Question. What?

Answer. That Garcelon had been down. I did not know that Fogg and others had been down as I recollect.

Question. Fogg and what others?

Answer. I do not know anything about it only what I heard through the papers and what I recollect of the information given to me then. How I recollect distinctly of Garcelon's being spoken of is, of his recommendation to his friends in regard to voting the ticket. There was a little split.

Question. Fogg and Garcelon, and what others did you hear of being there?

Answer. I do not know that I did hear of others but I think I recognize the names you mention. I am not familiar with those and never saw one of them in my life, and never had any correspondence with them.

Question. Was it or not about the time that Fogg, Garcelon and others met at Calais, that you received this package of blanks by mail?

Answer. I cannot say; it might have been.

Question. Do you know where they met?

Answer. I have the impression that they occupied the St. Croix Hotel.

Question. There was a general meeting at that time of Democratic and Greenback leaders?

Answer. I do not think it was generally known, or I think I should have known it. I should judge it was not known that he was coming; if it was, it was not communicated to us in outside towns.

Question. After they had been there, you heard they had been there?

Answer. The first time I heard I think was in conversation with McNichol in his office.

Question. Wasn't it about that time that you received these blanks?

Answer. If you could tell me the date of their visit.

Question. From August fifth to August twelfth.

Answer. I think it must have been after they were there.

Question. It was a few days after they were there?

Answer. I should judge I did not get them so long before election as that.

Question. Assuming the fact that the time of the meeting at the St. Croix, of which you have spoken, was somewhere from the fifth to the twelfth of August, have you any doubt that it was between that and the election that you received these blanks?

Answer. I should think so.

Question. You have seen affidavits here presented you that you drew up?

Answer. I have.

Question. Were those all the affidavits you remember of drawing and having signed?

Answer. I think so; I do not recollect any other. I am referring now to affidavits to which my jurat or some jurat was attached. I did make a statement of what I understood to be the law in regard to everything excepting my own affidavit—in regard to the Edmunds return. Before I made that affidavit I had had the impression that if I could prove that the persons who voted for "E. K. Smart" intended to cast their votes for me,—by their personal testimony,—the law would authorize them to be counted with those cast for "Ephraim K. Smart;" but subsequently, on the evening of the day I was at Marion, I took the law, examined it carefully, and came to the conclusion that if the Legislature did intend to accomplish that, they had not done it. Therefore in my brief I did not mention Edmunds,—threw it in as the fellow threw in his punctuation points,

in a lump,—to go for what those who got it might think it was worth; instead of getting the evidence of those men I put in my own as hearsay; if they saw fit to look at it, all right; if they did not, they need not. You understand that these were sent, as I supposed, to get into the hands of the county Greenback or Democratic committee to be forwarded, as I supposed, to the committee of the same party here, so that they might have in their hands whatever would be needed, as circumstances might require, to be used before the Legislature, or before the Governor and Council; or where it might be proper to use them.

Question. Are the affidavits produced here, together with your own, concerning which you have just testified, all the affidavits you remember of taking in relation to this matter of election?

Answer. Yes; but I drew up, with the intention of taking, four affidavits as required by that letter of Mr. Burns, and by direction that I am satisfied came by a person from Mr. McNichol to me, on which I went on Saturday of the week that I went to Marion, and the same week I went to Robbinston. I intended when I went up, to perform what was required,—take the affidavits; but I drew them up, and when I came to learn the facts,—when I came to find the men,—they were not all there; there was but one that I could find, and he told me that the man who was away to sea knew more about it than he, and I better come some other time when he was there; so I brought them right back, and you have seen the very memorandum which I made in regard to that, but no affidavits.

Question. With the exception of the affidavits which appear here and the affidavit you say you gave, were there any other affidavits taken by you, signed and sworn to by the parties, to your recollection?

Answer. I do not think they were, not one.

Question. I understand you to say that your object in the first place was to discover bribery. Was there a single affidavit taken and returned here which bears upon the question of bribery?

Answer. I think you misapprehended; I do not think there is.

Question. Do you wish to be understood as saying in your explanation just given to me, but by your request not taken by the stenographer, that owing to the letter which you have exhibited and information which reached you in relation to alleged bribery you were led to investigate into this matter of the informality of returns, to meet it?

Answer. That was it.

Question. So that your intention was to meet this alleged bribery by such informalities as you should find in the returns?

Answer. That is what I intended.

Question. Now, you did not take a single affidavit to be returned to the Governor and Council in relation to bribery; but you did try to find all the technical errors and informalities that you could in relation to the returns?

Answer. Yes; that was what I was after; I will answer I did not, and I tried to find all the irregularities in regard to the election, and the records of the town. I guess I did not understand your first question.

Question. What informalities or defects in the election did you find concerning which you took any testimony to return to the Governor and Council excepting as to technical defects in the returns?

Answer. I took two affidavits of persons at Dennysville in regard to the manner in which the election was carried on, the ballot-box being carried out into the street by one of the Selectmen,—the others not present, not in open town meeting,—and receiving votes and then coming in and completing the election.

Question. That was all?

Answer. No; I took two affidavits in regard to the conduct of the election at Charlotte; I took three affidavits in Robbinston in regard to the record of the election, to correct that—to show for whom the electors voted,—the record not showing definitely enough.

Question. The last three were taken in your own favor to show that “E. K. Smart” meant yourself?

Answer. Not one of them was taken in my own favor. My own affidavit was taken in my own favor in regard to Edmunds.

Question. The others cover the point of Wallace and Wilder?

Answer. Yes; none of the affidavits were taken in reference to the returns before the Governor and Council, for I did not know what they were.

Question. When did you first hear the question talked about in relation to counting out the defective returns, by any person?

Answer. The first conversation I recollect of having, that is distinct in my mind, is a conversation somewhere I should say about November—may have been later and may have been earlier—with General Murray, in which he informed me—

Question. I did not ask you for the conversation?

Answer. I shall wish to put that in before we get through.

Question. Did you have conversation, in relation to this matter of the returns, with the two Whiddens or either of them?

Answer. I think if I did with either of them it was as late as the twenty-sixth of December, when I went to Calais to inform Mr. Rounds that I had received a certificate of election, and ask him what he had to say, and I will state here that he replied——

Question. Did you hear my question? [Stenographer reads question to witness.]

Answer. I cannot say that I did, but my impression is I did.

Question. Did you have any conversation with Mr. Leavitt in regard to the matter?

Answer. Ever?

Question. I will limit it from the time of the annual election to the first day of January; did you have any conversation with him in Eastport in relation to the counting-out or to defects in returns?

Answer. General Leavitt?

Question. Yes.

Answer. I did, on Sunday next after Thanksgiving, which I think was the twenty-seventh of November; and I think this was the last day of November.

Question. Had you had any conversation with S. D. Leavitt or any letters from him, upon that subject, before that time?

Answer. I do not think I had.

Question. Do you testify that you had not?

Answer. I recollect of having a conversation with him the day before I went to Marion, and asking him if he knew whether the returns had been opened, and he said they had not been opened; whether he knew the minds or could give me any indications of the minds of the Governor and Council, as to what view they would take on some questions that might arise, mentioning some of them. What is the subject you asked about?

Question. Do you testify that you had not had conversation with S. D. Leavitt in relation to this counting-out business and defects in returns, prior to the conversation which you say you had with him before you went to Marion,—or any communication with him?

Answer. I do not think I had any correspondence with him on that. I will say I did not prior to that time, unless this conversation which I have referred to, in which I tried to ascertain whether he knew the opinion on certain legal points, which might come up, in

the minds of the Governor and Council, or any of them; and he did not know so far as they were concerned.

Question. Why do you wish constantly to reiterate the fact that General Leavitt told you he did not know what was in the minds of the Governor and Council about counting out, in answer to a simple question I put you?

Answer. I do not think I have; I have not intended to reiterate. If I have it is a defect in my nature.

Question. Had you had any correspondence with any person in Augusta,—any State official or any person in Augusta,—in relation to the returns from the several towns in your county, at any time prior to January first, other than the letters which you say you wrote Mr. Pillsbury, and received from him?

Answer. I think not.

Question. Do you testify you had not?

Answer. I cannot tell, but I do not think I had.

Question. Have you received any verbal communication from either of them by any other person, or any written communication or any printed blanks?

Answer. No, I do not think I have; not to my knowledge.

Question. You do not know where they came from?

Answer. No.

Question. Do you know where that blank came from that has been identified?

Answer. I do not.

Question. You cannot tell even from what source you received it?

Answer. No; nothing more definite.

Question. You cannot give any information as to what party sent it or handed it to you?

Answer. I cannot; my impression is that the whole thing was handed to me from the Post-master.

Question. Tell me of what service was the envelope marked “*Exhibit 10, G. D. B., Clerk of Committee,*” which appears to be an envelope for a return of the Senatorial vote to the Secretary of State?

Answer. To keep the enclosure clean.

Question. Did it require a printed envelope to keep that enclosure clean?

Answer. I think not; I tendered it to the Town Clerk of Marion.

Question. For what purpose?

Answer. For the purpose of his making up a correct statement of a return which should have been made at the time; for him to put on a statement of fact,—the reason why made, and send to the Secretary of State.

Question. So you tendered to the Town Clerk of Marion this official blank “No 2,” for Senators, so that he could enclose in it the corrected return, which you have explained about, and return it to the Secretary of State?

Answer. With a proper statement as to when made up and how.

Question. Is it true that you tendered it to him for the purpose of enclosing in it the return of which you have spoken, and sending it back to the Secretary of State?

Answer. By himself? Yes.

Question. Tell me why he needed for that purpose a blank to be signed by the Selectmen and Town Clerk, in the official form which is used for returning regular returns sealed up in open town meeting; what was the object of his using that particular form of blank instead of a common envelope?

Answer. No object, excepting it was all I had to tender him.

Question. Was that all he had?

Answer. I do not know; he exhibited nothing.

Question. Was it a difficult thing to get an envelope to return a printed document in, where he lived?

Answer. I presume not; it might be to get a large one.

Question. You not only offered him a blank return, but a blank official envelope to return that to the Secretary of State?

Answer. I offered him just what I had, and nothing more.

Question. Did you say anything to him in relation to how this envelope should be signed on the outside?

Answer. Not at all, with the exception that he should make his statement on it, so it would carry the facts, so it could not be used for improper purposes.

Question. Do you state that he was to put on the back of this envelope the date when it was sealed up?

Answer. Either on the back or on the inside, anywhere he saw fit.

Question. Can you swear that you told him to put upon this envelope anything excepting to fill the blanks which appear upon it?

Answer. The envelope, or enclosure, I do. My impression is I suggested to him it better be on the outside.

Question. Do you remember that now?

Answer. That is my impression.

Question. What gives you that impression?

Answer. A recollection of what transpired.

Question. Did you advise him to put it on more than one place?

Answer. No.

Question. You think you told him to put it on the envelope, on the outside?

Answer. Or wherever he preferred.

Question. You think you advised him to put it on the outside, that is your impression?

Answer. Yes.

Question. That would leave the return on the inside clean?

Answer. Yes. My intention was that he should put it on to every bit of paper that he sent along so it could not be misapprehended.

Question. What did you say and what did you do?

Answer. I cannot absolutely say that I said in both places, or only one; but I do recollect distinctly of saying, or wherever else he saw fit, to make it sure. He raised the point, or I thought from his appearance, he thought it might be used for improper purposes. I made the remark, "If you so think, and it possibly might, it would be better for you and it would be the proper way, and it never ought to be used excepting as evidence, you put it on that way; then if it is used at all it will be used as evidence."

Question. Have you not stated to this Committee that your impression was that your direction to him was to put this statement, of which you have just testified, upon the outside?

Answer. I have; I think that was my first.

Question. Have not you stated you only directed him to put it in one place?

Answer. I do not think I did.

Question. Do you say you did not?

Answer. No. [Stenographer reads testimony of witness upon this point.] That is it.

Question. Your testimony has been read to you and you say "That is it?"

Answer. No; I say this; I say that the inference from what he has read would be straight enough; and my impression is that I advised him to put it on to both.

Question. You now say it is your impression you advised him to

put the date when the return was made and sealed up, upon both the envelope and the return?

Answer. It is.

Question. And that was after you saw the drift of my question, as to how the return would be left?

Answer. Yes, but not with reference to that. It was with reference to the fact that it was discussed if it was in one place the other paper might be used improperly; and my impression is I told him it would be proper to put it on to everything he sent, and from that recollection of the discussion on that point between him and me, the whole thing was brought up.

Question. Had you had any intimation from any person, at that time, that the Governor and Council would receive an amended return to correct a defective return, defective as that of the town of Marion was?

Answer. No, sir; I never had received from any person any information that the Governor and Council would receive that.

Question. What was the defect in the return of Marion?

Answer. The whole number of ballots was not given.

Question. Before the day you went to Marion, had you ever known a case where a return was rejected because the blank for the whole number of ballots was not filled up in the return?

Answer. No, sir.

Question. Had you ever heard of such a case?

Answer. I had not.

Question. What information did you receive that led you to suppose that a different course would be adopted by the Governor and Council than that which you had ever heard of before?

Answer. I never had any; but my object in this was to correct an alleged error in the vote of Mr. Talbot, as I have stated.

Question. Who alleged it to be an error?

Answer. Mr. Fenderson.

Question. One of the Selectmen?

Answer. No; a citizen of the town.

Question. From what source had he learned that fact?

Answer. He was present at the election, and protested at the time against the number of votes, and said he was entitled to one more. He had requested me at that time to get it straightened up and get evidence if I could, so it would be straightened up at Augusta.

Question. Was what you undertook to correct, the one vote, or was it the fact that the return did not contain the whole number of ballots?

Answer. I wanted to correct the whole ; but it was with reference to getting some evidence that they could discover there was that defect, with testimony that might be put in afterwards.

Question. Did you take any testimony afterward?

Answer. I did not.

Question. When did you consult with Fenderson about this matter?

Answer. Fenderson had seen me prior to that. I do not know when, but I think at Pembroke, and at this time before Smith the Town Clerk was sent for to come up on business ; he had requested me when Smith was there to try and get out this matter which he had talked with me about before. I told him to tell Smith to bring up his record. That is all the conversation with regard to it that Fenderson and I had had.

Question. That was the error you were trying to correct?

Answer. Yes, sir.

Question. Did you give any notice to either of the candidates on the other side who were to be affected by it?

Answer. I did not.

Question. Did you suppose that you could take an *ex-parte* affidavit in relation to one vote, without giving notice to the candidates on the other side, and that would be corrected before the Governor and Council?

Answer. I did not propose to take any affidavit.

Question. Any evidence?

Answer. I supposed Mr. Talbot might take some, and take the proper course.

Question. Before the Governor and Council?

Answer. Yes, sir.

Question. Therefore you proposed to send in an amended return to the Governor and Council, with a view of correcting that one vote without giving any notice to the candidates affected by it?

Answer. I did.

Question. You considered that would be taken as testimony?

Answer. I do not know as I did.

Question. Had you ever heard of a record being made up in that way, and sent to the Governor and Council, without the other side being notified, and considered by them?

Answer. No, I do not think I had, up to that time.

Question. Who suggested that idea to you?

Answer. Nobody. It suggested itself to me.

Question. That was a part of the means you were acting upon to counteract the alleged bribery that had been used?

Answer. I did not regard it so; this was a matter of fair play under any circumstances.

Question. Do you state that it was fair play for you to go to the town of Marion and undertake to get a corrected return in the absence of, and without the knowledge of, the other candidates to be affected by it?

Answer. I do not understand I was undertaking to get a corrected return, but to get a statement of facts which might be used as evidence, provided it was so thought by the parties to whom it was to be sent,—the Governor and Council.

Question. Do you consider that it was fair play for you to go to the town of Marion and attempt to get evidence *ex-parte*, behind the backs of the candidates to be affected, without their knowledge, which should affect their election, to be sent to the Governor and Council to be used by them, under any condition of affairs?

Answer. I am not confined to yes or no. What I did at Marion at that time I understood and believed, and do now, to be a matter of fair play.

Question. You think that course by you was unpartisan and a fair one for you to pursue?

Answer. I do.

Question. What other municipal officers did you see in Washington county in relation to the returns, or the correction of their records, from the time of the annual election to the sitting of the Legislature?

Answer. I never interviewed any other officer in regard to returns at all; that is my recollection of it now; but in regard to records, I did the Town Clerk of Edmunds, and the Town Clerk of Perry and the Town Clerk of Robbinston.

Question. Those were the only three you saw in relation to their records?

Answer. I think so; that is my recollection at the present time.

Question. How many Town Clerks or Selectmen had you seen, in relation to the method of making up their returns or making up their records, before election?

Answer. I do not think I had seen any Town Clerk or Selectman in regard to their making up their records, officials then in office.

Question. What persons had you seen before election in relation to the manner in which the official returns or records should be made up?

Answer. I cannot tell you all. I recollect having conversation with Mr. Wheeler of Whiting, in regard to the necessity of looking out to see that the records were made right and the returns made right, to stick by.

Question. Whom else?

Answer. Our own people,—Dennis Collins, Albert S. Farnsworth, Barnard Rogers of Pembroke.

Question. Anybody else?

Answer. I cannot say now,—but I would not wonder if I had.

Question. Can you remember the name of a single person that you had conversation with in relation to the subject last inquired of, excepting those you named?

Answer. I should judge I had.

Question. I ask your recollection?

Answer. It is my impression from my recollection that Mr. Williamson of Meddybemps—I forget his given name—and Mr. Bearce of Meddybemps.

Question. Whom else?

Answer. I do not remember.

Question. Still, you used this envelope that you received, till you wore it out in the service; is that true?

Answer. Yes, both before and after. The envelope broke so that it would not contain the enclosures; I do not think it was worn out.

Question. Don't you call the envelope marked "*Exhibit 10*," etc., worn?

Answer. Probably that one, before it broke, was worn like this, but I do not call that worn out. The other was in a worse condition than this.

Question. Where did you keep the blanks and the envelopes when you were at home?

Answer. The blanks for bribery complaints I kept at the house; I took them out and separated them; they were for attempted bribery, and for bribery, and perhaps some others.

Question. Where did you keep the blank that is produced here?

Answer. I kept it sometime after going to Marion, in an inside

pocket like that [witness exhibits inside pocket of coat he wears] of a different coat from this, the one I always wore when not laboring about the farm.

Question. Did you make any prosecution for bribery?

Answer. I drew one complaint.

Question. Was it ever served,—was a warrant ever issued and served?

Answer. Yes.

Question. What became of it?

Answer. It was tried.

Question. What was the result?

Answer. The prisoner was discharged.

Question. Since you have been acting County Attorney have you ever made any prosecution for bribery?

Answer. No.

Question. You have had one session of Court with the Grand Jury since election?

Answer. Yes, sir; I had the impression that the investigation of such matters was to be had by the Legislature, where I believed they better be made. I wish to state that Judge Peters recognized me, called me up to him, motioned to me, and says “Mr. County Attorney,” and asked me how much matters I had, etc.

Question. Did you expect that Judge Peters, sitting at *nisi prius*, when you were discharging the duties of County Attorney, would undertake to decide upon your right to act as such, directly or by implication?

Answer. I had an idea that it might happen.

Question. Have you anything to say in relation to the question I put, which was whether or not you expected Judge Peters, at *nisi prius*, to settle your title to be County Attorney?

Answer. I do not think I have any more than I have.

CHARLES B. ROUNDS, *sworn and examined.*

BY MR. STROUT:

Question. What is your profession and residence?

Answer. Lawyer, residence Calais.

Question. Whether or not you were a candidate for the office of County Attorney for Washington county during the last annual election?

Answer. I was.

Question. Who was your opponent?

Answer. Ephraim K. Smart, of Pembroke, who is present and who has just testified.

Question. State whether, according to the daily papers upon both sides, you were elected or defeated?

Answer. I was elected by two hundred and ninety-seven majority, I think, by the report in the papers and the returns.

Question. In the county?

Answer. Yes.

Question. When did you first learn, as near as you can remember, that there was any question to be made in relation to your election, and how?

Answer. I learned within a week or ten days after election that there was a question to be made.

Question. State what it was and how you obtained your information?

Answer. At first it was not stated. It was in the form of a rumor that I was to be counted out. Believing it to be a matter with no foundation I took no notice of it, did not even inquire; but as the matter went on I did make inquiries, and various reasons were given. The Cherryfield matter was spoken of, and where an alleged foreigner was one of the Selectmen was probably spoken of, and various other reasons, but it was confidently stated to me that I was to be counted out—that that was certain—and very early that other officers—our Republican candidate for Representative from Calais, for instance would be counted in.

Question. State when you first heard of any defective returns or defects in returns that were to be taken advantage of by the Governor and Council for the purpose of counting you or other State or County Officers out?

Answer. It was rumored at the October term of Court, which was the first Tuesday of October, and before, that something of that kind was to be done,—but nothing definitely stated. I was told by several, previous to that, that in my own case it was certain, not giving the exact reasons; but it was certain it would be done.

Question. Whether or not you came to Augusta?

Answer. I came to Augusta. It was the first of December, I think; there had been a meeting at Augusta of the Governor and Council, parties coming here, and it was stated to me by Mr. Pike, who had come at the first meeting, that the returns were not to be

seen and that defects were to be counted against us; and at the second meeting, about the first of December or little before, I came to Augusta myself.

Question. Did you see any State Officers, and if so, who?

Answer. I saw the Governor and Council at that time, and requested to see the returns. The Governor and Council, at my first request, refused to allow me to look at the county returns. I finally made an application again, and they said that if I would get certified copies of the records so far as I obtained them from the towns, they would allow me to see the county returns. I succeeded within the next two days in getting a portion of them, and applied and did see a part of the county returns. I staid here four or five days, and finally got almost all of the records,—certified copies of them,—and they allowed me to see the returns. At that time information came in reference to the Senatorial returns. We had not been allowed to see those. I had made the application myself, and we were not allowed to see those, that changes had been made, that corrected returns had been sent forward to the Capitol.

Question. Whether or not you made application to the Governor and Council to be allowed to prove that certain returns from Democratic towns for Senators and Representatives had been changed and that those changes were made to supply defects discovered in those returns?

Answer. I made such application for correction of returns to the Governor and Council.

Question. Examine paper marked "*Exhibit 11, G. D. B., Clerk of Committee,*" and state whether it is in your hand writing, and whether it was presented by you to the Governor and Council?

Answer. That is in my hand writing, was written by me and sent to the Governor and Council, excepting the filing.

Question. Whether or not that document was, to your knowledge, delivered to the Governor and Council?

Answer. It was, because the Governor and members of the Council stated to me afterwards that they had received it.

Question. State what action was taken in relation to it, and what was said about it; and whether you were allowed to show what you offered to show in that communication?

Answer. They refused absolutely to allow me to put any proof in, and stated to me that they regarded it as an insult,—the sending of the letter. In an interview I had with the Governor afterwards, I

went in for the correction of the County Returns; he produced this letter, and stated in the talk that the returns for Senators and all other returns were locked up, and no one had access to them till the time they were delivered to the sub-committee; that from that time onward there had been no changes whatever, no blanks had ever been sent out from the State House, and that the charges were utterly false; and it was reiterated by nearly every member of the Council, all being present.

Question. What did you state to them?

Answer. I stated to them I knew,—I had positive information,—that returns that were only sent to towns, one of them for each town, were circulating in towns in this State, and that in some instances they had been forwarded to the Capitol and traced to the desk of the Secretary of State.

Question. Did you state they were returns made up subsequent to the proper returns?

Answer. I did; and that I had proof of that fact, and if they would allow me to bring the witnesses, those facts could be substantiated. He then asked me if I charged substitution upon the Governor and Council. I told him I made no charges excepting what was in the writing. He asked me if I charged it upon the Secretary of State. I told him if I had any difficulties with the Secretary of State I would settle them outside, and not call on the Governor and Council.

Question. Did you afterwards publish that document?

Answer. No; it was published by friends of mine, afterwards; it was published on the next day after it was sent to the Council by parties who were associated with me.

Question. At that time were you acting for other persons?

Answer. I was acting in behalf of Senators of Washington county.

Question. I find on the back of this the word "*Statement*," with two large exclamation marks written; was that written by you?

Answer. Nothing was written by me on the back. It was folded and put in an envelope.

Question. Was that written after it came into the hands of the Governor and Council?

Answer. It was.

Question. Do you find that in very large letters, with two large exclamation points?

Answer. Yes.

Question. Was that all the notice that was ever taken of your offer?

Answer. Yes, excepting the conversation I had. At that time the Governor stated to me that I had charged in this letter substitution by them. I told him he better read the letter, and he could not find it. He then referred to a passage where I had offered to pay the expense, and he said that was insulting. I told him that the only purpose of it was to make it easy to investigate, that it was supposed, in writing the letter, that objection might be made, and if there was no appropriation that I was willing to bear the expense, and the purpose was to make it easy so there could be no excuse for refusing to answer this demand.

Question. Did you, at any time, under any circumstances, directly or indirectly in words or by implication, acknowledge to the Governor and Council or any other person, that you would be unable to substantiate the charges made in that document?

Answer. I did not. I reiterated the charges when I was before them the second time, and stated that whenever they would accept the proposition I would immediately produce the witnesses, and it never was changed from that hour to the present, from the time of writing the letter.

Question. Did you claim the right to produce such witnesses?

Answer. I asked the privilege of doing it.

Question. What do you know, if anything, in relation to persons being solicited in Washington county to substitute returns? Have you any personal knowledge about it, any more than hearsay?

Answer. I have no personal knowledge further than what I have heard from other parties. My final answer to the Governor and Council was that, instead of receiving this communication as an insult, if I were in their place and position and had the duties to perform that they had, I should receive it as a matter of the highest kindness, bringing such information to me I should be grateful rather than take the position they did.

Question. Did you have a hearing afterwards before the Governor and Council?

Answer. Yes. After I got through with this they then voted I might proceed with the correction of returns of Washington county according to the application that had been made by my attorney.

Question. What did you do?

Answer. I filed a copy of the record from Calais. I filed an affidavit of the Selectmen of Dennysville in reference to the intention as to my own name and Mr. Smart's. The application had named Marshfield as well as Calais and Dennysville, but I only put in corrections as to Calais and Dennysville. They refused the corrections in both cases. I find that the papers I filed, showing corrections, are not to be found now among the papers.

Question. Did you, after that hearing, appear again before the Council, and if so what was said?

Answer. This was at the second hearing that I refer to; I was met in the ante-room of the Council Chamber by Mr. Fogg of the Council; he said,—the first salutation was,—“*God damn you, Rounds; We will take your scalp if there isn't another one counted out in the State of Maine!*”

Question. And they did take it?

Answer. Yes.

Question. Were you able to get any further satisfaction from the Governor and Council than what you have stated.

Answer. No further.

Question. Did you appear with an attorney?

Answer. I requested to appear with an attorney and they refused to allow me; I wanted him as a witness to what took place.

Question. They refused to allow you to see the Senatorial and Representative returns?

Answer. Yes, and up to that time, had refused to allow anybody from our county to see them.

MARCH 2, 1880, EVENING.

GEORGE W. DRISKO, *sworn and examined.*

BY MR. HALE:

Question. Residence Machias?

Answer. Yes, sir.

Question. What is your business?

Answer. I publish a newspaper, and am interested in a book and stationery store.

Question. At Machias?

Answer. Yes, sir.

Question. What is your newspaper?

Answer. “Machias Union.”

Question. What are its politics?

Answer. We call it Democratic.

Question. Everybody else calls it so?

Answer. I never heard anybody dispute it.

Question. How long have you been publishing and conducting the "Machias Union?"

Answer. Since August, eighteen hundred and fifty-four.

Question. You are publisher and editor?

Answer. One of the publishers and editor.

Question. Have been twenty-six years?

Answer. I think so.

Question. During that time have you been, as was natural, considerably interested in politics in Washington county?

Answer. More or less so, year by year.

Question. And, by reason of that perhaps, and other things, acquainted with political men throughout the State?

Answer. Yes, sir.

Question. During the last administration—that of Governor Garcelon—have you been more or less at Augusta?

Answer. My recollection is I was in Augusta two days in January, eighteen hundred and seventy-nine.

Question. During the session of the Legislature?

Answer. Yes.

Question. During the year were you in correspondence, more or less, with the leading men of the Democratic or Greenback parties?

Answer. Very little, indeed.

Question. Somewhat so, were you not?

Answer. I do not think to the extent of six letters during the whole year.

Question. You were acquainted with Governor Garcelon?

Answer. I never met him but once.

Question. When was that?

Answer. January, eighteen hundred and seventy-nine, shortly after he was inaugurated.

Question. Acquainted with any members of his Council?

Answer. I have no recollection of ever seeing but one of them.

Question. Who was that?

Answer. I think his name is Monroe.

Question. You took a lively interest, didn't you, in the last September election?

Answer. No; I did not feel very much interested in it; I was interested enough to fill my place as well as I could.

Question. Kept your paper in line?

Answer. Yes, I think I did tolerably well, but not satisfactory to myself, even.

Question. Were or not the nominees on the Democratic ticket and Greenback ticket in your county the same?

Answer. They were.

Question. Nominated first by a convention of ——?

Answer. The Greenback party.

Question. And indorsed afterwards ——?

Answer. By the Democratic party; that is my recollection.

Question. You had their names at the head of your newspaper, didn't you, as the candidates?

Answer. That is our custom, and I think we did the last canvass; I am not certain.

Question. You sustained them?

Answer. I did.

Question. Do you remember whether or not in your newspaper, soon after election, you announced the election of a Republican Legislature in both branches?

Answer. I think I did announce in this way—that they claimed a majority of members in both branches. I did not publish any tables showing that.

Question. You did not admit they were entitled to them but announced they claimed a majority?

Answer. I think I generally put it that way.

Question. What was the reason you made that distinction, that they claimed it?

Answer. It is only a habit I have got into of stating things in that way that I do not know positive about.

Question. Did you have, in your mind, any doubt that the Republicans had fairly carried both House and Senate?

Answer. I do not know how to interpret that word "fairly;" I did not consider that they fairly carried the county of Washington.

Question. You thought it belonged to the Fusionists?

Answer. I thought a fair expression of the vote there would give it to the Fusion ticket.

Question. That was the basis on which anything you did afterwards rested,—that you thought the Fusion ticket ought to have the county?

Answer. That is my recollection.

Question. When did you first, after election, begin to make any effort with reference to discovering technical objections in the returns in towns in your county?

Answer. I think I made no personal effort, till nearly the middle of November, to look after any errors.

Question. Who were the Democratic candidates for Senators?

Answer. James R. Talbot and John T. Wallace, Jr.

Question. You knew them both?

Answer. Personally.

Question. Who was the candidate for County Commissioner?

Answer. Henry L. Watts.

Question. Who for Treasurer?

Answer. Joseph Wilder, Jr.

Question. You knew them all?

Answer. Yes.

Question. Had you not long previous to the middle of November, in your newspaper, claimed that the Republicans had not elected a majority of the Legislature, or had not carried Washington county?

Answer. I think I did make such a statement as that, and had doubts about it.

Question. When did you first make that statement in your newspaper?

Answer. I should think in the very next issue after election.

Question. Didn't you follow that up mostly in every issue around to the time of the counting out?

Answer. That is my recollection, excepting I was absent a week or two.

Question. Where were you when you were absent?

Answer. Portland, Boston and vicinity.

Question. How long did you stop in Portland?

Answer. I should think one day on my way to Boston, and perhaps one day on my way back.

Question. What time was that?

Answer. I returned from Portland on the eighth day of November.

Question. You were gone about a week?

Answer. Two weeks, I think, or nearly.

Question. You must have started the twenty-fifth or twenty-sixth of October?

Answer. The latter part, I think; I left home Monday and returned Saturday, the week following.

Question. Where did you stop in Maine, except Portland?

Answer. Nowhere else in Maine.

Question. Whom did you see of leading Democrats or Green-backers in Portland?

Answer. Quite a good number of them.

Question. And talked with them generally about the situation?

Answer. I think I did.

Question. Was, or not, at that time, the prevailing topic of conversation among political men in Maine, the question of the count by the Governor and Council?

Answer. I think I first heard of it in Portland on my way to Boston; I heard of it at Boston.

Question. Whom did you hear it from in Portland?

Answer. I do not know; but I was in several lawyers' offices there, and others where it was talked over by men I did not know. I heard it talked about in a joking way.

Question. Whom did you hear talk about it in a joking way?

Answer. I should think in the Mayor's office, by Mr. Walker, as likely as anybody.

Question. Mayor Walker had formerly been a neighbor of yours?

Answer. Yes, for twenty years.

Question. A Democratic politician in Washington county?

Answer. Yes, sir.

Question. What other leading Democrats did you see in Portland?

Answer. I think I saw Bion Bradbury and S. R. Lyman.

Question. Mr. Dana?

Answer. I do not know him.

Question. Dr. Dana, chairman of the Democratic City Committee?

Answer. I did not meet him. I do not remember that I ever met him; I may have but do not recollect it.

Question. Whom else have you met in Portland besides those gentlemen?

Answer. I think of Mr. Barbour, of Owen & Barbour, T. G. Loring, druggist.

Question. Councillor Chase?

Answer. I never met him till I met him in the city this evening, that I remember.

Question. Whom else did you see in Portland?

Answer. I cannot remember, quite a large number. I heard it mentioned quite generally among those I was acquainted with.

Question. All over the State it was rumored that they proposed to count out certain Republican members, was it not?

Answer. I might infer that in the conversation. The conversation I heard was more like this, that there were mistakes in records and returns, or something like that.

Question. That was the ground on which it was put?

Answer. Yes, sir.

Question. Wasn't the conclusion, as reached, that those records or returns would have to be thrown out for technical defects?

Answer. That was the conclusion I came to.

Question. You came to the conclusion that was going to be done, from the talk you had with Democratic and Greenback politicians?

Answer. I thought so at the time.

Question. You had not heard of it before?

Answer. No.

Question. But, on coming to Portland and talking with leading men you came to the conclusion that, on account of technical defects in returns, certain Republicans were going to be counted out?

Answer. I thought that might be the case from what I heard.

Question. Was it then that it first came into your mind to hunt up defects in returns in Washington county, or before that?

Answer. I have had a way of talking with my Democratic friends for years about election time, and after, in relation to mistakes of records and in returns, and it was a natural thing for me to think of it at any time without any suggestion.

Question. Have you heretofore had the habit, after the election, of talking much with leading Democratic politicians about election returns, before this year?

Answer. I have frequently, for the reason that such mistakes have occurred in our county, and Democrats have been bounced out in consequence of it.

Question. Had you, when you came to Portland, ascertained any defects in Washington county?

Answer. I think not at that time.

Question. You had not heard of the counting out process at that time?

Answer. I do not think I had.

Question. Hadn't you heard of any defects in returns in Washington county when you were in Portland, and came to the conclusion that certain Republicans were to be counted out?

Answer. No ; I had no definite knowledge of any defects in any single town excepting by rumor and talk in offices and hotels.

Question. What were the rumors and talks you heard in offices and hotels about defects?—in what towns?

Answer. I remember Jonesport, Cutler, and one or two others ; and Addison.

Question. Those were not defects in Republican towns?

Answer. I think Cherryfield was spoken of, and Dennysville ; quite a number ; I do not know as there was much difference in the number or extent.

Question. Had you heard that any Democrat was to be counted out because of any defects?

Answer. I did not hear of that.

Question. You did not hear of any Democrats being thrown out?

Answer. Yes ; that is, I supposed it might occur.

Question. I understood you to say you did not hear of any Democrats being thrown out?

Answer. I did not hear of any Republicans being thrown out ; simply my guess work.

Question. On defective returns?

Answer. Yes, or records or something of that sort.

Question. When you went to Boston whom did you see there of political men in Maine?

Answer. No political men in Boston who belonged in Maine, but old residents of Machias and vicinity who had no particular interest in it that I know of.

Question. Are you acquainted with Eben F. Pillsbury?

Answer. I have met him but a very few times.

Question. Have you known him politically?

Answer. I have.

Question. Had correspondence with him?

Answer. Not for a long time.

Question. Has he been through your region in times past, stumping?

Answer. I have no recollection of ever seeing him in that county.

Question. Wasn't he there this year?

Answer. I have no recollection of his being there. • I did not see him there ; I have no recollection of it.

Question. What day did you come back to Portland from Boston?

Answer. I should think the sixth of November.

Question. Did you stop over a day there?

Answer. I think I did, and remained till Friday evening when the boat left.

Question. On what business did you stop there?

Answer. Business of buying stationery, books and blank newspaper.

Question. Did you attend to any of that when you went up?

Answer. Not much, only got prices, compared them.

Question. Did you buy stationery and books when you came back?

Answer. I bought small bills.

Question. To what extent?

Answer. I should say one hundred dollars or one hundred and fifty dollars.

Question. Where did you stay in Portland?

Answer. I think at the Preble House, the night I stopped.

Question. See any political men there at that time?

Answer. I have no recollection of seeing anybody but General Murray, formerly of Pembroke.

Question. He is a Republican?

Answer. I suppose so.

Question. See any Democrats during that day in Portland?

Answer. Yes; I met them, I suppose, on the street or in offices.

Question. Such as whom?

Answer. Similar to those I named before.

Question. More talk then about counting out?

Answer. I do not think I heard much said about it, although perhaps it was alluded to.

Question. Anything then said about defects in Washington county?

Answer. There might have been; I am not positive there was on my return; and I do not know but there might have been. I think at the breakfast table at the Preble House I heard some gentleman conversing about this matter, but I did not know them and asked no questions.

Question. How did you go back?

Answer. By steamer "Lewiston."

Question. What time did you reach home?

Answer. About ten o'clock Saturday evening.

Question. What day?

Answer. November eighth.

Question. You hadn't been to Augusta?

Answer. No, sir.

Question. What communication had you had with anybody in Augusta?

Answer. None at all at that time.

Question. When you got home did you find there any communication from Augusta awaiting you?

Answer. My recollection is I did not.

Question. How soon after you got home were you in communication in any way with anybody at Augusta?

Answer. I don't remember of writing at all to Augusta.

Question. You had not been to Augusta at all on your trip?

Answer. No, sir; I have not been in Augusta before to-day since last January, a year ago.

Question. How soon after you got home did you hear from Augusta?

Answer. The next day.

Question. You had not written?

Answer. No, sir.

Question. Whom did you hear from?

Answer. Through the "Kennebec Journal" and "Maine Standard," newspapers.

Question. Those you were getting all the time?

Answer. I was; I had those on my list of exchanges.

Question. How soon after you got home did you hear in any way from Augusta besides through the press?

Answer. I do not recollect of having a letter from anybody at Augusta at any time about that time or since till after the seventh of January.

Question. Don't remember?

Answer. I do not think I received a letter from a person in Augusta.

Question. What communication did you receive from anybody who had anything to do at Augusta with the State Offices or with the Governor and Council?

Answer. I do not remember that I had a letter from any one connected with the government in any way.

Question. Did you have any communication?

Answer. No communication whatever that I can think of.

Question. From anybody at Augusta?

Answer. No.

Question. Did you see anybody, after you got home during the next week?

Answer. No, I don't remember that I saw anybody from Augusta, anybody that I knew.

Question. Did you receive any papers or blanks that came in any way whatever from Augusta, or envelopes?

Answer. I received an envelope, and blank in it, that I thought might have come from Augusta, but I had no knowledge.

Question. What made you think it had come from Augusta?

Answer. Because it was a printed blank.

Question. What kind?

Answer. My recollection is it was for Senatorial returns.

Question. For what Senatorial district?

Answer. That I cannot tell you.

Question. That was in blank?

Answer. I think it was; I do not remember; I did not read it.

Question. A blank for Senatorial returns?

Answer. That is my recollection.

Question. What was it in?

Answer. I cannot remember that it was in any thing at all.

Question. In an envelope?

Answer. I cannot remember now.

Question. You don't remember there was any envelope in it?

Answer. I do not remember that there was.

Question. How many did you receive?

Answer. I do not recollect of more than two blanks.

Question. There were two Senatorial blanks?

Answer. That is all I remember of.

Question. Just alike?

Answer. I presume so. I did not read them any more than I saw in the heading.

Question. Were there not official envelopes with them, with printed directions on the outside, and blanks for the signatures of the Selectmen?

Answer. There might have been, but I cannot remember that there were any envelopes.

Question. What shape did they come to you in?

Answer. It seems to me that James R. Talbot handed them to me.

Question. Was he a candidate?

Answer. He was, for Senator.

Question. That was about what time in November?

Answer. I should think it was Tuesday following my arrival home on Saturday.

Question. Where did you receive them from Mr. Talbot?

Answer. In my store or office in Machias.

Question. Where did he say he got them from?

Answer. He did not tell me anything about it.

Question. Did you not ask him?

Answer. I did not ask him any question about it.

Question. What were they in when they were handed to you?

Answer. I do not remember about that.

Question. What did he tell you he wanted done with them?

Answer. He did not speak of any particular object he had in view.

Question. Simply handed them to you?

Answer. He simply handed them to me and mentioned some towns where he had heard of errors in records or returns.

Question. What were those towns?

Answer. My recollection is that he named three or four towns.

Question. What were they?

Answer. I think Addison and Jonesborough; and he spoke of some other towns in the eastern part of the county,—I do not know what.

Question. Marion?

Answer. Possibly; I do not remember; I am not acquainted down that way very much and did not take much interest in it.

Question. Was it Marion?

Answer. Possibly.

Question. Your recollection?

Answer. I do not remember that he spoke of Marion, although he might.

Question. What other towns?

Answer. If he spoke of any it was Cutler.

Question. Whiting?

Answer. Possibly.

Question. You remember Jonesborough and Addison?

Answer. I think I do, distinctly.

Question. But do not remember Cutler and Whiting?

Answer. No, because it was out of my beat.

Question. What did he say the defects were?

Answer. He did not tell me.

Question. You are confident that James R. Talbot, who gave you those blanks, did not tell you what those defects were?

Answer. That is my recollection.

Question. What were you to do with those blanks?

Answer. My object was to go to Democratic towns to see if I could see any errors in returns or see what Town Clerks or Selectmen would tell me.

Question. What did you propose to do?

Answer. I supposed I had a right to suggest to them correction of returns to conform to the record.

Question. What law had you in mind?

Answer. I had an idea there was a law allowing corrections of returns to conform to the record.

Question. Did you have an idea, without looking at the law?

Answer. I had looked it up myself.

Question. Where?

Answer. I have all the acts that have been passed for several years.

Question. What law, before you started out on this expedition of yours, did you look up that gave you the idea you had a right to take returns to towns and have corrections made?

Answer. I do not know as there was any law giving me that right; I only assumed to take that privilege; I had other business and took these returns.

Question. What law did you find that you thought authorized you or anybody to make new returns for the purpose of correcting errors?

Answer. I do not remember the law or the title of it; I turned to it in a hurry.

Question. How long ago was it?

Answer. In November.

Question. How many months ago?

Answer. Last November.

Question. Do you mean to say that, in this matter talked about constantly and discussed in your paper, you cannot tell, when as you say you looked up the law, what law it was you found that justified anybody in having such corrections made?

Answer. I do not remember the title of the law and cannot tell the year it was passed.

Question. What was the substance of it?

Answer. I think the substance was that Selectmen or Town Officers had a right, in so many days, to make corrections.

Question. How many days?

Answer. Twenty days from some date ; I do not remember how it read.

Question. What was that date from?

Answer. I cannot tell now.

Question. Had a right to make corrections twenty days from what?

Answer. I do not know anything about what ; I did not think of what at the time. The idea I got from reading it was that Town Officers had a right to correct returns to conform with the record.

Question. What is the record?

Answer. The one made in town meeting, I suppose.

Question. The return is made in town meeting?

Answer. Should be.

Question. And sent on?

Answer. Should be.

Question. What was the record that was referred to that the correction could be made from, did you suppose?

Answer. I did not know anything about it.

Question. What did you suppose the law referred to which you hunted up when it said the correction might be made from the record?

Answer. Any misspelling of the name or mistake in number of votes recorded.

Question. You say you understood the correction could be made from the record. What did you understand to be the record that a correction of a return could be made from?

Answer. I supposed if the record conformed to the facts——

Question. What record?

Answer. Town record kept by the Town Clerk.

Question. In what?

Answer. I supposed in a book.

Question. Then, if you understood anything from that, it was that the town authorities had a right to correct the return from the record which is found in the Town Clerk's book and made up by him?

Answer. To conform to that record.

Question. Did you understand there was any other kind of correction that could be made excepting that?

Answer. I did not.

Question. Had you up to that time examined any town record book?

Answer. I had not seen any.

Question. Have you ever, from that time to this, examined any town record book?

Answer. No, sir.

Question. Do you know, of your own knowledge, that in any single one of the towns you have mentioned, the town record differed from the return?

Answer. I do not.

Question. Then what right would you have to set about any correction if you did not know that the record varied from the return?

Answer. Because I supposed or suspected there might have been.

Question. How could you prove it excepting by making an examination of the record?

Answer. I did not have any time or inclination to, but I supposed the Selectmen would.

Question. Would it take any longer to go to the towns and see the records than to go to see the Selectmen and Clerk?

Answer. Very much, in some towns.

Question. When you went to see the Town Clerk was he not the man that had the record?

Answer. I never saw the Town Clerk anywhere.

Question. Was there any difficulty in seeing the Town Clerk?

Answer. In one case he lived off of the road.

Question. Starting out with the law you hunted up, did you ever, in a single case, as a foundation for your expedition, go and look at a town record?

Answer. No, sir.

Question. Why not?

Answer. I thought if I named anything of the kind they would look, and, if they got at anything, they would attend to it in conjunction with the Clerk. I had no interest in it.

Question. What was there to correct unless there was a discrepancy?

Answer. Nothing.

Question. Had you heard, in a single case, there was a record differing from the return of a town?

Answer. Only in Addison.

Question. Had you heard that it was so in Addison?

Answer. I do not know that I had.

Question. Then you did not start out with the idea of going to see the town records, and seeing if they agreed with the returns?

Answer. I could not do that, because I had no returns to refer to. I should probably have gone to the records if I had not met the Selectmen previous to seeing the Clerk.

Question. What do you think is the best basis for the correction of a town return on an important matter like this, the say-so of a Selectman or the sight of the record?

Answer. Sight of the record would satisfy me better.

Question. You did not examine any record?

Answer. No, sir.

Question. Did you have copies of any returns so that if the records were examined it could be seen that they differed from the records?

Answer. No, sir.

Question. Suppose you went to the Selectmen and conferred with them about the correction of a return by the record and had no copy of the return, how did you suppose the Selectmen could know how to make a corrected return?

Answer. I will state the Addison case.

Question. I do not want you to.

Answer. That covers the whole ground.

Question. You had no copies of returns to show what they contained?

Answer. None at all.

Question. Did you know of any of the Selectmen having any copies?

Answer. I did not hear of any.

Question. Where could any copies of returns be got?

Answer. I do not know excepting at the Secretary of State's office, or where printed.

Question. I mean the return?

Answer. I do not know that they could be got anywhere excepting at the Secretary of State's office; I do not know about that.

Question. You had none of those?

Answer. No.

Question. You had nothing whatever excepting what Talbot had told you about defects in Jonesborough and Addison; and perhaps Whiting, and Cutler, or Marion?

Answer. What Talbot said was only confirmatory of what I had heard in Portland.

Question. You had heard in Portland there were defects in towns?

Answer. Yes.

Question. What towns in Washington county had you heard in Portland were defective?

Answer. I do not know as they spoke of any particular town.

Question. Did you get anything from anybody excepting what Talbot told you about this?

Answer. I think I saw it in the papers about that time.

Question. What paper?

Answer. I do not remember.

Question. What the defects were in certain towns?

Answer. Or rumors. I do not remember whether it was at that time or later.

Question. Whether, at that time, you had seen any statement of any defects in Washington county, in the newspaper?

Answer. I cannot say positive that any towns were mentioned.

Question. Talbot was a candidate, and had mentioned it to you?

Answer. That is my recollection.

Question. Have you any doubt of that?

Answer. I cannot state positive that he named towns, because they were rumors.

Question. Did he tell you what the defects were?

Answer. No, sir.

Question. Did he tell you what the defect was in Jonesborough?

Answer. No, sir.

Question. Did he tell you what the defect was in Addison?

Answer. I have no recollection of his telling me any defect in any town, although he might possibly.

Question. After getting these blank Senatorial returns, and after having had this talk with Talbot about certain defects in those towns, when did you first start out with the purpose of substituting those returns or doing anything in reference to those returns?

Answer. I think about the fourteenth of November; that is my recollection.

Question. Where did you start from?

Answer. From my home, Machias.

Question. Where did you go first?

Answer. I followed the travelled road west through Jonesborough and Columbia Falls to Addison.

Question. Where did you stop?

Answer. I did not get out of the wagon from the time I left home till I reached Addison.

Question. Did you stop at Jonesborough?

Answer. I stopped in the road; met one of the Selectmen.

Question. What did you have with you?

Answer. Blank returns that Talbot gave me.

Question. Blank Senatorial returns?

Answer. That is my recollection.

Question. For those two towns?

Answer. Yes, sir.

Question. Was it not your purpose when you started to use those returns in getting corrections?

Answer. I had no other purpose in view, and intended to have nothing more to do with it than to suggest there might be mistakes to be corrected.

Question. Whom did you meet in Jonesborough?

Answer. Jotham Merritt, one of the Selectmen, so called.

Question. Where did you meet him?

Answer. Near the bridge, I think, in Jonesborough.

Question. Did you stop?

Answer. A very short time.

Question. Talk with him?

Answer. Three to five minutes.

Question. What did you tell him about the returns in Jonesborough?

Answer. I suggested to him there might be some mistake in his return in Jonesborough.

Question. What mistake did you suggest to him there was?

Answer. I do not know as I can remember just what he said.

Question. What did you tell Mr. Merritt was the defect in the Jonesborough return?

Answer. I suggested to him, if I did anything, that there was some mistake in the name, recording or spelling out fully the vote or in making figures, or something of that sort.

Question. Merritt says you told him what the defect was. I want you to tell us what you told him was the defect in the Jonesborough return?

Answer. I have stated the substance as near as I can recollect.

Question. You have stated some, all of which wouldn't be found in one return. What was the particular defect which you told him existed in the Jonesborough return?

Answer. My idea is I suggested to him that those several mistakes might exist in any return.

Question. What particular defect in Jonesborough did you tell him of?

Answer. I do not remember that I stated to him any definite error ; I could not have done so.

Question. Didn't you tell him what the defect was in the Jonesborough return?

Answer. I suggested these several mistakes.

Question. Didn't you tell him what the defect was in the Jonesborough return?

Answer. I have no recollection that I told him so in plain words, or directly.

Question. What was the defect in the Jonesborough return?

Answer. The rumor that I heard was that the vote was not spelled out.

Question. That is the number of votes was not spelled out?

Answer. Yes ; ditto used, or something of that sort.

Question. Whom had you heard that rumor from?

Answer. I do not remember any particular person. I and my partner used to talk it over, and it was common talk on the street.

Question. That the Jonesborough return was defective in that it did not have the number of votes written out, but ditto marks?

Answer. Something like that ; I do not know what it was, but we heard such talk.

Question. Didn't you tell Merritt that was the defect?

Answer. I do not think I did, positively.

Question. Didn't you tell him in terms and words that the defect in the Jonesborough return was that the ditto marks had been used for the second candidates instead of being written out? and, unless it was corrected, the town's vote would be lost?

Answer. He might have got that idea from what I said, but I made no such positive statement to him or any other person.

Question. Wasn't that the first knowledge he had of it?

Answer. I do not know.

Question. Did he intimate to you that he had any knowledge of this defect before that?

Answer. I do not remember whether he did or not. Some Town Officers suggested mistakes at once, as soon as I suggested the matter.

Question. Did Mr. Merritt?

Answer. I cannot tell whether he did or not ; possibly he did.

Question. Did Mr. Merritt mention the defect before you told him what it was?

Answer. I do not remember that he did.

Question. Did he intimate to you that he knew what the defect was?

Answer. I do not remember now that he did.

Question. Then it must have been mentioned by you?

Answer. I think it was; I do not deny I mentioned it.

Question. What was your idea,—what correction could be made?

Answer. My idea was this:—that if the error was in the September return, a new return could be made under the statement that it was a corrected return to conform to the record.

Question. Was Mr. Merritt the Town Clerk?

Answer. I think not.

Question. Did he intimate to you that he knew anything about what the record was?

Answer. I do not remember whether he did or not.

Question. Did you refer him to the record at all or mention it?

Answer. I did; I told him he must examine the record.

Question. You told Mr. Merritt he must?

Answer. That is my recollection, because I had the idea that any man had a right to change the return.

Question. Did you tell Mr. Merritt anything about the record?

Answer. Certainly, that is my recollection, if I said anything at all; the first thing I said was that, if the record was right, I thought he had a right to correct the return to conform to the record. That has been my doctrine for years.

Question. Do you remember of telling Mr. Merritt that the defect in their return was that the ditto marks had been used instead of writing out against two of the candidates, and that unless it was corrected the vote of the town would be thrown out, and that you wanted him to correct it upon this blank that you gave him and send it to the Secretary of State, without your saying a word about the record?

Answer. It would be very natural for me to suggest a correction of that kind. I do not know how I put it. I did it very quick.

Question. Tell this Committee whether you do not remember that you talked to him and gave him that information and did not mention the record at all?

Answer. I do not have the least idea I did so. My idea was if the record was right we had a right to correct the return to conform to it.

Question. Did you name the record to him?

Answer. I did.

Question. Where was the record?

Answer. I do not know.

Question. Who was the Town Clerk?

Answer. Mr. Trickey, I think.

Question. How far did he live from where you were?

Answer. Half a mile or more.

Question. Did Mr. Merritt tell you he was going to the Town Clerk?

Answer. I do not remember what he said; but possibly he did.

Question. Why didn't you go with him?

Answer. I was in a hurry and did not want to go.

Question. What were you in a hurry about?

Answer. I had business in other towns.

Question. What business?

Answer. A very old gentleman, my wife's father, was very sick; he lived in Columbia.

Question. Were you going to Addison?

Answer. I intended to during the day.

Question. What business had you there?

Answer. I had some business with Mr. Austin, a lawyer in Addison.

Question. The Town Clerk?

Answer. I think so.

Question. Who was Town Clerk of Jonesborough?

Answer. Mr. Trickey, I think.

Question. Didn't meet him?

Answer. I didn't see him, and don't know him when I meet him now.

Question. How long talk did you have with Mr. Merritt?

Answer. I don't think I stopped five minutes to talk with Merritt; not more than two, perhaps.

Question. Did you leave any paper with him?

Answer. Only this blank return I gave him.

Question. How long before that had you examined the law which you say showed you that Selectmen or Town Officers had a right to amend returns by the record?

Answer. My recollection is we had published it at different times in the papers, and I had read it on the proof sheets and in the papers.

Question. Don't you know that the correction implied by that is nothing more than a statement of what the record of the Town Clerk is?

Answer. That is all I supposed.

Question. What did you need of the blank return if the Town Clerk was to simply certify his record?

Answer. I did not know whether I needed it.

Question. Didn't you know enough of town affairs, and from reading the law, to know that you did not need a blank return to do that?

Answer. I did not know anything about that. I did not know what was necessary.

Question. Isn't the language of the law plain?

Answer. I should not know how to apply it if I read. The idea would be to get corrected returns before the proper authority.

Question. To get an entire new return?

Answer. I do not know whether that or the statement of the Town Clerk, or how.

Question. What should you think, to make up an entire new return or make a statement of what the town record on that point was and then make an affidavit?

Answer. I think I should go about it, if I was going to fill out a blank: "*This is a corrected return of the doings of the meeting in September,*" or something like that.

Question. Did you give any instructions to Merritt?

Answer. I do not think I did.

Question. You left the blank return with him?

Answer. Yes, and supposed he understood, as well as I did, what to do.

Question. Did you and he talk over the law?

Answer. No, sir; he being a Selectman, I left it with him.

Question. Did you suppose that he, being a Selectman, had examined and looked up the law about the right to correct the returns?

Answer. I presumed so.

Question. Hadn't you heard, all along up to that time, that no correction of returns would be permitted by the Governor and Council?

Answer. I do not remember that I had heard of it.

Question. Had you not heard that discussed week after week, and wasn't that the position taken long before that, that no inspection of returns was allowed and no corrections would be made?

Answer. I never so understood it.

Question. Do you know of any correction that was made of a single Republican return by the Governor and Council?

Answer. I saw where Brother Rowell stated in a public meeting that he examined the returns from Hallowell.

Question. Did you understand he was allowed to correct them?

Answer. To examine them.

Question. Don't you know that the general or great complaint made at that time, throughout the State, was that no returns were allowed to be examined and that Republicans couldn't be permitted to see them?

Answer. I read that in the Republican papers.

Question. Did you read of a single correction having been made in a single Republican town?

Answer. I heard of attempts to correct in towns of our county. I do not know by what authority it started out, but they went the same as I went I suppose, on my own hook.

Question. Didn't you suppose you had some authority in this expedition, and the corrections would be allowed because your papers came from the Secretary of State?

Answer. No, I didn't know where they came from.

Question. Had you any doubt about it?

Answer. I never thought anything about that; I did not know where they came from; I never asked.

Question. Had you any doubt, when Talbot handed you those blanks like the regular blanks from the Secretary of State, that they came from Augusta?

Answer. I have been publishing a paper for a number of years, and people will bring in items and documents for the paper, and they will lay them down and they will lay a day before I get time to look at them, from disinclination or some other reason. Those papers laid on my table down among the papers some time before I looked at them.

Question. You said that he spoke of them when he gave them to you?

Answer. Spoke about looking after those towns, and went off.

Question. Did you not know what he was giving you when he gave you those papers?

Answer. I cannot testify what he laid down, but I have no doubt it was those.

Question. You did not pay any attention to it?

Answer. No, sir.

Question. How did it happen to occur to you?

Answer. I picked them up the same as if a man would come in and speak about an item in a paper.

Question. What did you think when you opened them and looked at them; where did you think they came from?

Answer. I thought if any Democratic towns were liable to lose a vote in consequence of defects I would try to save them.

Question. Where did you think they came from?

Answer. I thought likely from Augusta.

Question. Didn't you think if you made corrections and new returns they would be used by the Governor and Council in correcting Democratic towns?

Answer. I was in hopes to.

Question. If you did not think so, why did you tell Mr. Merritt what you did?

Answer. Because we had been bounced before.

Question. You had a Democratic Governor and Council?

Answer. I thought they were honest about it.

Question. You told Mr. Merritt, if they were not put in, that they would be counted out?

Answer. I had the idea that we were allowed by this law to correct the returns to conform to the record. I had a right, I supposed, to do it.

Question. What did you suppose would be done with them?

Answer. I thought they would be sent to the Secretary of State.

Question. What did you suppose the Governor and Council would do with them? Didn't you suppose they would allow the corrections?

Answer. I was in hopes they would. I had no authority whatever, excepting what I assumed myself.

Question. Did you think those blanks were sent to you by parties from Augusta or to Mr. Talbot?

Answer. I do not know as I thought; I did not care.

Question. Didn't it occur to you that the parties at Augusta who had sent these papers to Mr. Talbot to be used in correcting Democratic mistakes, would be waiting for them to go back and act upon them?

Answer. No; I did not think anything beyond what I had to do with them; I do not remember that I did; I might; in riding along I had no purpose beyond seeing the Selectmen and telling them what I thought. I did not know as they could do their duty. I was thinking of going to Republican officials.

Question. Did you go to a single Republican?

Answer. No; I knew it was no use. When I met a Democrat I talked with him.

Question. What is Mr. Merritt?

Answer. I call him a Democrat.

Question. You didn't talk with any other officer of the town beside?

Answer. I do not remember that I did.

Question. Did not talk with Mr. Trickey?

Answer. I did not see him.

Question. Or Mr. Crandon?

Answer. Perhaps I met Crandon in the road; I think I did; I do not think of any conversation with Crandon to amount to anything.

Question. Did you have any arrangement with anybody at Jonesborough that they were to report to you whether they succeeded in getting those amendments?

Answer. No arrangement whatever.

Question. How long did you talk with Mr. Merritt?

Answer. Not more than two or three minutes.

Question. You left the blank with him?

Answer. Yes.

Question. What did he say he was going to do?

Answer. I think he said he would see the Town Clerk and the other Selectmen; I do not remember positively.

Question. Then you got rid of one return?

Answer. I did.

Question. Where did you go then?

Answer. I forget whether I stopped at Columbia Falls or went directly to Addison; I think I went through Columbia Falls to Addison.

Question. Did you tell Merritt what the error was in his town.—about the ditto marks?

Answer. My recollection is, I suggested these mistakes that might occur in the return,—dots under another name or lack of figures—as well as not writing out the vote in full, and asked him to see to them.

Question. Whether you told Mr. Merritt what the particular defect was in the Jonesborough return?

Answer. I do not remember that I did.

Question. You leave it in that way?

Answer. I do ; I might have suggested, but I did not state any thing positive.

Question. Did you suggest to him that was the defect?

Answer. I suggested to him that that might be the defect.

Question. Did you suggest to him that was the defect?

Answer. I named perhaps half a dozen, as quick as I could rattle them over. I did not know what the mistake was ; did not know anything about the nature of it more than I got the idea there was or might be an error.

Question. Hadn't you been told that was or might be the defect?

Answer. No, sir, I have no recollection of anybody telling me so. It is all surmise or guess work.

Question. You have stated that the defect in Jonesborough was that the ditto marks had been used instead of writing out the full number?

Answer. No positive knowledge.

Question. Had you ever heard it stated that anything else was the defect?

Answer. I did not know exactly what the trouble was.

Question. Had you ever heard that anything else was the defect?

Answer. I do not know as I had.

Question. Wasn't that the only thing you had heard that the Senatorial return was defective in?

Answer. There might have been some suggestion about the "Jr." in Wallace's name. I might have suggested it to Merritt, but I do not remember.

Question. Had you heard, before you went there, that there was any other defect in Jonesborough than the using the ditto marks?

Answer. Nothing more than I have stated.

Question. Had you heard that anything ailed the Jonesborough return excepting the using of the ditto marks?

Answer. I do not remember that I had distinctly as to Jonesborough.

Question. You were talking with Merritt about Jonesborough?

Answer. Yes.

Question. You were not talking about any other town?

Answer. I do not remember ; I might.

Question. You do not remember that you talked about the defects in other towns?

Answer. Possibly, but I do not remember.

Question. You do not remember of telling him of anything except the ditto marks?

Answer. I do not remember that I did.

Question. Did you leave a blank return with him?

Answer. I think so; that is my recollection.

Question. Where did you go, to Columbia Falls?

Answer. I do not recollect whether I went that way.

Question. Did you go to Addison that day?

Answer. I think so.

Question. How far is Addison from Jonesborough?

Answer. Ten miles or in that neighborhood.

Question. What time did you leave Jonesborough?

Answer. Nine or ten o'clock in the forenoon.

Question. What time did you get to Addison?

Answer. It must have been about eleven o'clock or little past.

Question. Then you did not stop much anywhere?

Answer. I do not remember that I did.

Question. Went right to Addison?

Answer. I think so.

Question. Do you know who is chairman of the Selectmen?

Answer. No, sir.

Question. Do you know Henry Nash?

Answer. I do.

Question. Do you know he is one of the Selectmen?

Answer. I did not know till I went there that day.

Question. Do you know Edward A. Austin?

Answer. Yes, sir, a lawyer.

Question. Town Clerk?

Answer. So said.

Question. Do you know Mr. Leighton, one of the Selectmen?

Answer. No, sir.

Question. What are Mr. Nash's politics?

Answer. Always called him a Republican?

Question. What are Austin's?

Answer. Republican, I understood.

Question. Do you know the other Selectman in Addison?

Answer. I know Gilbert L. Tabbut.

Question. What are his politics?

Answer. I always called him a Democrat.

Question. Which of these men I have named to you did you go to that day?

Answer. I think I saw Tabbut and Austin both that day.

Question. Whom did you see first?

Answer. Tabbut.

Question. Did not go to the Town Clerk?

Answer. No, I think not; I might have called at his office and found the door closed; I think I did.

Question. You think you went to his office and found it closed?

Answer. I think so. I had business with him. He had bills to collect for us.

Question. What did you want to see Tabbot about?

Answer. I wanted to talk with him about this return matter; that was my business.

Question. Was it your business to correct the return by the record?

Answer. Yes, sir, the same as I had in Jonesborough.

Question. The Clerk had the record?

Answer. I presume so.

Question. How far did he live from Tabbut?

Answer. I do not know where he lives.

Question. Mr. Austin?

Answer. Yes, sir.

Question. Isn't it close by where you saw Tabbut?

Answer. I do not know.

Question. What do you mean by saying you went to his office?

Answer. I know where his office is.

Question. How far from where you saw Tabbut?

Answer. I should say half a mile.

Question. On the road?

Answer. It is, beyond.

Question. What did you go to his office to see him about?

Answer. I was going to see him about some private bills he had.

Question. You were not going to see him about the record?

Answer. Yes; I should have asked to see the record if I had got in at that time. I called at the door of his office.

Question. He was half a mile beyond where you saw Tabbut?

Answer. No, sir. His office is in the village.

Question. Which did you go to first,—where you saw Tabbut, or Austin's office?

Answer. Austin's office first.

Question. Did you call there first?

Answer. I think I did at his office door; I am not certain. The door was closed.

Question. Whether or not you went to Austin's office first?

Answer. I do not remember distinctly. I was in his office during the day, but I think I called at his office when I went there in the morning.

Question. Will you swear you did?

Answer. No, sir.

Question. Did you find it closed?

Answer. The door was closed.

Question. How many minutes before you saw Tabbut?

Answer. It was a short time. I drove right along.

Question. It could not have been over ten minutes?

Answer. Yes; the road was very muddy; it might have been longer than that; I do not know the distance.

Question. After you went to his office you drove right along to Tabbut's?

Answer. Yes.

Question. It couldn't have taken over ten minutes to go half a mile?

Answer. It seemed longer than that. It may be a mile.

Question. You think it was about eleven when you saw Tabbut?

Answer. I think so.

Question. Went right to Tabbut's house?

Answer. I think so.

Question. Did you find him there?

Answer. I did.

Question. What did you tell Tabbut was the defect in the Addison return?

Answer. I suggested to him, the same as I did in Jonesborough, defects which might occur.

Question. What did you tell Tabbut was the defect in the Addison return for Senatorial votes?

Answer. I think I mentioned to him that there might be a mistake in the aggregate vote, or writing out the names.

Question. What did you mean by a mistake in the aggregate vote?

Answer. That the whole number of ballots did not agree with the number cast.

Question. That the whole number of votes was too much?

Answer. Too much or too little ; I did not know what.

Question. Did you have any copy of the returns with you?

Answer. No, sir.

Question. Had you seen the town record before that?

Answer. No, not before that.

Question. Where had you heard that the whole number of ballots as written out did not agree with the vote as cast?

Answer. I do not know as I heard it definitely anywhere ; I do not think I did.

Question. Where had you heard that, if that mistake was made, it would be fatal?

Answer. It seemed to me it would be fatal, in my own judgment.

Question. You had not heard of the Farmington case then?

Answer. No.

Question. It had not been mentioned?

Answer. Not to my knowledge ; I do not remember that I had heard.

Question. You thought that would be a fatal defect? What did you tell Tabbut?

Answer. I recollect that I told him that any mistake might prove fatal.

Question. What defect did you tell him was committed in making up the Addison Senatorial return?

Answer. I suggested to him any of the several mistakes.

Question. What did you tell him was the defect in that return?

Answer. He told me of some mistake in footing the returns,—the aggregate vote.

Question. Wasn't that after you had suggested to him what the defect was?

Answer. No ; I doubt if it was.

Question. Don't you know that you told him first what the defect was?

Answer. I do not remember that I told him first ; I may have done so ; but in the conversation he said that by Austin's direction he had taken the four candidates for Senator and added them together to get the aggregate vote ; he thought it was wrong, but Austin thought it was right.

Question. Hadn't you heard before that that was the defect?

Answer. No, I hadn't heard.

Question. You said before that you had heard that was the defect?

Answer. Nothing positive,—simply a rumor.

Question. You had heard a rumor to that effect?

Answer. Something of that sort; I do not know what.

Question. Did you go back with Tabbut or make any effort to find Austin?

Answer. I did, after dinner.

Question. Then?

Answer. I did not have time then. I was not going in that direction; I was going in another direction before dinner—to see a sick gentleman.

Question. Wasn't Mr. Austin's house near by?

Answer. I do not know what part of the town he lives in.

Question. Wasn't it in Addison village?

Answer. It might be; his office was there. It was inconvenient for me to return there; I wanted my dinner.

Question. You made no further effort to get at the town records?

Answer. I saw the town records.

Question. That time?

Answer. No, not in the forenoon.

Question. What did you request Mr. Tabbut to do with this return you left with him?

Answer. I do not remember that I made any request excepting to make the necessary corrections, if there were any to be made; that is all I recollect.

Question. State what the words used by you were as near as you can recollect, when you told Mr. Tabbut what you wanted him to do with that return?

Answer. My idea was to make a corrected return. I think I suggested to him to make a corrected return to conform to the record, that is my idea, supposing the record was right.

Question. You left him there?

Answer. Yes, sir.

Question. Where did you go next?

Answer. To Lee Nash's house in Columbia.

Question. What time did you get back?

Answer. I should think between one and two in the afternoon.

Question. Whom did you see there?

Answer. I think several persons; I saw Mr. Austin, the Town Clerk.

Question. Did you see Tabbut and Austin?

Answer. Not together, I think; I do not remember that I saw them together at all.

Question. Did you see Mr. Nash?

Answer. I do not remember that I saw him that day; I think some one said he was out of town; but I am not certain.

Question. You do not think you saw him?

Answer. I cannot remember that I saw him at all; possibly I did.

Question. What reason had you to suppose that the first return that was sent to Augusta did not correspond with the record?

Answer. The reason is because we have had trouble a great many times in that county and I suspected there might be again.

Question. Did you go to all the towns in the county?

Answer. No; I talked with officers in quite a good number.

Question. That day, what towns did you visit in reference to records?

Answer. I guess I mentioned records to officers of Whitneyville, Jonesborough, Columbia Falls and Addison that day.

Question. How many returns did you have?

Answer. I had only two; that is my recollection; I do not know but there might have been more.

Question. You put those in what towns?

Answer. Addison and Jonesborough.

Question. What reason had you to suppose that the first return that had been sealed up and sent to Augusta did not correspond to the town record?

Answer. Because they were pretty strong Democratic, and I wanted to save the majorities?

Question. What reason had you to think they were not all right?

Answer. I had no reason.

Question. Why did you go to those two towns with those two blanks if you didn't know that the first two returns sent in from those towns did not correspond to the record and were not right?

Answer. I think I had three blanks, but did not leave but two.

Question. It has not come out before that you had but two?

Answer. I cannot state; but, if I had, I only used two.

Question. What reason had you for believing that the first two returns that had been regularly sealed up in town meeting and sent on from those two towns did not correspond with the record?

Answer. Because of the conversation with Mr. Tabbut when I went there. I went there to inquire.

Question. You went to the Town Clerk's to inquire of him first?

Answer. I should have asked for the record if he had been in.

Question. You had not seen Mr. Tabbut then?

Answer. No, sir.

Question. What reason had you to believe then that the Town Clerk's returns, made up and sent to the Secretary of State's office on the day of the town meeting, were not correct?

Answer. Just the same as I knew they were wrong in other towns. I had heard these rumors and I took these towns in my mind.

Question. It is a curious thing you happened to hit upon those two towns with the two blanks you left there?

Answer. One of them I had a definite reason for.

Question. Don't you know—and don't you know that all of us know—that when you started you knew that the returns from Addison and Jonesborough were wrong and needed correction?

Answer. I had no definite knowledge.

Question. Was it not that that bent your steps to those two towns?

Answer. I had no definite knowledge.

Question. Hadn't you got such reports as led you to go straight to those two towns?

Answer. I feared there might be errors there.

Question. Didn't you believe from information you had received that the returns from those two towns were fatally defective?

Answer. No; I feared they might be so.

Question. From information you got?

Answer. From rumors and conversation I had heard at different times—the same as other places.

Question. Did you find any other towns where you left blank returns?

Answer. I do not remember that I did.

Question. You had those two returns and left them in those two towns?

Answer. That is my recollection.

Question. What time did you get back to Addison?

Answer. I think half-past one or two.

Question. Whom did you then hunt for?

Answer. I did not hunt for anybody.

Question. Whom did you find?

Answer. I was in one or two stores and saw men I was acquainted with.

Question. See Mr. Austin?

Answer. I was in his office after dinner.

Question. Talk with him about returns?

Answer. I made no mention of it.

Question. Do you mean to say that when you had failed to find him in the morning when you wanted to see him about the town records and after seeing Mr. Tabbut, you did not ask Mr. Austin about the record and return?

Answer. I had a very good reason for not asking him. I met Mr. Tabbut and he said he had been talking with him about the return, and if he couldn't do it I thought I couldn't.

Question. Did you see the book?

Answer. I saw the book.

Question. Did you examine it?

Answer. He had it open.

Question. You did look at it with him?

Answer. No. I did not call it a town record; he did not call it a town record.

Question. You did not examine it?

Answer. No.

Question. How did you know it was the book of town records if he did not tell you?

Answer. He was sitting on one side of the table, and I stood near him at his right hand. I could see the name "*Town of Addison,*" and saw on sheets of paper what I called record of September meeting, and he was copying it into his book.

Question. You didn't ask him to let you look at the record of the Senatorial vote of town of Addison?

Answer. No, sir. I was thinking about the business I called to see him on. He closed his book up in a minute after I called, and we did our business.

Question. You had talked with Mr. Tabbut that morning about the defect in the Senatorial return?

Answer. Yes, sir.

Question. And he had told you about Mr. Austin's reckoning up the number of ballots wrong?

Answer. That is my recollection.

Question. And, three hours afterwards, you came back and were

in Austin's office where the record was, and you never asked to look at the record?

Answer. No; I did not think enough of it at that time to care.

Question. Your object was to get a return corrected by the record?

Answer. I left all I had to say to Mr. Tabbut.

Question. What was your object in going to see the town records in the morning?

Answer. I thought I would step in there and it would save further search. I had got through with my conversation and was thinking of something else.

Question. Who had you seen besides one of the Selectmen?

Answer. Nobody. I had seen other individuals.

Question. You say you had seen Mr. Tabbut after you came back, before you saw Mr. Austin in the office?

Answer. I think so.

Question. What took place then?

Answer. I think I asked him if he had mentioned it to Austin or looked at the record. I think he told me that the record was not made, but was on sheets of paper.

Question. What did he tell you that Mr. Austin's position was?

Answer. It was right in the footing of the aggregate vote, that he did not want to correct it. I do not remember his precise language.

Question. He said he had seen the record or sheets?

Answer. I do not recollect whether he told me he had seen the sheets or record or only talked. He talked to me as though he had conversed with Austin.

Question. Did you get from him that he had seen the sheets or record?

Answer. I did in the conversation.

Question. How did he say the record was?

Answer. I think he told me the record was in that form, just the same as the return; but I do not know as he did. I think he told me the record and return agreed.

Question. If he told you that, how long after that did you see Mr. Austin?

Answer. Within ten minutes.

Question. Do you mean to say you did not then ask Mr. Austin in his office, with the book open and the record there that he was copying in, to show you the Senatorial record?

Answer. I did not ask him, and did not care enough about it; after Mr. Tabbut told me he would not do anything about it I had nothing more to say.

Question. Did you take your blank book?

Answer. No; I had left it with Mr. Tabbut.

Question. Why didn't you take it?

Answer. It was of no use to me.

Question. Were you going into other towns?

Answer. I did not know I should go that day.

Question. Did you have that sort of blanks in your shop?

Answer. No, sir.

Question. If you were going into other towns and that blank was not to be used there and you gave up all interest in it, why did you not take that back?

Answer. I did not want it; I did not know there would be any mistake there, but I was cautious.

Question. If you had had this in any Democratic town where you were wouldn't you have left it?

Answer. If I had had it and needed it.

Question. You did not take this return?

Answer. No. He suggested that he would see Mr. Nash on his return.

Question. Didn't you make an arrangement with Mr. Tabbut that the thing was not to be given up—that he was to see the other Selectmen and that he was to report to you whether he succeeded in getting a new return made?

Answer. I think likely. Mr. Nash was out of town, and Mr. Leighton lived some distance away and I could not see them.

Question. Do you not remember that, when you came back and talked with Mr. Tabbut, and he told you that Mr. Austin had declined making the change, you agreed with him that he was to see Mr. Nash, the other Selectman, and see if the return couldn't be corrected, and to let you know?

Answer. Very likely. Very possible I suggested to him to do that.

Question. Wasn't that why you left it with Mr. Tabbut, to see if he couldn't find Mr. Nash and get the correction made?

Answer. If he could make a correction.

Question. Do you say that, after you had left it with Mr. Tabbut to fix it with Mr. Nash and correct it, still you went to Mr. Austin's office and never asked to see this Senatorial record?

Answer. Yes, because I got the idea he wouldn't make any correction. I do not know but Mr. Tabbut suggested he wanted to see Mr. Nash.

Question. Why did you leave the return with Mr. Tabbut unless there was a chance of getting it corrected?

Answer. That is my way of doing business; I wanted to see the end of it.

Question. You thought possibly there might be a correction; what kind?

Answer. Any error in a return.

Question. A correction by the record?

Answer. Yes, sir.

Question. Yet with the thing under your nose, you never asked to see the record?

Answer. No, sir; I was in a hurry.

Question. You seem to have been remarkably in a hurry at such times?

Answer. Yes, I was in a hurry.

Question. Why should you have been in a hurry when you had started to get a correction made by the record, and the record was under your nose?

Answer. Because I had no right to correct it. If the Selectmen couldn't do it I couldn't do anything. I only wanted to get them on the track to do anything that was necessary.

Question. Mr. Austin was copying into the book?

Answer. Yes, sir.

Question. Yet you had these five or ten minutes to have talk with Mr. Tabbut and leave the return with him, for him to see Mr. Nash and to make a correction from the record?

Answer. Yes.

Question. Although you had been in the morning to the Town Clerk's office to see the record?

Answer. I think I had, but am not positive.

Question. If you called, it was for the purpose of seeing it?

Answer. If I had called in I should have seen it.

Question. After all this talk you never asked to see the town record?

Answer. No; it would not have done me any good.

Question. What good would it have done in the morning?

Answer. I shouldn't have gone any further if I saw any mistake.

Question. Why should Mr. Tabbut go any further?

Answer. I supposed they understood their duties better than I did.

Question. Why did you go near them at all?

Answer. Because, if anything could be corrected I wanted it done. The very best men I am acquainted with make mistakes, in almost all business,—clerks, treasurers, and that class of people.

Question. You were there to help get it corrected?

Answer. No.

Question. What did you carry the return for?

Answer. To give it to anybody who would take it and attend to their duty.

Question. The thing which you wanted to do was to correct from the record?

Answer. I wanted to get that return to conform to the record.

Question. When the record was under your nose you did not look at it?

Answer. No, not after the conversation I had with Mr. Tabbut, and he told me Mr. Austin could not correct or would not.

Question. Did he say he would report to you what Mr. Nash said?

Answer. I think he did.

Question. Did he?

Answer. I do not remember.

Question. Did he not write to you?

Answer. Possibly. If I asked him to very likely he did.

Question. What did he write to you after he saw Mr. Nash?

Answer. I do not recollect. One minute decided the destiny of that letter as all others I do not want to file.

Question. Can you recollect that he wrote you?

Answer. No, sir.

Question. Did you get any idea that the Addison return was going to be corrected?

Answer. No, nothing.

Question. Did you see him or talk with him?

Answer. No; nothing till we left home this time; perhaps I mentioned it to him on the boat yesterday.

Question. Did you know what happened between him and Mr. Nash afterwards?

Answer. I do not remember that I did. I do not know but Mr. Tabbut might have told me.

Question. You did not get any return corrected from Addison?

Answer. I do not know. I saw that the returns were made up by two Fusion Town Clerks and sent on, but I do not know.

Question. You heard nothing?

Answer. No.

Question. How soon after that did you see Mr. Talbot?

Answer. I do not know as I saw him for a month.

Question. Where did you see him?

Answer. If I saw him it was in my office. He lives in East Machias.

Question. How far from your office?

Answer. Three miles.

Question. A great deal of intercourse between the towns?

Answer. Yes.

Question. A good deal of business between the two towns?

Answer. No, sir; but travel and social calls. Some East Machias people do business in our town. I do not see him on an average of once a month.

Question. Didn't you see him within a day after you got back?

Answer. I do not remember that I saw him within a month, don't think I did.

Question. Didn't mention about this?

Answer. I do not remember that I did.

Question. Thought it was all right?

Answer. I supposed so.

Question. What kind of an envelope was with the blank returns?

Answer. I do not know that I saw an envelope.

Question. Examine any envelopes to see what the language was on them?

Answer. No.

Question. In this pile you fished out from your papers, after Mr. Talbot had left, you cannot tell whether he left any envelopes?

Answer. I cannot tell; he did not leave any pile.

Question. Don't you know that the envelopes have, on the outside, blanks to be signed by the Selectmen and Town Clerk?

Answer. I have not been town officer for thirty years.

Question. Don't you know that?

Answer. No; I don't know anything about the address on them.

Question. Do you know that the address was to the Secretary of State, and they were to be returned there?

Answer. No, sir.

Question. What did you suppose was going to be done with the blanks if they had been corrected?

Answer. What the Selectmen saw fit; sent to the Secretary of State's office, perhaps. They knew just as well as I did.

Question. Rather a rambling and purposeless kind of a trip?

Answer. Yes; I had no definite object; I had a dozen objects in view.

Question. Didn't know much about the blanks?

Answer. No.

Question. Didn't know much about defects?

Answer. No.

Question. Didn't know much about envelopes?

Answer. No.

Question. Didn't know much about what Mr. Talbot wanted done with them?

Answer. No.

Question. Did not know much about where they were to be returned to?

Answer. No.

Question. Didn't know much about whether Tabbot wrote to you?

Answer. No.

Question. Did not know much about anything in general?

Answer. No, nothing only I wanted to get the Selectmen after any errors.

Question. You happened around to Jonesborough?

Answer. Happened just right.

Question. Happened at Addison?

Answer. Yes.

Question. Happened to hit Democratic Selectmen?

Answer. I always go for them.

Question. Happened to leave the blanks?

Answer. Yes.

Question. Happened to strike two towns where the returns were defective?

Answer. So you say.

Question. Happened to leave the returns there?

Answer. Yes; if they had wanted them at Columbia Falls I should have left them there.

Question. What do you think became of the third return if you had it?

Answer. I never thought of it.

Question. That is entirely blank?

Answer. Yes.

Question. Perhaps you used it for making out a deed?

Answer. If there was a blank side I should use it for copy.

Question. Are you in the habit of having blank returns given or sent to you after election to cure defects in towns?

Answer. I do not know that I have for a good many years. I may have in old Democratic times when we were doing those things.

Question. It was not teaching you any new tricks?

Answer. No; I knew all about it before. The Republicans have been trying it for twenty-three years and I have been glad to get this chance.

Question. The Republicans, who came in since, must have learned it from them?

Answer. Yes; a good many Democrats went over to the Republicans.

Question. Do you think you ever before had any returns sent you after election to fix up a town?

Answer. I do not think I ever did; I do not remember; these things I let go quick as I can and go to something else.

BY MR. STROUT :

Question. I understood you to say that you expected those returns, made up in open town meeting and forwarded to Augusta, would be corrected by the record?

Answer. That is the idea I had.

Question. Did you ever know a return to be corrected by anything else than a certified copy of the record?

Answer. I had no definite knowledge of how it was done.

Question. Isn't it a fact that the only law authorizing a correction of the returns,—the law of eighteen hundred and seventy-seven, authorizes a correction by a certified copy of the record?

Answer. I suppose that is the only law; I do not know.

Question. That is the only way you knew?

Answer. I do not think I know of any other.

Question. Did you ever see a town record made up with a printed heading on it such as you find on every blank Senatorial return?

Answer. I do not know as I ever did.

Question. You never saw it in any Town Clerk's record, and it would be absurd to write it out there?

Answer. I cannot tell you what their forms are for recording.

Question. If what you say is true, explain to this Committee how you happened to take a blank Senatorial return in order to get a certified copy of the Town Clerk's record by which returns made up in open town meeting and forwarded to Augusta, could be corrected?

Answer. The idea I had was this: if I had a blank return I should, if I were Selectman, fill it out as in September, stating it was a corrected copy agreeable to the record.

Question. Would it have been a certified copy of the town record?

Answer. I should have so regarded it.

Question. Would it have been a certified copy of the record, with that printed heading?

Answer. No.

Question. Have you not stated there is no law to your knowledge which would authorize the correction of any return excepting by a certified copy of the record?

Answer. I do not know of any; I had a vague idea there was a law that permitted Town Officers to correct returns to conform to the record.

Question. Wasn't this law and its constitutionality under discussion at that time?

Answer. I do not remember.

Question. Had you printed in your paper the decision of the Governor and Council that that law was unconstitutional?

Answer. I do not think I had. I do not think I had heard it spoken of—or anything about it then.

Question. Didn't you go to Mr. Tabbut's house and tell him that the defect in the Senatorial return from the town of Addison was that the whole number of ballots was not correctly stated and differed from the number actually thrown?

Answer. I might have stated so to him, but I do not think I did positive. I only suggested any errors that might be.

Question. I want you to state?

Answer. I doubt if I did. I have no recollection of it.

Question. Did you mention to him at that time any other defect than the defect I have stated?

Answer. Any misspelling of names or absence of figures or words not written out.

Question. Do you say upon your oath before this Committee that

you made no such statement to him as that to which I have called your attention?

Answer. That is my recollection.

By MR. STRICKLAND :

Question. Who was the Town Clerk of Addison?

Answer. Mr. Austin.

Question. His politics?

Answer. Republican.

Question. What are the politics of Addison as a town?

Answer. Democratic majority all the way from twenty-five to seventy.

Question. How long has Mr. Austin been Town Clerk?

Answer. My recollection is nine or ten years.

Question. Do you know anything in reference to the manner in which he makes up his records?

Answer. I know this last fall I saw his record on the table at his office on sheets of paper and he was copying it into his volume.

Question. How long after election?

Answer. About nine weeks, I should think.

Question. Do you know of any other instance of his making them up in the same way?

Answer. I heard that the same Clerk let his records remain from September till two days prior to March election.

By MR. COOK :

Question. How much of the record was made up when you were in there that day?

Answer. Not very much ; I should think, just commencing.

Question. Didn't you say he closed it up in less than a moment?

Answer. He folded his book and placed the sheets, as I supposed, between the leaves.

Question. Could you tell how much of it was made up?

Answer. I should think two or three inches written on the page.

Question. How do you know it was not on the other page?

Answer. I saw the commencement, and it had the appearance of a usual town record. I saw the town of Addison mentioned once or twice in the lines.

Question. How did you know it was the commencement of the record?

Answer. It looked to me as I have seen warrants posted in town meeting, in halls, entries, etc.

By MR. HALE :

Question. You thought it a little strange that, at that time, he was extending his records on the town book ?

Answer. It occurred to me it was late for doing such work.

Question. Wasn't that a little additional reason why you should ask him to let you see the record ?

Answer. It did not occur to me it was any of my business about his record.

Question. Were you not around for the purpose of getting returns corrected by the record ?

Answer. Yes ; It did not occur to me, at that time, that I should look at it or wanted to. I had had all the conversation I wanted to have ; I had satisfied myself ; I had discharged all the duties I felt I had to do.

GEORGE W. DRISKO, *recalled.*

By MR. STROUT :

Question. Where did you get your information in relation to the defect in those returns.

Answer. I do not recollect that any single person told me about it.

Question. Tell this Committee where you got your information in relation to those defects ?

Answer. No one person told me anything about it that I think of. Information was gathered from rumor and gossip.

Question. Will you tell this Committee where you got the information which you gave to those two men [Merritt and Tabbut] who have stood face to face with you and testified that you gave them the specific and definite information ?

Answer. My recollection is, I made that general statement that these mistakes might be so, not positive ; it might be so.

Question. You will not tell me where you got it ?

Answer. I do not remember any single individual who told me anything about a positive mistake of that kind.

Question. We give you an opportunity to tell under oath.

Answer. I have no recollection of any individual telling me.

By MR. STRICKLAND :

Question. Were you in Addison — or where were you on November eighth, last ?

Answer. I was on my way home from Portland, in a steamer.

Question. Did you see Austin in Addison that 'day ?

Answer. No, sir.

MARCH 11, 1880, P. M.

JAMES R. TALBOT, *sworn and examined.*

BY MR. HALE :

Question. Where do you reside?

Answer. East Machias.

Question. Your business?

Answer. Lumbering and navigation.

Question. Whether or not you were one of the candidates for Senator from Washington county during the last election?

Answer. I was.

Question. After that election, did you read the daily papers and the return of votes contained therein, with a view of ascertaining whether or not your were elected?

Answer. I usually read the papers.

Question. Did you then?

Answer. I presume I did.

Question. As appeared from the reports contained in the newspapers, were you elected or defeated as then appeared?

Answer. Taking the "Machias Republican" as authority, it appeared I was not elected.

Question. How soon after the election did you commence to make question as to whether or not you were elected?

Answer. I did not make question at all.

Question. How soon did you commence to examine into the question of your election?

Answer. I did not examine into it all, any more than to take the paper and read and examine the figures.

Question. Were you in Augusta after the election?

Answer. No; I had not been in Augusta since the first day of March, eighteen hundred and seventy-nine, till I came the fifth of January.

Question. Did you see any State official or any person connected with the Governor or Council after the election and prior to your coming here in January?

Answer. I did not.

Question. Did you receive any communication directly or indirectly, from any person connected with the State Department, either Governor, or Governor and Council, or Secretary of State, or Deputy Secretary of State, or any other officer?

Answer. I did not receive any from any of those officers.

Question. Did you receive any blanks from any person in Augusta; or any election blanks, after the election and before the first of January?

Answer. From any person in Augusta?

Question. From any person?

Answer. I did.

Question. From whom did you receive them?

Answer. I do not know whether I know, really, who I received them from, or not, I could tell you how I received them.

Question. Tell me from whom you received them?

Answer. I supposed I received them from Mr. Leavitt.

Question. S. D. Leavitt?

Answer. Yes,—of Eastport.

Question. Late Adjutant General of this State?

Answer. Yes, sir.

Question. Where did you learn that he obtained them?

Answer. I did not learn; I never asked the question.

Question. He did not tell you?

Answer. No.

Question. Where did you receive them?

Answer. I received them at home, East Machias.

Question. Did he bring them to your house?

Answer. No; they came by mail. I received them through the Post-office.

Question. Had you seen Mr. Leavitt from the time of the September election till you received those blank returns?

Answer. No; I had not seen him from the time I left him here last spring, and have not seen him yet.

Question. Did you receive a letter from him?

Answer. I received a letter; the letter came little before the blanks,—a day or two.

Question. Have you got that letter?

Answer. No, sir.

Question. Where is it?

Answer. Pretty hard to tell; it was in the ashes the last time I saw it.

Question. Did you destroy it?

Answer. I did.

Question. When?

Answer. A few days after I received it.

Question. Why?

Answer. Because I destroy all my letters, after I have read them to my satisfaction.

Question. You had read it to your satisfaction and you destroyed it?

Answer. Yes, sir.

Question. What did he say in that letter in regard to the blank returns that he forwarded to you?

Answer. He merely stated there were some errors in one or two towns, and he would send the blanks to me.

Question. For what purpose?

Answer. To have them corrected, if I saw fit.

Question. To have the errors in the returns of those towns corrected?

Answer. Yes, sir.

Question. When was it he sent you that letter?

Answer. I cannot recollect the date.

Question. As near as you can recollect the date?

Answer. Some time the first of November.

Question. Was it not before the eighth of November?

Answer. I cannot swear to any day or week.

Question. According to your best recollection?

Answer. I should think not before the eighth.

Question. How many blanks did you receive through the mail from Mr. Leavitt?

Answer. Three.

Question. What kind of blanks were they?

Answer. The same kind of blanks that they have for election purposes.

Question. Were they blank returns for Senators?

Answer. Yes, sir.

Question. You received three blank returns for Senators?

Answer. Yes, sir.

Question. Were those three blank returns all the papers that you received from Mr. Leavitt?

Answer. No, sir; not all.

Question. What else did you receive?

Answer. I received nothing from him at that time excepting the blanks.

Question. Did you receive, afterwards, anything from him?

Answer. I do not know as I did; I received the letter that I spoke of before.

Question. Did you receive anything from Mr. Leavitt excepting that letter and these three blanks?

Answer. No, sir.

Question. From the time of the election till this time, have you received any communication, or any paper, or anything, directly or indirectly, from Mr. Leavitt, in person or from any person acting for him, excepting the letter and the three blank returns to which you have testified?

Answer. I have not.

Question. Directly or indirectly?

Answer. No sir; I have had a little neighborly correspondence with Mr. Leavitt, and that is all.

Question. How many letters?

Answer. One or two.

Question. When were they written?

Answer. The last one was written about a fortnight ago, I think.

Question. When was the first one written?

Answer. I will not say I have had any excepting the one I spoke of to you, and a fortnight ago.

Question. In those letters was there any reference to the subject matter of this inquiry, directly or indirectly,—to the subject matter of returns, or alterations, or corrections of returns?

Answer. No, sir.

Question. In reference to the political situation?

Answer. No; it might have been alluded to, indirectly.

Question. You say that three blank returns and the letter were all you received from Mr. Leavitt; did you receive any blank return or any paper connected with the Department of State, from any other person?

Answer. No, sir.

Question. By mail or by the hand of any person?

Answer. I did not.

Question. Did you receive, with these blank returns, any official envelopes, in which they were to be returned to the Secretary of State's office?

Answer. I think that is the way I received them.

Question. You received them with a corresponding number of

official envelope, for their return to the office of Secretary of State?

Answer. Yes, Sir.

Question. What did you do with those three blank returns and the official envelopes accompanying them.

Answer. I suppose you have heard what I did with them.

Question. I want you tell the Committee?

Answer. I sent one to Whiting and left the other two at Machias.

Question. To whom did you send the return at Whiting?

Answer. To Mr. Peavey.

Question. Did you send a letter with it?

Answer. Yes, sir.

Question. What did the letter contain?

Answer. I wrote to him in the first place that there were defects in his return and asked him if he would see they were changed.

Question. Did you tell him what the defect was?

Answer. I did when I sent the blank.

Question. What did you state it was?

Answer. I think the defect was there that the whole number of votes was not given.

Question. Had you seen the town record?

Answer. No, sir.

Question. Had you had any conversation with him in relation to it?

Answer. No, sir.

Question. Had you had any conversation with any person about it?

Answer. No.

Question. How did you know that the defect in that return was the omission of the whole number of votes?

Answer. That came in a letter from Mr. Leavitt—the letter I spoke of.

Question. Mr. Leavitt disclosed to you, in the early part of November, what the defect was in that return?

Answer. I will not say the early part of November. All the way I can recollect that is by the testimony of Mr. Crane, of Whiting, who said, I think, that he received the letter the seventeenth.

Question. It must have been disclosed before that day?

Answer. Yes. It only takes half a day for a letter to go.

Question. Mr. Leavitt disclosed to you what the defect was in that return, at that time?

Answer. Yes, sir.

Question. And you sent this blank return and envelope to Mr. Peavey, by which he was to make a corrected return?

Answer. Yes.

Question. What did you expect him to do with it?

Answer. I stated, if he changed the return, he might date it the day he made it, or date it as this was, just as he was a mind to. That is all the instruction I gave him.

Question. What did you expect him to do with it?

Answer. I expected him to send it to Mr. Leavitt.

Question. Did you direct him to send it to Mr. Leavitt?

Answer. I think I did.

Question. Do you testify you did?

Answer. I think so.

Question. What did you expect Mr. Leavitt to do with it?

Answer. I did not follow it as far as that.

Question. What did you expect Mr. Leavitt would do with that return?

Answer. I am sure I did not know what he would do.

Question. You testify to the Committee that you had no expectation as to what Leavitt would do with that return when corrected?

Answer. I had no reason to know and did not know. He did not tell me.

Question. What did you do with the other two blank returns?

Answer. I gave them to Mr. Drisko.

Question. What Drisko?

Answer. George W. Drisko, of Machias.

Question. For what purpose?

Answer. To go and see if they could be corrected.

Question. Did you see Mr. Drisko in person?

Answer. Yes, sir.

Question. Where?

Answer. Machias.

Question. Did you go to see him?

Answer. I am there most every day.

Question. Did you take the blank returns into his office?

Answer. I presume so.

Question. Did you take blank envelopes?

Answer. Yes.

Question. You took those into his office?

Answer. Yes.

Question. What direction did you give him about them?

Answer. I did not suppose it was necessary for me to give him much direction ; I supposed he knew as much about it as I.

Question. He was an old hand at that himself?

Answer. I do not make any such charge ; but he is editor of a paper and I presume he knows something.

Question. Did you give him any direction about it?

Answer. I merely told him the defects there were in the returns.

Question. What did you tell him to do with the blanks?

Answer. I asked him if he would get them corrected.

Question. What did he tell you?

Answer. He told me he would.

Question. What two towns were there that he was to go to get the returns corrected?

Answer. Addison and Jonesborough.

Question. What was the defect in the town of Addison?

Answer. I really cannot tell what was the defect was in Addison.

Question. You told him what it was, at the time?

Answer. I did.

Question. You told him, at the time, correctly?

Answer. Yes.

Question. From what source did you get your information?

Answer. The same source I got the other.

Question. From Mr. Leavitt?

Answer. Yes, sir.

Question. What was the defect in the return from Jonesborough?

Answer. The only defect there was, "James R. Talbot" so many votes, "John T. Wallace, Jr." ditto marks ; "Austin Harris" so many votes, "Alden Bradford" ditto marks.

Question. You told Brother Drisko what that defect was?

Answer. Yes, sir.

Question. And told him to go and get it corrected?

Answer. I did not tell him, because I did not have any authority.

Question. You told him what the defect was, and what you wanted?

Answer. Yes, or I should not have gone to see him.

Question. Did you tell him any other defect?

Answer. That was all the defect I knew.

Question. That is all the defect you said anything about to Drisko?

Answer. Yes; that is all the defect there was that I knew of.

Question. You placed those returns in his hands and left them with him?

Answer. Yes, sir.

Question. What did you expect would be done with the returns you gave to Drisko, if they were corrected?

Answer. I did not trouble myself much about that, and did not know what would be done; I supposed they would be sent here for some purpose.

Question. When you say "here," you mean to the Secretary of State's office at Augusta?

Answer. At Augusta,—headquarters.

Question. Did you give any other directions than to go and have the returns amended?

Answer. No, sir.

Question. Did you express to him any desire excepting simply to go and have the returns of Addison and Jonesborough corrected in the particulars you have named?

Answer. That is all it was necessary to give him.

Question. It was all you did give him?

Answer. Yes.

Question. Did you suggest to him any other defect in the Jonesborough return excepting the ditto marks which you have stated?

Answer. No, sir.

Question. How early was that?

Answer. That was the same time; I do not recollect the date; but the whole operation was within a day or two.

Question. How did you know of the defect in the Jonesborough return?

Answer. The same source.

Question. From S. D. Leavitt?

Answer. Yes, the same way I knew the other.

Question. Had you heard or did you know that Mr. Leavitt had come from Augusta a short time before he gave you this information?

Answer. No; I had no means of knowing till I received that letter from him.

Question. You knew he was in Augusta upon official duties?

Answer. I knew his headquarters were here.

Question. And that his office was in the room adjoining this where the Committee are?

Answer. Yes, last Spring.

Question. Just across the hall-way from the office of Secretary of State?

Answer. Yes, sir.

Question. Did you know of any other defects existing in any other returns than those, from Washington county?

Answer. No, sir.

Question. Did you hear of any other?

Answer. I did not look into it; did not examine to see whether there was any or not.

Question. Did you hear of any?

Answer. No; I supposed, by the driving around, there was some.

Question. Did you have any conference with Mr. Smart in relation to it?

Answer. No, sir. I have not seen Smart but once since last August, I think.

Question. You were counted in?

Answer. I received a certificate from the Governor and Council that I was elected.

Question. That was contrary to what you supposed immediately after election?

Answer. Yes, it was.

Question. Mr. Drisko has testified substantially, before the Committee, that you suggested numerous errors that might be in the returns of Jonesborough and Addison; but I understand you to say that you called his attention specifically to the two defects which you have mentioned?

Answer. I do not recollect of calling his attention to anything else but those two.

Question. You do recollect of calling his attention to those two defects?

Answer. Yes, sir.

Question. You knew or heard there had been a return from Jonesborough?

Answer. I do not know how I should know that.

Question. You knew, if there was a defect in the return, you had every reason to believe there was a return to have a defect in?

Answer. I do not know as that necessarily follows.

Question. Did you know anything about a blank return coming from Jonesborough?

Answer. I did not.

Question. When did you first hear that there was a blank return from Jonesborough?

Answer. I did not hear; I believe I have noticed it in the paper within a day or two, something of that kind; but did not know what it meant.

Question. You did not know what the statement about there being a blank return meant?

Answer. No, sir.

Question. Is there any other statement you desire to make?

Answer. I do not know as there is; I came here expecting to tell the truth, and I have told it.

FEBRUARY 27, 1880, P. M.

JOHN H. STILLINGS, *sworn and examined.*

BY MR. HALE:

Question. Where is your residence?

Answer. Berwick, Maine.

Question. Were you, in eighteen hundred and seventy-nine, the Town Clerk of Berwick?

Answer. I was.

Question. Are you now Town Clerk of Berwick?

Answer. I am.

Question. Were you present at the September meeting in eighteen hundred and seventy-nine?

Answer. Yes.

Question. Acting as Town Clerk during the day?

Answer. Yes.

Question. Who were the Selectmen?

Answer. I do not know as I can give them in regular order. Richard L. Goodwin, I think, was first, and Moses E. Clark, second, and Daniel H. Toothaker, third.

Question. Were they present at the town meeting?

Answer. Yes.

Question. During the day?

Answer. Yes.

Question. Were you there at the time the meeting closed?

Answer. I was.

Question. Did you help make up the returns?

Answer. I did.

Question. For the different officers voted for?

Answer. Yes.

Question. Were the returns made up in open town meeting?

Answer. They were.

Question. Were they completed and sealed there?

Answer. They were.

Question. Do you know what became of the returns afterwards?

Answer. They were sealed up, and I carried them directly from the Town House to the Post-office and deposited them in the Post-office that evening. It is not more than a minute or two's walk from the office.

Question. All of them?

Answer. Yes.

Question. So that you attended not only to the returns themselves but to their direction in the envelope?

Answer. Yes.

Question. How were they all directed?

Answer. They were sent to Augusta, to the Secretary of State.

Question. And were made up upon printed blanks furnished you?

Answer. Yes.

Question. And inclosed in the printed envelopes furnished you?

Answer. Yes.

Question. Examine the paper which I now hand you, which purports to be the Senatorial return from the town of Berwick, marked "Exhibit 7, G. D. B., Clerk of Committee," and state whether you recognize that as the Senatorial return made up by you on that day?

Answer. I do.

Question. What part of that return is in your hand writing?

Answer. It is all in my hand writing with the exception of the names of the three Selectmen and the initial letter in George H. Wakefield; there was an "A" there.

Question. It is all in your hand writing with the exception of the signatures of the three Selectmen—and the middle letter in the name of George "A." Wakefield?

Answer. Yes.

Question. Examine the middle letter in the name of George "A." Wakefield, carefully, and tell us what you discover in reference to that letter; what is Mr. Wakefield's name?

Answer. George H. Wakefield.

Question. Is he a man well known to you?

Answer. Yes; well known to me. I have had some correspondence with him.

Question. Is his name well known to you?

Answer. Yes.

Question. Have you had occasion to see it and write it frequently?

Answer. Yes.

Question. Have you ever known it in any other way than as George H. Wakefield?

Answer. No.

Question. Have you ever seen his name signed in any other way than "George H. Wakefield?"

Answer. No.

Question. State how you wrote that and what you discover?

Answer. I wrote it—"George H. Wakefield." I see that that is connected at the top with an arch or circle or semi-circle, which I never made an "A" in that manner. I always made a pointed "A," usually commenced at the top with a down stroke and also at the top on the last portion. I never made a circular "A" or a circular top to an "A."

Question. Are there other capital "A's" made by you in that return?

Answer. Yes in "Daniel A. Hill" and "Josiah A. Stover."

Question. How are the A's in the names written by you made; describe your process of making them?

Answer. Made with a pointed top, beginning at the top with a down stroke on the first section of the "A," and on the last down stroke commencing at the top.

Question. Is that your unvarying way of making a capital "A?"

Answer. I think I always had for a number of years.

Question. Do you remember of having begun a capital "A" at the bottom on the left hand side and carrying it up and around down on the right hand side?

Answer. No; I do not recollect of making it that way.

Question. But you always make it with two downward strokes?

Answer. Yes.

Question. Examine that with a glass and state what you discover in the manner it was evidently made with reference to ink or any other peculiarities you see? [Witness examines return under a glass.]

Answer. I see that a different colored ink was used there, it seems over the top rather as though it was carried around very slowly, has the appearance as though any one's hand trembled a little in making the last portion connecting the two strokes of the "H."

Question. How positive are you that you did not make that?

Answer. I am just as positive that I did not connect that there as that I am here present with you.

Question. Was it or could it have been done before you sealed up the returns and enclosed them to the Secretary?

Answer. No; it couldn't.

Question. It must have been done since then?

Answer. It must have been done since.

Question. Was Mr. Wakefield certificated by the Governor and Council or counted out?

Answer. Counted out.

Question. Who was counted in, in his stead?

Answer. I do not know as I recollect his name now.

Question. State the vote for Senator of the town there?

Answer. "Five hundred twenty-seven," the whole number.

Question. The Senatorial votes of the candidates, respectively?

Answer. "Ira S. Libbey, two hundred thirty-three; John Q. Dennett, two hundred thirty-seven; Daniel A. Hill, one hundred eighty; Josiah A. Stover, eighty-three; D. A. Hill, six; Charles P. Emery, two hundred fifty-five; Jeremiah W. Dearborn, two hundred fifty-five; George "A." Wakefield, two hundred fifty-eight."

Question. I ask you to look at the tabulations made by the Governor and Council of the Senatorial votes for the county of York, and look at the town of Berwick and state what you discover there as to the vote for George H. Wakefield? [Witness examines tabulations.]

Answer. It seems to be two hundred and something, there.

Question. That is, you discover there was written there in figures—can you tell whether it is two hundred fifty-eight, or, state what you do discover?

Answer. I can see there is a portion of the "2" there for two hundred; as to the other it may be two hundred fifty odd.

Question. Do you discover there were three figures made, of which the "2" is plain?

Answer. Yes. They have been erased, all of them.

Question. Leaving an apparent blank space?

Answer. Yes.

Question. Where do you find, upon that tabulation, that the vote for George H. Wakefield is put down?

Answer. Carried to the right, and is tabulated as for *George "A."* Wakefield.

Question. So that, by those tabulations, does it appear that George H. Wakefield lost two hundred and fifty-eight votes?

Answer. Yes.

Question. Is the erasure plain, or otherwise?

Answer. Plain.

Question. It can be seen, even with the naked eye?

Answer. Yes, sir.

Question. But very clearly with the glass?

Answer. Yes.

Question. Is there any such man as *George A. Wakefield* that you know of.

Answer. Not to my knowledge.

Question. Please produce your record?

Answer. I have it here. [Witness produces town records.]

Question. The A's upon your record are such as you have described?

Answer. Yes.

By MR. STROUT:

Question. You also made, at the same time, your Representative return from the town?

Answer. Yes.

Question. I pass you the Representative return from Berwick, marked "*Exhibit 8, G. D. B., Clerk of Committee,*" and ask you if that return was made by you?

Answer. Yes.

Question. You have examined the word "*thirty*" in the words "*thirty-one*?"

Answer. I have.

Question. Whether or not you have any recollection whatever of erasing that word "*thirty*" or any word in its place, and re-writing it?

Answer. I have no recollection that there were any words erased.

Question. Look at the word, and especially at the letters "*h*" and "*y*," and state whether or not your hand ever wrote that word, according to your best knowledge?

Answer. It does not look like my hand writing. I do not make a “y” in that manner.

Question. Take the whole word together, is it, according to your best knowledge and judgment, your writing?

Answer. I do not think it is.

Question. You think it has been changed since it left your hands, by some one?

Answer. It seems that it has. It seems as though it had been erased sometime, but I do not recollect of erasing it.

Question. Is it perfectly apparent with the naked eye, but especially with the glass, that the word formerly written there has been carefully erased, and the word “thirty” written in, in imitation of your hand—somewhat imitating your hand writing?

Answer. It has that appearance.

Question. Do you think it is a good imitation of your hand writing?

Answer. It does not seem to be.

Question. What are the politics of Buffum?

Answer. Republican.

Question. And of Reuben Chadbourne?

Answer. Fusionist.

Question. If that return had been rejected by reason of any informality in the whole number of ballots—the whole number of ballots not agreeing with the votes thrown—he would have lost how many votes?

Answer. He would have lost a majority of fifteen votes.

Question. Have you any doubt that that is a forgery—the word “thirty?”

Answer. I think it is.

BY MR. STRICKLAND :

Question. Would you swear positive?

Answer. I do not feel so positive as I do in regard to the letter “H.”

BY MR. COOK :

Question. You would swear that was a forgery?

Answer. I should.

BY MR. STROUT :

Question. After examining that as thoroughly as you have, state just as you feel about it, whether there is any reasonable doubt in

your mind that that word “*thirty*” as it now stands written, over whatever was erased, was written by some other hand than your own and in imitation of yours?

Answer. I cannot say positive, now; it does not look like my writing, but still it might have been; I do not think it was; but there is some doubt in my mind in regard to it.

Question. You cannot swear positive?

Answer. No, I cannot.

By MR. HALE:

Question. Look at the Berwick return for County Officers and see if you made it out? [Witness examines return.]

Answer. Yes, I did.

Question. Is that the return that was sent by you to the Secretary of State?

Answer. Yes.

Question. Read the return so far as it relates to County Commissioner?

Answer. “*The whole number of ballots given in for County Commissioner was five hundred and twenty.*” *The persons voted for severally received the number of votes following, viz: For Richard L Goodwin two hundred and seventy; Brackett Hall two hundred forty-nine. Scattering one.*”

Question. That makes the whole number of votes the same as given for the candidates, and scattering?

Answer. Yes.

Question. All added together make five hundred and twenty?

Answer. Yes.

Question. Or a plurality for Mr. Goodwin—of how many?

Answer. Twenty, in that ballot.

Question. Do you know of any reason why the Governor and Council, in making up the returns for the County Officers, rejected the vote of Berwick for County Commissioner?

Answer. I did not know it was rejected.

Question. Look at the the tabulation made up by the Governor and Council for County officers in York county, and see whether or not the vote of Berwick is rejected, for County Commissioner.

Answer. Yes.

Question. What are your politics?

Answer. I am a Republican.

MARCH 3, 1880, P. M.

JAMES W. WAKEFIELD, *sworn and examined.*

By MR. STROUT :

Question. Your residence and business?*Answer.* Bath, Maine; I am Postmaster.*Question.* Whether or not you came to Augusta at any time during the counting out excitement; and did you examine any returns in the Governor and Council's Chamber or in the Secretary of State's office?*Answer.* The latter part of December, I should say the twenty-third, as near as I can fix the date,—I called at the Secretary of State's office with a gentleman from York county, desiring to see the York county returns. Deacon Gove ordered them to be brought out, which Deputy Secretary of State Sawyer complied with. I was looking for the city of Biddeford to see whether three or four Aldermen had signed the return. In looking them over I saw the town of Berwick.*Question.* I present to you the Representative return from the town of Berwick, marked "*Exhibit 8, G. D. B., Clerk of Committee,*" and ask whether or not you have seen that return before, and if so, state its condition?*Answer.* I have seen the return before, in the Secretary of State's office, and have no doubt it was on December twenty-third.*Question.* State its condition so far as the "*Five hundred and thirty-one*" is concerned?*Answer.* When I saw the return, I noticed a discrepancy between the number of votes and the number of ballots. I asked Mr. Sawyer to please take his pencil and make a note of the number of ballots, which he did; I then asked him to make a note of the number of votes given in for Buffum and the number given in for Chadbourne. The number of votes given in for both was five hundred and thirty-one, while the number of ballots differed thirty votes; five hundred and sixty-one was the number of ballots.*Question.* Examine the return on the face and state what alteration or forgery you discover?*Answer.* I should say that the whole number of ballots had been changed from "*five hundred and sixty-one*" to "*five hundred and thirty-one.*"*Question.* Is that the appearance, on inspection, to the naked eye?

Answer. Yes, sir.

Question. What words have been changed?

Answer. I should say that “*sixty*” had been changed to “*thirty*.”

Question. Has it been carefully erased?

Answer. I should thought it might have been erased without going entirely through the paper; it has gone through.

Question. The person who did it has scratched it through in one spot?

Answer. Yes, sir.

Question. On the twenty-third of December that was “*sixty*” on the return where now it is “*thirty*?”

Answer. Yes, sir.

Question. Examine the tabulation or docket placed in your hands, and state whether or not the return from Berwick was tabulated as if there had been no error in the return?

Answer. It was; it is tabulated “*531*.”

Question. You find it tabulated “*531*,” instead of “*561*”?

Answer. Yes, sir; the docket agrees with the return as altered.

Question. In other words, the return has been altered so it could be docketed as it now appears?

Answer. Yes, sir.

Question. In whose hands were the Representative, Senatorial and County Officer returns, after the present Legislature was organized, and up to January thirty-first, eighteen hundred and eighty?

Answer. On the twenty-eighth day of January, P. A. Sawyer, formerly Deputy Secretary of State, acknowledged to me that he had possession of the Gubernatorial returns, and the Senatorial returns, and the Representative returns, and the tabulations, and the State Seal; but the County returns, he said, he had not seen, and did not know anything about where they were; he had not possession of them and did not know where they were.

Question. Afterwards, did you have negotiations which ended in those returns being delivered up by him to the Secretary of State?

Answer. Yes, sir.

Question. Do you know when they were delivered up?

Answer. Yes, sir.

Question. When?

Answer. Thursday I had an interview with Mr. Sawyer in regard to the delivery of the returns to Mr. Chadbourne, — such as he had acknowledged he had possession of, — and he was unwilling to do so;

but, upon my urgent solicitation he agreed to deliver them up Saturday forenoon, as I told him I should go and make complaint,—swear out a warrant against him,—on his confession of having possession of them. I advised him to go to Portland Thursday night on the Pullman train and consult with Bion Bradbury in regard to it and come back on the following Friday evening train; and I would join him at Brunswick and would return to Augusta Friday night. My reason for advising him to consult with Mr. Bradbury was, that he wanted, in surrendering, to place himself in position so as to preserve his relation and standing with his own party friends. The following Friday evening I left home, joined him at Brunswick and came to Augusta. He informed me that Mr. Bradbury advised him to surrender everything; but, on his arrival, he said he had found a telegram from A. P. Gould, advising him not to surrender, and to await a letter he would receive the next day from him. I suggested to Mr. Sawyer that it was not advisable for him to incur the risk of prosecution and bring discredit upon himself and disgrace on his family,—with probably conviction and imprisonment—to please A. P. Gould, who was advising him from sheer ugliness. He said that Mr. Gould had been counsel of their party, and he felt as a matter of courtesy, he should wait Mr. Gould's letter. I then placed in Mr. Sawyer's hands a letter. Mr. Sawyer then said that he would deliver up everything on the following day at five o'clock P. M. The following morning the Secretary of State made a demand upon Mr. Sawyer for the delivery of such property as he had in his possession belonging to the State, which was served by the Sheriff of this county, Mr. Libby.

MARCH 2, 1880, P. M.

JOHN W. CLARK, *sworn and examined.*

By MR. HALE:

Question. Residence Dayton, York County?

Answer. Yes.

Question. Were you Town Clerk of Dayton in eighteen hundred and seventy-nine, and present at the September meeting?

Answer. I was.

Question. Who made up the returns?

Answer. I made them all but the last one; and one of the Selectmen made that up.

Question. Who made the Senatorial return?

Answer. I made it.

Question. Examine the Senatorial return from the town of Dayton, taken from the files of the Governor and Council, and see if you identify it?

Answer. I do.

Question. Is that the Senatorial return made out by you in open town meeting?

Answer. Yes, sir.

Question. Whose are the signatures there?

Answer. The Selectmen and Town Clerk's—my own.

Question. You recognize them all?

Answer. Yes.

Question. Who wrote the body of the return?

Answer. I wrote it.

Question. Look at the name of Mr. Stover, one of the Senatorial candidates, and state, from examination of it with the naked eye and with the glass, what changes have been made in it since it left your hands?

Answer. I have looked at it once with a glass and will again. [Witness examines return with a magnifying glass.] I should say that the left hand stroke,—that is part of the left hand, the upper part of the left hand stroke—was put on afterwards.

Question. Of the "A?"

Answer. Yes.

Question. Have you any doubt about it?

Answer. No; I haven't any doubt.

Answer. What is your method of making an "A" generally; whether you make it with an open top?

Answer. I generally make it with an open top.

Question. So that it looks considerably like an "H."

Answer. Yes.

Question. Look at the upper part of the right hand stroke of the middle letter of the name "Josiah A. Stover," and see if it looks as though that had been put on; see whether you are as certain about that as you are the upper part of the left hand?

Answer. I am not so sure about the right as I am the left.

Question. What ticket was Mr. Stover upon?

Answer. Fusion.

Question. Will you examine the Clerk's return from Dayton,

marked "*Blank No. 6,*" and tell me how the name of Mr. Stover, Fusion candidate for Senator, is written, whether Josiah *H.* or Josiah *A.*?

Answer. I should say Josiah *H.*

Question. Very plain?

Answer. Yes.

Question. That return was made up after the regular returns had been made up for Governor and Council?

Answer. Yes; it was made by the Selectmen, not by me.

Question. Which one?

Answer. Samuel C. Hight.

Question. The Clerk's return was made by him, but signed——?

Answer. By myself.

Question. You identify that as the Clerk's return from that town made up at the time and signed by you?

Answer. Yes.

Question. After you had made up the Senatorial return?

Answer. Yes.

Question. And made up from the Senatorial return?

Answer. Yes.

Question. You produce here, do you, a piece of paper containing an A which you have just made to show the Committee how you are in the habit of making an A?

Answer. I do. [Witness makes an "A" on a slip of paper and hands it to stenographer.]

MARCH 3, 1880, P. M.

FRANK M. TOTMAN, *sworn and examined.*

BY MR. STROUT:

Question. Where do you reside?

Answer. Fairfield.

Question. Your business?

Answer. Lumber business.

Question. Whether or not you were chairman of Selectmen for the year eighteen hundred and seventy-nine?

Answer. I was.

Question. Your associates in office were——?

Answer. H. C. Burleigh and C. J. Greene.

Question. Who was Town Clerk?

Answer. F. E. McFadden.

Question. Were you present at the annual election, September eighth, eighteen hundred and seventy-nine?

Answer. I was.

Question. After the polls closed, did you assist in making up the returns?

Answer. I was present; I did not assist in any way except to sign my name.

Question. State what occurred there in making up the returns?

Answer. I think about three o'clock, Mr. Burleigh says: "Mr. McFadden and I will count up the ballots in the box." There were some parties there that were anxious to know about how we were getting along; and they took the box,—or Burleigh did; there was a table back, and he turned the ballots out and commenced counting. Greene and I kept on receiving ballots. From time to time, after they got the first batch counted up, they called for the others and emptied the box. At the time the polls closed, at five o'clock, there was just one ballot left in the box. We waited a few moments and they said they had got them all straight,—got them all counted. I asked Mr. Burleigh if he was sure he was right. He said that he was. Mr. Starbird, one of the candidates for Sheriff in the county, a Republican, was dissatisfied with the count, and it was not satisfactory to him and thought it would make trouble and wanted I should count the ballots over. I told him I guessed they were all right. He urged me very hard, and Mr. Greene took the ballots out of the box for me to count them over, and Mr. Burleigh picked them up and put them back in the box and said, "I know they are right." I finally turned out the ballots and counted up Starbird's vote. I think in the first return we made that Starbird's vote stands the same as in the second. I rather insisted on counting them all over. Mr. McFadden said he thought that was unnecessary, that he was satisfied the vote was correct, and if we attempted to count them over again we were liable to be there till twelve o'clock. I finally consented to let it go as it was; still, I had a misgiving that there might be an error.

Question. Did you go on, after the polls closed, and make up a complete set of returns for Senators, Representatives, County Officers and Governor, and were those returns signed by all of the Selectmen and by Mr. McFadden, and sealed up and returned to Augusta?

Answer. They were sealed up there in open town meeting.

Question. In your presence?

Answer. Yes.

Question. Examine the several returns handed you, marked "*Exhibit 13, G. D. B., Clerk of Committee,*" being the returns from Fairfield for Governor, Senators, Representatives and County Officers, and state whether they are the original returns signed by you and sealed up in open town meeting? [Witness examines returns.]

Answer. I should say those were the original returns.

Question. Are you acquainted with the hand writing of the other Selectmen and the Clerk?

Answer. Yes.

Question. Are the signatures to those returns genuine?

Answer. Yes; I should say they were, to the best of my knowledge and belief.

Question. What was done with those returns after they were made and sealed up in open town meeting?

Answer. They were in the hands of the Town Clerk. I presume he forwarded them to the Secretary of State.

Question. Were they put in his hands for that purpose?

Answer. Yes, sir.

Question. After those returns were forwarded to the Governor and Council what took place in relation to the returns?

Answer. Mr. McFadden, the Clerk, had the ballots and the check list in his possession, and the next morning he came to me—I should judge along about ten o'clock, met me on the street—and said, "There is an error in the counting of those votes." Mr. Brown was present at the time.

Question. What Brown?

Answer. Our Town Agent, S. S. Brown, who was one of the Governor's Council, was present at the time he notified me. I said to McFadden "Is that so?" He said "Yes; I have counted those votes over and we made an error." I said to Mr. Brown "What shall we do about it under those circumstances?" He hesitated a moment and smiled a little, and said he really did not know what he should do under the circumstances. Said he "You better go over and count them over with him and be satisfied whether you have made an error or not." I went over with McFadden into a private room and took the ballots out of the box and counted them over two

or three times ; he counted them, and then I counted them, and we counted them together, and we agreed and found we had made an error of twenty-four votes.

Question. State precisely what the error was ?

Answer. The error was on the County Officers. The way I accounted for it was, there was a package of twenty-four ballots there that were Fusion County Officers and Garcelon's name at the head. Mr. Burleigh gave off what he counted to Mr. McFadden and he made a memorandum of them at the time, and instead of crediting those twenty-four Gubernatorial votes to Garcelon he credited them to Smith, and the County Officers were left off accidentally, I presume. There were two ballots there that had not the Governor's name on at all.

Question. That is to the say the returns did not show the number of votes thrown for the Fusion candidates by twenty-four ?

Answer. Yes ; the whole number of Gubernatorial did show within two, the number of ballots cast.

Question. What was said in the presence of Mr. Brown in relation to it, and what did he do, or what intimation from him ?

Answer. I inferred from the way he acted and appeared, that I could not get much information from him, from the way he answered me. Knowing the man I knew some of his peculiarities.

Question. Did you ask him what to do ?

Answer. I asked him what we should do under the circumstances.

Question. He gave you no definite answers ?

Answer. No, he said he did not really know.

Question. What next happened ?

Answer. The Town Clerk and I talked the matter over occasionally about what to do. The other two Selectmen lived in the back part of the town,—not where we could get at them very handily. It ran along, I think, some two weeks after the returns had gone in, after town meeting, and the Clerk came to my office one day and said, "I have got a new set of blanks and we had better make a second return." I told him I did not know about that,—we had better give it considerable consideration before we concluded to make out a second set of returns ; that I would get the other members of the board together and talk it over and come to some conclusion in relation to it. In a few days the other members of the board came out and we got together and talked the matter over and

finally concluded we would fill out a second set of blanks that had been furnished. I do not know that I asked the question where those blanks came from, but I inferred that he got them from Augusta.

Question. McFadden did?

Answer. I understood him to say he got them from Augusta. I inferred it was from Brown; but I did not ask. After we had got together we concluded to make out a new set of returns, and I insisted that the Town Clerk should mark, on each one of those returns, something to show which was the original and which was the amended return; and a letter was written and we signed it and it was inclosed in the returns.

Question. Examine the set of returns marked "*Exhibit 14, G. D. B., Clerk of Committee,*" with the letter annexed thereto, which are returns from the town of Fairfield for Governor, Senators, Representatives and County Officers, and state whether or not these are the second set of returns made up by you and forwarded to Augusta. [Witness examines returns.]

Answer. I should say that these signatures were genuine; and, according to the best of my knowledge and belief, these are the second returns.

Question. Have you any doubt about it?

Answer. I have not.

Question. These second returns were made and signed by the several Selectmen and Town Clerk?

Answer. They were.

Question. Was that done upon consultation?

Answer. It was.

Question. Did you consult together as to anything being attached to these second returns so as to show, beyond question, that they were amended returns?

Answer. Yes, we talked the matter over right there, that there should be something on these returns to show they were amended returns to correct the mistake in the former returns—something to indicate which was the original set and which not.

Question. What did you do in order to show that this second set of returns, to which you have testified, were amended returns from the town of Fairfield?

Answer. I did not do anything.

Question. What was done?

Answer. I presumed there was something written across the top. I did not notice particularly ; but there was a fair understanding with us that there should be something on each one of these returns to indicate, on the top?

Question. I call your attention to the slip of paper that is found attached to the second return for Governor, which is affixed to the return by mucilage, and contains the words “*Amended return of the Town of Fairfield, Sept. 25, 1879.*” By whom was that written?

Question. According to the best of my knowledge and belief the Town Clerk wrote that. That is his hand writing.

Question. I also call your attention to the slip of paper you find attached to the amended return from Fairfield for County Officers, with the same words upon it, viz : “*Amended return of the Town of Fairfield, Sept. 25, 1879,*” and ask you to state whether that is also in the hand writing of the Town Clerk?

Answer. Yes, sir.

Question. I now call your attention to the amended returns for Senators and Representatives and ask you to state what you find upon the left hand margin at the top, above the printed heading?

Answer. It looks as though the slip had been torn off by some one.

Question. Is there any doubt that there was a slip of paper there, similar in form and similar paper to that which you find upon the amended Governor return and County Officers’ return, and that it was affixed by mucilage in the same manner that the two are attached, to which I have called your attention, and that it has been torn off?

Answer. In my judgment there is no doubt about it.

Question. I call your attention to the letter which is dated “*Fairfield, September 25, 1879,*” and ask you to state in whose hand writing that is?

Answer. That letter was written by Mr. McFadden, Town Clerk.

Question. Whose are the signatures?

Answer. F. M. Totman’s, H. C. Burleigh’s and C. J. Greene’s, Selectmen of Fairfield, and attested by F. E. McFadden, Town Clerk.

Question. Are they genuine signatures?

Answer. They are. [Witness, at request of Mr. Strout, read the letter as follows :]

“FAIRFIELD, September 25, 1879.

To the Secretary of State, Augusta, Me.

Sir: Herewith please find amended report of the town of Fairfield, made in consequence of an error which occurred in the counting of the votes on the eve of the election, which we have made after a careful count of the votes, which were carefully preserved.

F. M. TOTMAN,	} Selectmen of Fairfield.
H. C. BURLEIGH,	
C. J. GREENE,	

Attest—F. E. McFadden, Town Clerk of Fairfield.”

Question. Have you any doubt that that letter accompanied the second set of returns, to the Secretary of State?

Answer. I have not.

Question. Calling your attention to the return for Senators, will you state what the vote was?

Answer. “*The whole number of ballots given in was seven hundred and thirty-three. Lewis Wyman had four hundred and four, Chandler Baker had four hundred and five; Amos F. Parlin had three hundred and twenty-nine; Archibald Linn had three hundred and twenty-eight.*”

Question. What were the politics of Wyman and Baker?

Answer. Republicans.

Question. What of Parlin and Linn?

Answer. Fusionist.

Question. How much was the Republican majority thrown in the town of Fairfield, as appears by the returns?

Answer. Lewis Wyman had seventy-five, and Chandler Baker had seventy-seven majority.

Question. State how the Representative vote stood?

Answer. “*Whole number of ballots was seven hundred and twenty-eight. Andrew B. Cole had three hundred and ninety-eight; Harper Allen had three hundred and twenty-nine; Albert B. Cole had one.*”

Question. What are the politics of Andrew B. Cole?

Answer. Republican, as I understand.

Question. Of Harper Allen?

Answer. I understand him to be a Fusionist.

Question. What was the Republican majority for Andrew B. Cole?

Answer. Sixty-nine.

Question. So that if those two returns were thrown out the Republicans therein named would lose, in one instance, seventy-five, another seventy-seven, and another sixty-nine?

Answer. Yes, sir.

Question. What did you next hear?

Answer. It was a long while. I never asked Brown anything about it because I presumed the town would be thrown out, as I heard they were counting out. I was in Brown's office one day talking with his law partner, Mr. Howard, and I asked him "what Mr. Brown said about this town,—did he say they had thrown this town out?" He said he had not heard him say anything about it, "But," he says, "it ought to be thrown out; I knew the very next day after election it would be thrown out." I said "On what ground?" He said "Because you had two sets of returns in." I said "How did you know the very next day after election that this town would be thrown out on account of two sets of returns, when it was three weeks after the first returns before we made the second?" He did not seem to know how to get out of that. The conversation dropped there.

FLAVIUS E. McFADDEN, *sworn and examined.*

By Mr. STROUT:

Question. Residence?

Answer. Fairfield.

Question. Business?

Answer. In the law and insurance business; in the law office with my father.

Question. Are you Town Clerk of Fairfield?

Answer. I am.

Question. Were you in eighteen hundred and seventy-nine?

Answer. I was.

Question. Were you present at the annual election?

Answer. Yes, sir.

Question. Examine the set of returns from Fairfield now handed you, marked "*Exhibit 13, G.D. B., Clerk of Committee,*" and state by whom they were filled out and signed? [Witness examines returns.]

Answer. I should think those were filled out by myself and signed by the three Selectmen and myself as Clerk.

Question. Were they made up and sealed up in open town meeting?

Answer. I should rather refer to the record before I say, as to the figures. I have not examined to see whether these are the first or second returns.

Question. Look and see?

Answer. [Witness looks at record book.] Yes, they were, in open town meeting.

Question. What did you do with them after they were sealed up?

Answer. I sealed them up and took them in my pocket to the Post-office at Fairfield village, and deposited them there in the Post-office.

Question. Were they directed to the Secretary of State's office?

Answer. Yes, sir.

Question. In the official envelopes?

Answer. Yes.

Question. When, if ever, did it come to your attention or knowledge that there was an error in the counting?

Answer. The next morning after election, I am quite positive, I took the votes by myself, as there had been some talk; some people had said to me that they thought there must be an error in the vote, because the Governor vote and the County Officers' vote did not seem to agree, and I counted them and found a mistake.

Question. What was it?

Answer. I forget the exact number, but there were somewhere about thirty-two or thirty-three in favor of the Greenback County Officers that had not been counted.

Question. Did you call anybody's attention to it?

Answer. I did call the attention of Mr. Totman, first Selectman, immediately.

Question. Was anybody present?

Answer. Yes; I think S. S. Brown of our village; I cannot swear positively whether he stood there at the time or whether he came along; at any rate I think he heard me tell Mr. Totman there was a mistake in the count.

Question. Did you count them over with Mr. Totman?

Answer. I did.

Question. Were the other Selectmen present?

Answer. No; they were not present at the first count.

Question. Were they afterwards present?

Answer. Yes; they got together, sometime after, and we had the votes counted and put in packages by themselves, and they looked over the packages, some, I think.

Question. Did you keep those votes by themselves, and did any person add or subtract therefrom or tamper with them?

Answer. Not to my knowledge.

Question. What occurred on September twenty-fifth?

Answer. That is the time we got together,—the Selectmen and Town Clerk, to consider.

Question. What did you do?

Answer. We filled out a second set of returns according to our new count we had made,—an amended set of returns.

Question. Were those signed by the Selectmen and Town Clerk?

Answer. Yes, sir.

Question. As they signed the first?

Answer. Yes

Question. Please examine "*Exhibit 14, G. D. B., Clerk of Committee,*" which purports to be a set of returns for Governor, Senators, Representatives and County Officers, from Fairfield, and state whether or not those are the second set of returns?

Answer. I have no doubt those are the second returns.

Question. Do you find those returns to be made up on official blanks such as you received from Augusta in the first instance?

Answer. I think they are.

Question. Identical in every particular?

Answer. I think so.

Question. What did you do with these second returns after they were signed by the Selectmen and yourself?

Answer. At the suggestion of the chairman of the board I attached to the tops of each of them a slip saying "*Amended return of the Town of Fairfield, Sept. 25, 1879.*"

Question. Examine the returns now in your hands and see whether you find the original slips attached to the return for County Officers, and to the return for Governor?

Answer. Yes, sir.

Question. You find there the original slips; each is a piece of paper about three inches long by an inch and a half wide?

Answer. Yes, sir.

Question. How were those slips attached to the returns?

Answer. Attached by means of mucilage.

Question. They were put in the upper left hand corner of the face of the return?

Answer. They were.

Question. For the purpose of showing that these returns were not originals but merely amended returns?

Answer. Yes, sir.

Question. Examine the returns for Senators and Representatives, and state what you find their condition to be so far as those slips are concerned. [Witness examines returns.]

Answer. The slips are torn off in these cases.

Question. Do you or not find in both instances, where those are torn off, the ink marks where the letters commenced?

Answer. Yes.

Question. The ink mark of a part of the "A" in the word "Amended?"

Answer. Yes, in one case, and I think in the other.

Question. Whether or not those slips which were to identify these second returns as amended returns, have been torn off by some person since they left your hands and came to Augusta?

Answer. They have, I cannot say when, but since they left my hands.

Question. Examine the letter annexed to this exhibit, dated "Fairfield, Sept. 25, 1879," and state whether or not it is in your hand writing?

Answer. It is.

Question. That was the letter read by Mr. Totman to the Committee?

Answer. Yes.

Question. You sent this letter so they might be fully apprised that this was a set of amended returns?

Answer. I did.

Question. To be used by them if they had power to use them?

Answer. Yes, sir.

Question. In what did you send the set of amended returns to the Secretary of State?

Answer. I inclosed them in an envelope.

Question. Official envelope, with printing on the back?

Answer. I cannot say positively.

Question. Have you any doubt about it?

Answer. I do not know that I have; I think the returns came that way, but I would not swear positively.

Question. When those first returns were made up by you in open town meeting, had you more than one set of blanks?

Answer. No, sir.

Question. Had you more than one set of official envelopes?

Answer. No.

Question. How long after election did you receive, from any source, blank returns and the official envelopes used by you in making up the set of amended returns?

Answer. I really cannot tell as to the time, but I think it must have been two or three weeks after election.

Question. From whom or what source, upon your oath, did you receive those?

Answer. I received them from J. W. Channing.

Question. Who is Mr. Channing?

Answer. A gentleman residing in Fairfield.

Question. When you received them from Mr. Channing what did he say to you was to be done with them?

Answer. I cannot state as to that; I think I asked him where he got them, or something to that effect, and my impression is he said Mr. Brown brought them to him, but I would not swear positively.

Question. S. S. Brown?

Answer. Yes, sir.

Question. Have you any doubt he so stated?

Answer. I think that is the case. I should not swear to that positive, but I think so; that is my recollection.

Question. Had you any idea of receiving them from any other source than S. S. Brown?

Answer. No, sir.

Question. Have you, from that day to this, had any idea you received them from, or that he received them from any other source than that?

Answer. I have always supposed that they came from Mr. Brown, from the impression I got from Mr. Channing.

Question. Mr. Brown was one of the Governor's Council?

Answer. He was.

Question. What did he tell you you were to do with them?

Answer. I do not know as he told me; I know we had been waiting to find out what to do in the case, and when the returns came I supposed they were sent by the Secretary of State for me to fill out and make an amended return. I spoke to the Selectmen and we concluded to do so; I cannot say that Major Channing said anything about it.

Question. Taking the precautions and safeguards to show it was an amended return, that you have stated?

Answer. Yes, sir.

Question. You sent those returns to the Secretary of State?

Answer. Yes, sir.

Question. Have you ever seen them since that time till presented to you here to-day?

Answer. I have not.

Question. What are your politics?

Answer. I have always been a Democrat.

Question. What is Mr. Totman?

Answer. A Republican.

Question. Mr. Burleigh?

Answer. A Republican.

Question. Mr. Greene?

Answer. Republican.

Question. Three Republican Selectmen and a Democratic Town Clerk?

Answer. Yes, sir.

Question. Was the town of Fairfield counted so far as Representatives and Senators were concerned?

Answer. It was thrown out.

Question. Upon what ground?

Answer. As I understood it, it was thrown out because the two sets of returns did not agree.

Question. When, in fact, you sent in those amended returns, as you have stated?

Answer. Yes, sir.

Question. You never did send two sets of original returns?

Answer. No.

Question. Have you had any conversation with Mr. Brown since making up these returns, or did you before you made up the second set, in relation to it?

Answer. None to amount to anything,—nothing that I could remember to state.

Question. Did you converse with him about it before making them up?

Answer. I think that something was said, about the time we found out the mistake, as to what was to be done, but I did not get any satisfaction from him. He was our Town Agent.

Question. Did you afterwards have any talk about it with him?

Answer. I cannot state that I did; I think the Selectmen did all the talking with him.

Question. Quite sure you did not?

Answer. I do not remember that I did.

Question. But he knew all the facts about this?

Answer. I think so.

JOHN W. CHANNING, *sworn and examined.*

BY MR. STROUT:

Question. Residence Fairfield?

Answer. Yes, sir.

Question. Occupation?

Answer. Painting is my business.

Question. Have you heard the testimony of Mr. McFadden, Town Clerk of Fairfield?

Answer. I have.

Question. Did you, at any time, give him a set of blanks and blank envelopes, after the September election?

Answer. I did not know what they were. I went into the office of S. S. Brown, as I usually had,—had been an officer and done a good deal of business for him,—I went in one morning and saw an official envelope lying on the table, with "*Secretary of State*" printed on it, I think; I picked it up in my hand and whether it was Howard or Brown said "I wish you would hand that to Flave McFadden," I cannot say. I was going that way and took the envelope,—took it to his office and handed it to him.

Question. Did you ever hand him any other package of papers?

Answer. Not that I know of.

Question. Have you any doubt that the package that he testified he received of you containing these official blanks, was the identical package you handed to him as you have stated?

Answer. I have not any doubt that contained the blanks, not the least.

Question. You took that from the office of S. S. Brown?

Answer. Yes, sir.

Question. One of the Governor's Council?

Answer. Yes.

Question. Did you have any conversation with Mr. McFadden?

Answer. No; I do not think I did say anything to him.

Question. Did you have conversation with Mr. Brown in relation to the returns, or making up the returns, or amending them, directly or indirectly?

Answer. No, not particularly; I never had any conversation about that; I talked over the count out with him and advised for the Governor and Council not to do anything wrong.

Question. You did not have the utmost confidence that your good advice would be heeded?

Answer. I do not know; the matter was mooted in the papers a good deal, and there would be many in, in the evening, talking the matter over promiscuously. I said very often, I did not want to see the party placed in a position to be put that way.

Question. Did not like to have anything that was fraudulent laid at the door of the party?

Answer. I opposed the fraudulent count in eighteen hundred and seventy-six, and I certainly opposed this.

Question. Did you not talk with Mr. Brown, after the election at any time, in relation to the Fairfield returns, whether they were to be counted or not to be counted?

Answer. I would not positively swear it never was mentioned, but I do not know that I ever heard Brown say anything in relation to the returns, any more than that he would not give any opinion as he had to act on the matter. I never believed they would throw out Fairfield, till after it was done.

Question. That returned a Republican majority?

Answer. Fairfield is always Republican. We carried it once, but that is all, as long as I have lived there,—twenty-six years. The majority of the people there are Republicans.

Question. Did you not talk in his office in relation to throwing out the town of Fairfield?

Answer. It might have been mentioned in promiscuous talk.

Question. Have you any doubt you did talk about that in his presence?

Answer. I think very likely it had been talked over in his presence, but he was very careful not to express any opinion.

Question. It was perfectly well known to you that there were amended returns sent in for the purpose of saving the twenty or thirty Fusion votes left out by mistake?

Answer. Yes; I did not know till some time after—along late in September, I think, about the time the time was for the returns to be sent in. I did not get at the Town House till late, after the polls closed, and I asked the Clerk for the vote, and he gave me the vote. I put it in my pocket and came home to Fairfield village,

some three miles. After I got home I met Mr. Burleigh. He says, "Well, Major, we whipped you pretty bad to-day." I says, "How bad?" He says, "Our Representative has got eighty-three majority." I says, "It is not so, it is a mistake." He says, "It is so." I says, "I tell you there is a mistake in the count, it is wrong,—the majority of your Representative should be sixty-three, according to your count." The next morning I think that mistake was verified.

Question. It was to correct that mistake, to take the twenty votes off of the Republican side and put them on to the County Officers on the Fusion side, that this amended return was made up and sent in?

Answer. I do not understand it so. I understood it was to place on the Fusion side some votes that had not been counted.

Question. It was to correct the vote, that this amended return was sent in for?

Answer. That is the way I understood it.

Question. What are your politics?

Answer. I am a Democrat.

Question. Appointed by Joseph L. Smith on his Staff?

Answer. Yes.

Question. Anything else you wish to state in connection with the matter?

Answer. I do not know; I am here to answer any question I know about.

MARCH 5, 1880, P. M.

GEORGE G. HATCH, *sworn and examined.*

By MR. STROUT:

Question. Your place of residence?

Answer. Wells.

Question. Occupation?

Answer. Trader.

Question. Whether you were Town Clerk of Wells during the year eighteen hundred and seventy-nine?

Answer. I was.

Question. Were you present at the annual meeting for the election of State and County Officers, September eighth?

Answer. I was.

Question. Examine the return now shown you, marked "*Exhibit 15, G. D. B., Clerk of Committee,*" being the Senatorial return from the town of Wells, and state in whose hand writing the body of the return is, by whom it was signed and when, and where it was made up?

Answer. The body is in my hand writing. It is signed "*Joseph D. Eaton,*" "*Joseph D. Wells,*" and "*Howard W. Littlefield, Selectmen,*" and by "*George G. Hatch, Town Clerk.*"

Question. Are those signatures original signatures?

Answer. Yes, sir.

Question. When and where was it made up?

Answer. In open town meeting, the eighth day of September.

Question. Whether or not that was sealed up in an official envelope and forwarded to the Secretary of State at Augusta?

Answer. Yes, sir.

Question. For the Governor and Council?

Answer. Yes.

Question. I call your attention to the name "*Josiah A. Stover,*" found in the return from Wells, and ask you to state for what office he was candidate and what his politics were?

Answer. A Fusion candidate for the Senate.

Question. Who run against him?

Answer. Jeremiah W. Dearborn, a Republican.

Question. How many votes had Jeremiah W. Dearborn as appears by the return?

Answer. Three hundred and twenty-seven.

Question. How many votes Josiah A. Stover?

Answer. As appears by the return three hundred and fifteen.

Question. State in whose hand writing the words "*Josiah A. Stover,*" found in the body of the return, are?

Answer. A part of it is mine.

Question. What part of it?

Answer. "*Josiah*" and "*Stover.*" The "*S*" in Stover has been doctored some; I did not make that fully; it has been shaded some.

Question. Did you write the letter "*A*" found in that name?

Answer. No, sir.

Question. Is it as you make the letter ordinarily?

Answer. No; not very much like it.

Question. Do you swear positively that the letter "*A*" was not made by you and that the letter "*S*" has been altered or changed?

Answer. I do.

Question. When the return left your hands was there any such letter in the return, and when it came to the Governor and Council?

Answer. No, sir.

Question. So that the name has been changed in that respect, by the addition of the letter "A" and the doctoring of the letter "S" as you have stated, since it came to Augusta?

Answer. Yes, sir; since it left my hands, at any rate.

Question. Was the return sealed up in open town meeting?

Answer. Yes, sir, by me in the presence of the three Selectmen.

Question. What was done with the returns?

Answer. I mailed them myself.

Question. You know that when they went into the mail they were precisely in the same condition they were when they left your hands in open town meeting?

Answer. I do; I know they went out of the office all right, to Augusta; I was Postmaster.

Question. Have you any doubt, or any chance for doubt, that that alteration and addition of the letter "A," and the tampering with the letter "S," has been done since it left the Post-office in the town of Wells?

Answer. No doubt in my mind.

By Mr. HALE:

Question. As you examine it, you declare it to be a forgery?

Answer. I do.

Question. A forgery that is perfectly plain to you?

Answer. Plain to me.

Question. No doubt about it?

Answer. No doubt at all.

Question. Have you any idea who did it?

Answer. Not the least.

By Mr. STROUT:

Question. After the return was made up and left your hands did you have any conversation with any person in relation to the return, or to the record kept by you as Town Clerk?

Answer. I did.

Question. When was it, as near as you can state, and where and what?

Answer. I should say it was about three days before the certificates were issued, or perhaps two,—I have no other way of know-

ing—Mr. Hobbs came to me and asked me how the Clerk's record was, how Stover's record was. I looked and told him it was "*Josiah Stover.*" He said it ought to be "*Josiah A. Stover.*" I told him I did not know about that, the record did not show it. He said that Councillor Moody wanted him to go and see Captain Matthews, who was a brother-in-law of Mr. Stover, and a Republican, and see if he could not influence me to make a change in the record and send it to the Governor and Council; I told him that I understood they allowed no corrections, of course, and I could not correct it, even if I would.

Question. The record was "*Josiah Stover?*"

Answer. Yes, sir.

Question. You would have had to change your record, in order to send in an amended return, so that it would differ from the return that was before the Governor and Council?

Answer. Yes.

Question. Your record agreed with the return?

Answer. It did.

Question. Will you produce before the Committee the town record? [Witness produces town records.]

Answer. It reads as follows: "*Josiah Stover has three hundred & fifteen votes, 315.*"

Question. Give us the name of Mr. Hobbs who asked you to change the record?

Answer. George Hobbs.

Question. Where does he reside?

Answer. Wells.

Question. What are his politics?

Answer. Greenbacker.

BY MR. HALE:

Question. There is no "*A*" in Stover's name in the record and never was?

Answer. There never was.

Question. There was no "*A*" in the return till put in after it left your hands?

Answer. No, never.

Question. You declined to accede to the request of Hobbs or Moody?

Answer. I did.

Question. What are your politics?

Answer. Republican.

Question. How did this omission of the letter happen?

Answer. I do not know that it was in the vote.

Question. From what did you make them up?

Answer. From the vote.

Question. Was there any intention on your part in leaving it out?

Answer. No; I had not the least idea there was an "A" in his name till I was advised of the fact by Mr. Hobbs.

Question. You had no acquaintance with Stover?

Answer. I had seen him.

Question. You did not know his name by any business with him?

Answer. No, sir.

Question. If that vote had been thrown out, or counted for "Josiah Stover," it would have made a difference in the Fusion vote for that person of three hundred and fifteen, would it not?

Answer. Yes, sir.

Question. Examine the tabulation now shown you, and see for whom the three hundred and fifteen votes thrown for the Fusion candidate were tabulated by the Governor and Council? [Witness examines tabulation.]

Answer. "Josiah A. Stover."

Question. Examine and see whether any votes were tabulated for Josiah Stover?

Answer. No, sir.

Question. So, is it not clear that, after the name was changed, it was tabulated by the Governor and Council for "Josiah A. Stover" instead of "Josiah Stover?"

Answer. Yes, sir.

BY MR. INGALLS :

Question. Look at the letter "A" and see what was underneath there originally. [Witness examines.]

Answer. I do not think there is anything under it at all.

BY MR. HALE :

Question. Was anything made by you excepting the name "Josiah Stover."

Answer. No, sir.

BY MR. INGALLS :

Question. How do you say that is not your letter, from recollection, or how?

Answer. I do it both from recollection and the form of the letter
“A.”

Question. Do you mean to say you remember you wrote it
“Josiah Stover?”

Answer. Oh no; I do not remember distinctly. I remember the
record; it is supposed to be as the record.

Question. Which was made first?

Answer. I made the record first, not this record, but another
record here. [Witness shows paper to Committee.] It did not
occur to me that this paper was here before.

Question. What does that say?

Answer. “Josiah Stover.”

Question. Look at it, marked “Exhibit 16, G. D. B., Clerk of
Committee,” and state what it is?

Answer. That is a record made up in open town meeting, the
first record made.

Question. Which was made first, that or the return?

Answer. This was made first.

Question. And the Senatorial return made from this?

Answer. Yes, sir.

Question. How does that read?

Answer. “Josiah Stover, 315.” I merely put the figures down
here.

Question. Your extended record is made—how?

Answer. From this paper, that was made up in open town meet-
ing.

Question. What have you to say about the “S” in the return?

Answer. The “S” has been tampered with—doctored somewhat,
shaded; I know it has.

Question. Not made as you made it?

Answer. No, sir.

By MR. STROUT:

Question. This was two days before the certificates were issued
that you had your conversation with George Hobbs?

Answer. I think so.

Question. Do you know how the ballots were printed?

Answer. No; I destroyed them.

Question. Have you any recollection whether they were “Josiah”
or “Josiah A.?”

Answer. No, sir.

Question. When you made up the returns that were sealed up in open town meeting did you do it from these minutes you have produced here, containing the name of "Josiah Stover," and which you extended upon the town records?

Answer. Yes, sir.

SAMUEL W. LIBBY, *sworn and examined.*

BY MR. HALE:

Question. Are you Town Clerk of Gouldsbrough?

Answer. I am.

Question. Were you present at the annual September election, eighteen hundred and seventy-nine?

Answer. I was.

Question. And at the making up of the returns of election?

Answer. Yes.

Question. Who made up the returns of election which were sent to the Governor and Council?

Answer. The board; myself with the Selectmen.

Question. In whose hand writing were they made?

Answer. Part in mine and part in theirs.

Question. Examine the Representative return from the town of Gouldsbrough, taken from the files of the Governor and Council, marked "*Exhibit 17, G. D. B., Clerk of Committee,*" and see in whose hand writing the body of the return is?

Answer. These names entered here of the candidates are in my hand writing.

Question. The number of votes carried out against each name is in whose hand writing?

Answer. I think that is Mr. Hovey's.

Question. In whose hand writing is the writing stating the whole number of ballots?

Answer. Mr. Hovey's.

Question. Look at the signatures by the three Selectmen, and see whether they are original signatures?

Answer. I should say they were.

Question. Give the names?

Answer. "S. L. Tracy," "J. L. Hovey," "R. R. Joy."

Question. In whose hand writing is the signature of the Clerk?

Answer. Mine.

Question. Look again, carefully, at the names of the candidates,—

“Oliver P. Bragdon,” and “James Flye,” and see if you wrote those?

Answer. I did.

Question. How was the name of the Republican candidate written by you originally, in the return?

Answer. I should say, to the best of my knowledge, it was written “*Oliver P. Bragdon.*”

Question. Do you know Mr. Bragdon very well?

Answer. I am not personally acquainted with him; I have had some considerable business with him.

Question. Did you, at the time of making up the return, know what his name was?

Answer. I think I must have known.

Question. Did you ever hear him called anything else but “Oliver P. Bragdon?”

Answer. I do not know that I did.

Question. Had you ever heard of his being called “Oliver B. Bragdon?”

Answer. No.

Question. Had you ever written his name “Oliver B. Bragdon?”

Answer. I think not.

Question. Have you any reason to believe you ever had?

Answer. No, sir.

Question. Do you produce here the Town Clerk’s record book of the town of Gouldsbrough?

Answer. I do. [Witness opens record book.]

Question. Have you before you the book, opened at the September election, eighteen hundred and seventy-nine?

Answer. I have.

Question. In whose hand writing is that?

Answer. In mine.

Question. Is it all in yours?

Answer. Yes, every word on that page.

Question. No doubt about it?

Answer. No.

Question. Does that record embrace the record of the votes cast for Representatives?

Answer. Yes, sir.

Question. How does the record read, covering that vote?

Answer. “*Oliver P. Bragdon, two hundred and seven; James Flye, one hundred and twenty-five.*”

Question. How is the name of Bragdon there written?

Answer. "Oliver P. Bragdon."

Question. Any doubt about it?

Answer. No, not the least.

Question. Written by you?

Answer. Yes, sir.

Question. Written in the manner in which you ordinarily write?

Answer. Yes.

Question. State in what way you commonly make the capital letter "P," where you begin and where you end?

Answer. I begin at the top and carry the down stroke.

Question. Then turn?

Answer. Yes and carry the up stroke around up over the top of the first stroke.

Question. Where do you stop the loop?

Answer. About half way to the line.

Question. Do you make any flourish at the bottom of the loop?

Answer. The best way to prove that is to look the record over.

Question. Whether you make any flourish?

Answer. No; I am not in the habit of making flourishes.

Question. You leave the loop of the "P" as it strikes the downward stroke?

Answer. Yes.

Question. Look at the return again, and see whether, to the best of your knowledge and belief, you left the "P" in Bragdon's name in the same way as you have described, bringing the loop of the P around and leaving it near the line of the downward stroke, without any flourish or addition?

Answer. It is my opinion and the best of my knowledge that I did.

Question. Did you add anything to that loop, to the best of your knowledge, making it a letter "B"?

Answer. No.

Question. Examine it closely with the naked eye and with the glass, and state whether, to the best of your judgment and belief, there has been an addition to that letter "P" since it left your hand?

Answer. I should think there had been an addition since the letter was made.

Question. State what that addition is?

Answer. There is a small mark attached to the curve of the "P," a short distance from where I stopped in making the turn of the "P."

Question. Which tends to make it a letter "B?"

Answer. I should say nearer an "R," stopping where it does.

Question. Look at that again, with the glass, and see if it bears the appearance of that added stroke, which you speak of, having been continued further down and having been partly erased since?

Answer. There seems to be a little mark attached to the end, looking as though there might have been something there sometime; perhaps it is not the mark of a pen; it might have been something else; I see that the paper has been rubbed a little.

Question. Did you make any erasure?

Answer. Not to my knowledge; I have no doubt about that.

Question. You have no doubt you intended to write and did write it "P?"

Answer. I have no doubt of it in my own mind.

Question. Is the letter "P" in your record made in the manner in which you commonly make a capital "P?"

Answer. Yes.

Question. Look at the tabulation of the votes from Gouldsbrough, and state what name is now carried out as the Representative elect?

Answer. "James Flye."

Question. Examine that with the glass and see if you discover that originally the name of "Oliver P. Bragdon" was written and then erased and the name of "James Flye" written over it.

Answer. There is something very much like it.

Question. Do you not see the "P?"

Answer. Yes, very plainly.

Question. The "O?"

Answer. Yes.

Question. Is it plain that the name of Oliver P. Bragdon was originally there and erased and the name of "James Flye" substituted?

Answer. There is good evidence of it, I should think.

Question. Look at the figures adding the column under the head of "Oliver P. Bragdon" in the tabulation, and see if there has not been a change?

Answer. That first figure "2" looks as though it was a "4" once,—very much.

Question. To whom is the vote of Gouldsbrough, in that tabulation, given?

Answer. "Oliver B. Bragdon."

Question. Examine the original Report of the Council Committee on Election Returns marked "*Exhibit L, G. D. B., Clerk of Committee,*"—in that portion relating to the County of Hancock,—and state what name is written in and then erased by a line drawn through it?

Answer. "*Oliver P. Bragdon.*"

Question. State what name is then written above that, between that name and the next name above?

Answer. "*James Flye.*"

Question. On the left hand, opposite the two names, the name erased and the name written,—what letter do you find?

Answer. Letter "*G.*"

Question. Immediately opposite that and a little further to the left, on the margin, what letter do you find?

Answer. "*G.*"

Question. With an interrogation mark?

Answer. I think so.

Question. Which was the Republican candidate for Representative?

Answer. Oliver P. Bragdon.

Question. Who was the Fusion candidate?

Answer. James Flye.

Question. What was the vote in Gouldsbrough for Mr. Bragdon?

Answer. Two hundred and seven.

Question. The vote for Mr. Flye?

Answer. One hundred and twenty-five.

Question. A majority for Mr. Bragdon of eighty-two?

Answer. Yes.

Question. If Oliver P. Bragdon's vote was counted for "*Oliver B. Bragdon,*" and thus lost, it elected Mr. Flye?

Answer. Yes.

Question. Who received a certificate from the Governor and Council?

Answer. Mr. Flye, as I understand from general report.

Question. What are your politics?

Answer. I have always voted with the Republicans, so far.

Question. Look at the record which you made, and which contains several capital "*B's.*" Do you recognize that as the ordinary way in which you make a B?

Answer. Yes.

Question. Is the top loop of the B always made short, not half way down?

Answer. That seems to be the fact.

Question. The upper loop of the B is short?

Answer. Yes.

MARCH 9, 1880, P. M.

CHARLES L. WOODWARD, *sworn and examined.*

BY MR. STROUT :

Question. What is your business?

Answer. Mill business ; making boxes, lumber, boards and shingles.

Question. Are you Town Clerk of the plantation of Perkins, in Franklin county?

Answer. Yes, sir.

Question. Look at the return for Senators from the plantation of Perkins, marked "*Exhibit 35, G. D. B., Clerk of Committee,*" and state whether or not you were present when it was made up, and sealed up, and whether you put it in the Post-office?

Answer. [Witness examines the return.] I was present when this was made up and sealed up. It was sent by my son, I think, to the office ; I did not deposit it in the office myself.

Question. Was it sealed up in open town meeting?

Answer. It was—that is, all with the exception of the words "*Twenty-Seven*" and figures "*27*;" those were not there when it was sealed, I should say.

Question. Do you know well, the hand writing of the different municipal officers of the plantation?

Answer. I am more particularly acquainted with the first, A. M. Adams. He has done a great portion of the writing that perhaps some of the other Assessors ought to have done, he being a little better penman. I recognize Mr. Blanchard's and Mr. Wentworth's ; I should say it was their hand writing.

Question. In whose hand writing is the body of that return excepting the words "*Twenty-Seven*" and figures "*27*?"

Answer. The filling of the blanks in the printed heading is in mine. The body of the return, with the exception of the words and figures "*Twenty-Seven—27*" is in the hand writing of A. M. Adams.

Question. And the signatures are those of the several Assessors and your own?

Answer. Yes.

Question. I now call your attention particularly to the whole number of ballots, the words "*Twenty Seven*" and the figures "27," and ask you if the written words are either in your hand writing or the hand writing of any of your Town Officers?

Answer. I should say not.

Question. Are you very sure of that?

Answer. I am very sure of it; yes.

Question. Were those words or figures in the return when it was sealed up in open town meeting and started on its way to Augusta?

Answer. I should say not. They were not there when it was sealed up in town meeting.

Question. Have they or not been added by some person since that time?

Answer. I should say they had.

Question. Read the names of the candidates and the number of votes each one received?

Answer. "*George R. Fernald had thirteen (13); Rodolphus P. Thompson fourteen (14).*"

Question. Franklin county was very close?

Answer. I think so.

Question. The vote stood nearly equal—within four or five votes?

Answer. I think so.

Question. Have you your town record here?

Answer. Yes, sir.

Question. And you exhibit it as showing your hand writing?

Answer. I do.

Question. Do you swear positive that the words and figures "*Twenty Seven, 27*" are not in your hand writing?

Answer. Certainly, they are not mine.

Question. What ticket did you vote last fall?

Answer. What we term a Fusion ticket.

JOHN HALEY, *sworn and examined.*

BY MR. STROUT:

Question. Residence?

Answer. Rangeley.

Question. Business?

Answer. I am in a boarding-house, and have been for the last year and a half; I was formerly on a farm; I carry on a small farm now.

Question. Are you Town Clerk of Rangeley?

Answer. I am.

Question. Whether or not, you at any time met Mr. Collins, Town Clerk of Dallas Plantation, at your house?

Answer. Yes, he has been there sometimes as often as once a week, all winter.

Question. Did you at any time meet B. Emery Pratt there with him?

Answer. B. Emery Pratt came there; and he was at work close by.

Question. And he sent for him?

Answer. Yes.

Question. Did Mr. Collins have his record down there at that time?

Answer. No, sir.

Question. Did Mr. Pratt send for Collins in relation to the votes or returns in the plantation of Dallas?

Answer. I think he did in relation to the record; that was his business at my place, and he inquired for Collins.

Question. Were you present at the conversation?

Answer. No, not all the time; I was unwell. I stopped but a few minutes, when he came in, and went and laid down.

Question. Mr. Pratt send for him?

Answer. Yes; I stepped to the door and spoke to him; he was at work near by,—not over four rods off.

Question. Did Pratt and Collins talk over political matters generally?

Answer. I cannot say; he spoke with him about the returns.

Question. About the returns?

Answer. About his record, when he came in.

Question. Did he tell him anything about any defect in the record or returns?

Answer. He did not, in my hearing.

Question. Had he spoken with you about any such defect in Dallas Plantation?

Answer. No.

Question. Had he spoken with you about any defect in your own?

Answer. No, not till after that.

Question. Did he after that?

Answer. Yes.

Question. What was the defect he spoke of?

Answer. In the record. He copied himself, and when he came to "Roldolphus Thompson," he asked me if I had not made a mistake in spelling "Rodolphus."

Question. Have you got your record with you?

Answer. I have.

Question. Will you produce it?

Answer. Yes. [Witness produces record book]. I told him I did not know; I thought I had got it right; I looked. He said there were two "l's" there, and he thought there ought to be but one. I told him I could tell, for I had some of the votes in the house. I went and got them and found there was but one "l."

Question. This you have produced here is your record?

Answer. Yes.

Question. I see there has a leaf been cut out where the September meeting is recorded, how came that?

Answer. It is after the September meeting. That I cut out the other day. When I recorded the meeting this spring, I commenced and made an error, a bad one, and took and cut that leaf right out. I did not start it as I wanted to.

Question. Did you ever see any papers that came from Collins after that time?

Answer. Yes, sir.

Question. What did you do with them?

Answer. I sent them to B. Emery Pratt, Farmington.

Question. Were they amended records or returns?

Answer. It was a copy of his record, I think.

Question. What did you do with it?

Answer. I sent it to B. Emery Pratt, Farmington. There was an arrangement between him and Collins when he went away, he was to make a copy.

Question. Did Collins make the copy or you?

Answer. Collins made it. I never saw Collins' book at all.

Question. I show you the return from Dallas Plantation, and ask you if you know about the changes and erasures made in it?

Answer. I do not; I never saw that before that I know of.

Question. You perceive that has been tampered with, changed?

Answer. It looks so, surely.

Question. But you testify you had nothing to do with it?

Answer. I never saw that before.

Question. Had you any knowledge of any change or tampering with the returns, either through Collins or any other person, when it left Dallas?

Answer. No.

Question. I have a letter marked "*Exhibit 19, G. D. B., Clerk of Committee,*" signed "B. Emery Pratt," in which he says "*I have been to Dallas Plantation, Franklin county, and arranged for those returns to be amended and they will be forwarded soon as received by me.*" Do you know anything about what returns were to be amended?

Answer. No, sir.

Question. Did you know anything about B. Emery Pratt going to Dallas for the purpose of amending returns there?

Answer. No sir; I do not know of his being that way excepting the time he was at my house, and he did not go there then; that is why the arrangement was made for him to bring the copy to me.

Question. If he went he must have gone some other time?

Answer. He must have, I think.

Question. The returns referred to in that letter you know nothing about?

Answer. No, sir; there was no talk in relation to amending any returns, any way.

Question. In this letter he also says: "*I also expect an affidavit from Clerk of Greenvale Plantation, same as from Rangeley—also others.*" I call your attention to the return from Greenvale Plantation, and ask you if you have ever seen that before?

Answer. No.

Question. Was there any arrangement by B. Emery Pratt when at your house, in relation to that return?

Answer. No.

Question. Was the Greenvale return mentioned, to your knowledge?

Answer. No, I think not; I think he wanted to know where the Clerk lived, or whether he was at home; he wanted a copy of his record, he said.

Question. Was he up there on an expedition in relation to the records?

Answer. I cannot tell you.

Question. Have you amended, or altered, or changed, any return?

Answer. No.

BY MR. STRICKAND :

Question. Examine the "C" in Chandler, and the "C" in Clark, in Dallas return, and see if they do not look as though made by the same man?

Answer. I should think they were, by the looks.

Question. What are your politics?

Answer. I am a Democrat.

MARCH 5, 1880, P. M.

JAMES R. MILLIKEN, *recalled.*

BY MR. HALE :

Question. How long have you been a Clerk in the office of Secretary of State?

Answer. Since January one, eighteen hundred and sixty-one, with the exception of a year and a half when I was sick, and that part of eighteen hundred and seventy-nine after the month of May.

Question. Have your duties led you to an acquaintance with the method of doing business in the Council, of auditing claims and drawing of warrants by that body?

Answer. They have.

Question. In what manner are the accounts of the different appropriations kept?

Answer. From the appropriation act, after being passed by the Legislature, the appropriations are credited on this book [witness produces a book] which we call the ledger.

Question. This is a book in the office of Secretary of State?

Answer. Yes, sir. When the reports are made, ordering or advising the Governor to draw a warrant for any amount of money the warrant is drawn, according to the report made by the Council, and posted from the warrant book—what we call the "stub",—into this book at the close of every session.

Question. Are the accounts themselves kept with the individuals or with the appropriation?

Answer. There are no regular accounts kept with individuals. The accounts are kept with the appropriation.

Question. Each item which draws upon the appropriation is charged to that appropriation?

Answer. Yes, referring to the report and the voucher, whenever necessary, to find out what that was for.

Question. State, in any case, when a claim by an officer of the state, or an employé, or a contractor, or any other person, is made before the Governor and Council, what the course of procedure is, tracing it from the time when the claim is first presented?

Answer. Record is made on the Council Blotter and then referred to its appropriate committee; for instance, if of a military nature it would go to the Military Committee; if it was for stipends due the Agricultural Societies it would go to the Committee on Agriculture; if for money due for the support of Deaf, Dumb and Blind it would go to the Committee on Public Beneficiaries. Those committees generally report,—I do not know but in all cases,—direct, advising the Governor to draw, without reporting to the Committee on Warrants. Those committees generally report if they allow the claim, advising the Governor to draw his warrant on the Treasurer of State in favor of the party making the request or claim for money.

Question. Is it stated from what appropriation it shall be drawn?

Answer. Always.

Question. That report is signed by the chairman of the Committee?

Answer. Yes, and, if the report is completed and accepted it is signed by the Secretary of State or his Deputy as having been “Accepted by the Council and by the Governor approved.”

Question. What papers or vouchers, if any, go with such a report as showing the nature of the claim?

Answer. If it is a bill of goods that bill goes as the voucher; for instance, Loring, Short and Harmon’s account would be referred to the Committee on Accounts, and in the report made by the chairman their bill would be inclosed as a voucher for drawing that money.

Question. Is it or not a fact that with reports of committees advising warrants to be drawn in the manner described by you, are commonly found the vouchers showing the subject matter upon which the report is made?

Answer. Always, or it is the Clerk of this work—the Secretary of State’s—duty to hunt up the voucher on which such a report was made and warrant drawn.

Question. Who acts as the Clerk of the Council and furnishes the clerical force for that body usually?

Answer. We consider the Secretary of State the Clerk of the Council.

Question. And he or some of his subordinates act?

Answer. I never have known any excepting the Secretary of State or his Deputy ; I never have known a Clerk placed there during the absence of the Secretary.

Question. What is the next step after the report has been made, and accepted by the Council and approved by the Governor?

Answer. Sent to the Secretary of State, and he hands it to his recording clerk, the warrant is drawn and the report is numbered and filed in the Secretary's office. The blank warrant is filled up and then carried to the Governor for his signature. After he signs it the Secretary of State countersigns it.

Question. To whom is that warrant directed?

Answer. To the Treasurer of State.

Question. You may read the entire blank of the warrant?

Witness reads the blank as follows :

Amount, \$———	Warrant No.———
In favor of———	
Appropriation for———	Act of———187 .
Date———187 .	Received the above described Warrant.

STATE OF MAINE.

\$——— No.———

You are ordered and directed to pay unto

the sum of _____

to be charged to and paid out of the appropriation for———

by the act of———187 , for which this shall be your sufficient warrant.

Given at the Council Chamber in Augusta, the———
day of———one thousand eight hundred and
seventy———and in the one hundred———
year of the American Independence.

_____, Governor.

By the Governor, with the Advice }
and Consent of the Council. }

_____, Secretary of State.

To the Treasurer of State.

Answer. And the " stub " contains the sum and substance of the whole, stating the amount, the number of the warrant, the person in favor of, the appropriation from which drawn, the date when the warrant was drawn, a blank for the receiver of the warrant.

Question. Upon this warrant the Treasurer pays the money, and keeps the warrant as his voucher?

Answer. When endorsed by the person by whom it is drawn in favor of he keeps the warrant as his voucher, to exhibit on settlement with the Legislature.

Question. The original vouchers for, and proofs of, the claim are all on file, or should be, in the office of the Secretary of State?

Answer. Yes, always.

Question. And should accompany the Report of the Committee of the Council advising the Governor to draw the warrant?

Answer. Yes, sir.

Question. Against which appropriation are the salaries of the officers of the government?

Answer. Under the head of Salaries of Public Officers, against that appropriation.

Question. Against what appropriation are the charges for Pay Roll of the Council made?

Answer. Under the Appropriation for Pay Roll of the Council.

Question. What are some of the general expenses commonly charged against the Contingent Fund?

Answer. In the course of the year various expenses arise; various demands and claims are made for which there is no appropriation, and the appropriation for Contingent Fund of the Governor and Council is made enough, it is supposed, to cover such claims.

Question. What was the amount of the Contingent Fund for the year eighteen hundred and seventy-nine for Governor and Council?

Answer. Five thousand dollars.

Question. In whose hands is the control of the Contingent Fund of Governor and Council?

Answer. Entirely in the hands of the Governor and Council.

Question. What was the amount of the Appropriation for Free High Schools for eighteen hundred and seventy-nine, and for what purpose was it drawn?

Answer. Thirty-seven thousand dollars. It was drawn to pay the outstanding claims of school districts and towns on the year previous to that, which had not been brought in.

Question. There was no Free High School Appropriation made for the current year?

Answer. No; but that was continued over to meet the old cases.

Question. Have you before you the account kept, in the office of the Secretary of State, with the Free High School Fund for the year eighteen hundred and seventy-nine?

Answer. I have.

Question. State what items are charged against that Fund outside of legitimate purposes for Free High Schools?

Answer. I see but very few which look like being charged in a legitimate manner. When reports are made, they are made in favor of the town or district.

Question. Please examine further, and prepare for the Committee a copy of the charges made against that Fund, designating the purpose for which each was drawn?

Answer. I will do so. [Witness subsequently furnishes the Committee with the following copy:]

FREE HIGH SCHOOLS.

Appropriation, 1879.....		\$37,000 00.
Amounts paid towns.....		\$15,474 97
April 24. E. M. Stilwell,	Warrant 206.....	125 00
May 23. F. G. Parker & Co.	do 305.....	31 50
July 3. Thomas L. Talbot,	do 411.....	125 00
E. M. Stilwell,	do 412.....	125 00
Jones S. Kelley,	do 417.....	50 00
Harvey Jewell,	do 418.....	262 50
E. M. Stilwell,	do 422.....	88 02
Charles J. Atkins,	do 426.....	35 78
D. Bugbee & Co.	do 428.....	8 50
Homer's Express Co.	do 429.....	23 75
Alfred Swazey,	do 430.....	36 40
Oct. 18. Jones S. Kelley,	do 697.....	50 00
E. M. Stilwell,	do 700.....	109 98
" 29. Everett Smith,	do 747.....	118 85
Nov. 25. George A. Drew,	do 862.....	27 75
Everett Smith,	do 868.....	125 00
E. M. Stilwell,	do 869.....	125 00
Dec. 18. Loring, Short & Harmon,	do 936.....	6 00
" 24. C. M. Turner,	do 938.....	22 50
" 27. S. W. Hoskins,	do 946.....	833 50
" 30. Wm. S. Watkins,	do 953.....	56 50
George Murch,	do 956.....	96 00
" 31. Wm. Dickey,	do 977.....	49 20
Alonzo Garcelon,	do 984.....	4,000 00
A. J. Cameron,	do 990.....	2,000 00
American Express Co.,	do 994.....	27 35
John T. Haley,	do 998.....	144 15
		\$24,178 20.
Amount unexpended.....		\$12,821 80.
		\$37,000 00.
Total amount to towns.....		\$15,474 97
" " other purposes.....		8,703 23
Not expended.....		12,821 80
		\$37,000 00.

Question. Will you also prepare from the books of the Secretary of State a copy of the charges made against the Contingent Fund and state what they are for?

Answer. I will.

[Witness subsequently furnishes Committee with the following copy:]

CONTINGENT FUND OF GOVERNOR AND COUNCIL.

				\$5,000 00
Appropriation, 1879.....				
March 6.	S. S. Brown,	Warrant 12.....		21 60
	F. M. Fogg,	13.....		21 25
	Alonzo Garcelon,	14.....		10 75
	W. U. Telegraph Co.,	16.....		29 90
April 15.	E. C. Moody,	127.....		40 90
	C. H. Chase,	128.....		27 10
	S. S. Brown,	144.....		13 70
	F. M. Fogg,	145.....		32 00
	H. H. Munroe,	176.....		31 00
	J. B. Foster,	177.....		46 50
24.	C. H. Chase,	198.....		25 00
	S. S. Brown,	200.....		26 20
	H. H. Munroe,	209.....		73 50
	F. G. Parker,	210.....		37 00
	W. U. Telegraph Co.,	212.....		29 42
	F. M. Fogg,	249.....		34 00
	Mark Harden,	250.....		200 00
25.	Jane H. Shaw,	252.....		10 00
May 30.	Charles H. Chase,	254.....		58 25
	John B. Foster,	255.....		26 00
	S. S. Brown,	256.....		67 75
	E. C. Moody,	264.....		21 80
	Mrs. Ellebert Michaud,	270.....		61 33
	W. U. Telegraph Co.,	292.....		15 69
	A. Garcelon,	299.....		7 25
23.	H. H. Munroe,	306.....		45 00
	F. M. Fogg,	304.....		29 00
July 2.	S. S. Brown,	326.....		100 20
	E. C. Moody,	327.....		24 25
	"	328.....		13 70
	"	329.....		12 40
3.	H. H. Munroe,	414.....		21 00
	Smith & Mayo,	419.....		1 25
	Fogg, Blood & Co.,	420.....		1 00
	A. Garcelon,	423.....		78 45
	F. G. Parker & Co.,	425.....		2 00
	W. U. Tel. Co.,	427.....		18 40
9.	E. H. Gove,	450.....		21 55
	Mark Harden,	451.....		200 00
	S. S. Brown,	453.....		6 00

Aug. 2.	E. C. Moody,	Warrant 546.....	\$11 90
	S. S. Brown,	547.....	35 75
	C. H. Chase,	548.....	90 40
	H. H. Munroe,	549.....	15 00
	W. U. Telegraph Co.	553.....	10 04
13.	Gardner Lovering,	559.....	6 00
	F. G. Parker,	563.....	1 50
	F. M. Fogg,	578.....	61 00
Sept. 11.	Mark Harden,	583.....	216 67
12.	Chas. H. Chase,	655.....	10 00
	S. S. Brown,	656.....	26 60
	W. U. Tel. Co.	599.....	6 81
	H. H. Munroe,	658.....	10 50
Oct. 7.	E. C. Moody,	676.....	12 80
8.	S. S. Brown,	696.....	11 95
	C. H. Chase,	695.....	26 50
	W. U. Tel. Co.	702.....	8 76
	F. G. Parker,	708.....	31 00
	Mark Harden,	715.....	161 00
28.	S. S. Brown,	719.....	60 70
	E. C. Moody,	720.....	32 30
	H. H. Munroe,	737.....	57 50
	C. H. Chase,	739.....	62 00
Nov. 18.	E. C. Moody,	751.....	93 29
	S. S. Brown,	752.....	71 85
	F. M. Fogg,	753.....	62 00
	W. U. Tel. Co.	756.....	20 55
21.	J. B. Foster,	766.....	56 50
	F. G. Parker,	767.....	14 00
	Charles H. Chase,	768.....	59 50
	F. M. Fogg,	799.....	67 00
25.	Alonzo Garcelon,	858.....	26 20
	Mark Harden,	871.....	125 00
Dec. 2.	H. H. Munroe,	880.....	21 00
	S. S. Brown,	881.....	20 15
	E. C. Moody,	882.....	11 50
	Charles H. Chase,	883.....	31 50
10.	Mark Harden,	905.....	125 00
	F. G. Parker,	906.....	70 00
	Western Union Tel. Co.	907.....	12 69
13.	F. M. Fogg,	912.....	39 00
	S. S. Brown,	913.....	13 20
	H. H. Munroe,	914.....	30 00
18.	E. C. Moody,	923.....	30 72
24.	C. H. Chase,	941.....	44 00
	F. M. Fogg,	942.....	44 00
	H. H. Munroe,	943.....	44 00
	S. S. Brown,	944.....	44 00
30.	H. M. Pishon,	950.....	25 00
31.	C. H. Chase,	979.....	11 00

Dec. 31.	Mark Harden,	Warrant 980	.....	\$12 00
	Alonzo Garcelon,	983	.....	1000 00
	F. M. Fogg,	991	.....	32 00
	E. C. Moody,	1000	.....	26 00
	F. G. Parker,	1001	.....	79 00
Total drawn.....				\$4,871 42
Unexpended.....				128 58
				<hr/>
				\$5,000 00

Question. Is there an appropriation with which an account is kept for Military Purposes?

Answer. There is.

Question. What was the amount of that for the year eighteen hundred and seventy-nine?

Answer. Three thousand dollars.

Question. Will you make a copy of that and of the charges made against it, showing how it was used?

Answer. I will.

[Witness subsequently furnishes Committee with the following copy:]

MILITARY PURPOSES.

Appropriation for 1879.....			\$3,000 00	
May 22.	To Dr. G. W. Martin,	Warrant 275	.....	\$5 00
23.	S. D. Leavitt,	311	.....	40 00
	C. P. Mattocks,	312	.....	31 40
	A. H. Jacobs,	313	.....	50 00
Aug. 13.	S. D. Leavitt,	565	.....	45 49
	J. B. Foster,	566	.....	452 12
Sept. 11.	Sanford Steamship Co.	597	.....	20 00
13.	Geo. S. Smith,	669	.....	61 60
Nov. 25.	S. D. Leavitt,	873	.....	27 85
Dec. 10.	S. Clifford Belcher,	909	.....	85 00
18.	Horace S. Smith,	934	.....	59 00
24.	Alonzo Garcelon,	937	.....	1,000 00
31.	Daniel White,	973	.....	27 50
	M. M. Folsom,	974	.....	15 00
	S. D. Leavitt,	985	.....	1,000 00
	E. W. French,	988	.....	20 00
	C. B. Morton,	989	.....	15 00
	S. D. Leavitt,	993	.....	18 15
				<hr/>
Unexpended				\$2,973 11
				26 89
				<hr/>
				\$3,000 00

Question. Have you here files of warrants drawn for various purposes by the Governor and Council for the year eighteen hundred and seventy-nine?

Answer. I have.

Question. Have you, in these files, reports of committees advising the Governor to draw his warrant upon the Treasurer of State, for different purposes, where no voucher for the same appears or can be found?

Answer. I think there are some among these I have here.

Question. Will you produce and exhibit before the Committee, some of those?

Answer. Here is one, — that is a report of the Committee on Warrants, December twenty-four, eighteen hundred and seventy-nine, “No. 707.” It advises that the Governor draw his warrant upon the Treasurer of State in favor of Alonzo Garcelon for the sum of one thousand dollars from the Appropriation for Military Purposes, the same being for expense to be incurred in the protection of public property. Accepted and approved on the same day.

Question. Is that charged, in the account, against the Appropriation for Military Purposes?

Answer. It is charged to Alonzo Garcelon. The number of the warrant is nine hundred and thirty-seven.

Question. Does any voucher, or proof of the claim upon which that was based appear in the files or can any be found?

Answer. None appears and none can be found. I also have here the report of the Committee on Warrants, dated December thirty-first, eighteen hundred and seventy-nine, “number seven hundred and forty-three,” in which the Governor is advised to draw his warrant on the Treasurer of State in favor of Alonzo Garcelon for the sum of four thousand dollars from the Appropriation for Free High Schools, the same being for expense incurred for police services. Approved by the Governor and accepted by the Council on the same day.

Question. Is that amount charged against the Free High School Appropriation?

Answer. It is. December thirty-first, “Warrant nine hundred and eighty-four.”

Question. Does any voucher or proof of this appear with the report or has it or can it be found?

Answer. None has ever been seen. I also produce to you from the files of the Secretary of State the report of the Committee on Warrants, dated December thirty-first, eighteen hundred and seventy-

nine, "number seven hundred and sixty-five," in which the Governor is advised to draw his warrant on the Treasurer of State in favor of Alonzo Garcelon for the sum of one thousand dollars from the Appropriation for Contingent Fund of Governor and Council, the same being for expense incurred for counsel fees and professional services for the State. Accepted by the Council and by the Governor approved December thirty-first.

Question. Is that amount charged to the Appropriation for Contingent Fund of the Governor and Council?

Answer. Yes, December thirty-first. "Warrant nine hundred and eighty-three."

Question. Does any voucher for, or proof of this claim, appear with the report, or has any such been found among the papers?

Answer. The same answer applies as to the others; there never has. I also produce report of the Committee on Warrants dated December thirty-first, eighteen hundred and seventy-nine, "number seven hundred and seventy," in which the Governor is advised to draw his warrant on the Treasurer of State in favor of S. D. Leavitt, Adjutant General, for the sum of one thousand dollars from the Appropriation for Military Purposes.

Question. Is that warrant charged to the Appropriation for Military Purposes?

Answer. I find "warrant nine hundred and eighty-five" of December thirty-first, charged to the Appropriation for Military Purposes, to Alonzo Garcelon. I think that is a clerical error, and should be S. D. Leavitt.

Question. Is the memorandum of the report of the Committee marked "985"?

Answer. Yes.

Question. Showing that is the warrant that goes with the report?

Answer. Yes, sir.

Question. Does any voucher or proof of this appear with the report or anywhere else among the papers?

Answer. None has been seen.

Question. Do you know whether this amount has, within the last few days, been paid back by Mr. Leavitt?

Answer. I only know it by the receipt that is now inclosed in the report.

Question. State what you find inclosed with the report?

Answer. I find, inclosed in the report, a receipt under date of February eighteen, eighteen hundred and eighty, "*Received of S.*

D. Leavitt, late Adjutant General, one thousand dollars, it being for money drawn on warrant No. 985, and charged to military purposes January 7, 1880. Now refunded as not expended. S. A. Holbrook, Treasurer." I produce, from the files of the Secretary of State, report of Committee on Warrants, dated December thirty-one, eighteen hundred and seventy-nine, "No. 759," advising the Governor to draw his warrant on the Treasurer of State in favor of A. J. Cameron, for the sum of two thousand dollars from the Appropriation for Free High Schools, the same being on account for stitching and binding now in his hands. Accepted and approved December thirty-first. It was first drawn, as appears by the report, from the Appropriation for Binding and Stitching, but that is erased and "Free High Schools" is written in, in its place. I find that amount charged under date of December thirty-first, "*Free High Schools—A. J. Cameron, Warrant 990—\$2,000.*"

Question. Any voucher or proof of the same appear with the report or among the papers?

Answer. I never have seen any, and presume there is none; none has been found to my knowledge. I produce from the files of the Secretary of State's office report of Committee on Warrants of December twenty-seventh, eighteen hundred and seventy-nine, "No. 711," in which the Governor is advised to draw his warrant on the Treasurer of State in favor of E. F. Pillsbury & Co. for the sum of two thousand dollars from the Appropriation for State Printing, the same being on account for State Printing. Accepted and approved December twenty-seventh. I find under date December twenty-seventh, E. F. Pillsbury, "Warrant 945," charged two thousand dollars to the Appropriation for Printing.

Question. Does any voucher or proof of the same appear with the report? or can it be found among the papers?

Answer. None has been found.

Question. What has been the customary method where a warrant was drawn in favor of the contractors for the State printing; what customarily appears with the report of the Committee?

Answer. There is always a voucher for the amount, showing the account up to the date of the warrant.

Question. None such appears here?

Answer. No, sir. I produce report of Committee on Warrants of October seventh, eighteen hundred and seventy-nine, "No. 502," in which the Governor is advised to draw his warrant on the Treasurer

of State in favor of E. F. Pillsbury & Co. for the sum of one thousand dollars from the Appropriation for State Printing, the same being for payment on account of printing for the State. Accepted and approved October seventh. The printing appropriation is credited with that amount under that date; "Warrant 691."

Question. Does any voucher or proof appear with the report or elsewhere among the papers?

Answer. I have seen none; I heard them inquired for but they couldn't be found.

Question. Will you produce a report of the committee with reference to the printing, which has any memorandum or voucher with it?

Answer. I produce one report by the Standing Committee on Accounts, advising the Governor to draw his warrant in favor of E. F. Pillsbury & Co. for the sum of five hundred dollars from the Appropriation for Printing, "*the same being for advance as per request herewith.*" Inclosed in the report I find a request made in the following language: "*Augusta, Nov. 22, 1879. Hon. John B. Foster. We have nearly completed the House Journal as ordered by the Legislature. It will be ready for delivery in a few days. Will you have the kindness to advance us \$500 on account of it, and favor E. F. Pillsbury & Co.?*"

Question. Do you find that amount charged to the Appropriation for Public Printing on warrant duly drawn?

Answer. Yes, I do. "*Nov. 22. F. F. Pillsbury. Warrant No. 855, \$500.*"

Question. Does any other voucher appear, with the exception of what you have read?

Answer. None, and none can be found.

Question. Have you before you the complete account kept with the Appropriation for Public Printing?

Answer. I have.

Question. Will you furnish the Committee with a copy of that, itemized?

Answer. I will.

[Witness subsequently furnishes Committee with the following copy:]

PRINTING.

Appropriation for 1879.....		\$18,000 00
Mar. 13. To Boutelle & Burr, Warrant 39.....		\$27 32
14. E. F. Pillsbury & Co. 52.....		1,000 00

April 16.	Sprague, Owen & Nash, Warrant	170	\$6,000 00
	F. G. Parker & Co.	174	62 25
May 22.	E. F. Pillsbury & Co.	273	803 28
	Will H. Watson,	283	10 05
	Fogg, Blood & Co.	303	2 00
April 16.	E. F. Pillsbury & Co.	162	600 00
July 9.	“ “	441	1,101 71
	Fogg, Blood & Co.	460	2 50
	Whidden, Rose & Co.	479	24 00
	Edes & Barrows,	480	24 00
	E. Upton & Son,	481	3 25
	Geo. H. Watkins,	484	3 00
Aug. 12.	W. W. Berry,	550	2 75
13.	E. F. Pillsbury,	557	639 99
	Sprague, Owen & Nash,	581	2,173 31
Sept. 11.	National Tribune Co.	598	4 00
	F. G. Parker & Co.	600	15 75
	E. F. Pillsbury & Co.	650	200 00
Oct. 7.	“ “	691	1,000 00
8.	J. P. Bass,	699	16 87
	F. G. Parker & Co.	707	2 00
	Fogg, Blood & Co.	714	6 00
	Hancock Pub. Co.	716	12 50
9.	E. F. Pillsbury & Co.	717	377 37
28.	W. W. Perry,	731	1 00
	E. F. Pillsbury & Co.	741	409 80
Nov. 21.	“ “	764	342 02
	“ “	765	400 00
	Theo. Cary & Co.	798	8 75
22.	E. F. Pillsbury & Co.	855	500 00
Dec. 12.	Joseph W. Symonds,	915	150 00
18.	O. Butler,	929	2 50
	J. P. Bass & Co.	933	23 50
27.	E. F. Pillsbury & Co.	945	2,000 00
30.	Fogg, Blood & Co.	957	9 00
31.	E. F. Pillsbury & Co.	995	1,098 01
	F. G. Parker,	1002	12 00
	State Printing Association,	1004	42 00
			<hr/> \$19,112 48
Appropriation	.....		\$18,000 00
Overdrawn	.....		1,112 48
			<hr/> \$19,112 48

Question. Does there anywhere appear in the files of the Secretary of State's office, connected with the papers showing the condition of the printing account for the last year, or elsewhere, any statements of accounts, showing either the final settlement or partial settlements with Pillsbury & Co. during the year?

Answer. None to my knowledge. I have seen none. I think I should have seen them if there had been any.

Question. Have you the account charged to the Appropriation for Binding and Stitching?

Answer. I have.

Question. Will you make for the Committee, a copy of the account as shown on the ledger, itemized?

Answer. I will.

[Witness subsequently furnishes Committee with the following copy:]

BINDING AND STITCHING.

Appropriation for 1879.....			\$8,533 37
April 16. To A. J. Cameron, Warrant 167.....			1,200 00
" E. H. W. Smith & Co., 186.....			1,733 37
18. " " " 196.....			750 00
24. " A. J. Cameron (deficiency) 208.....			314 11
" " " 216.....			211 75
July 9. " " " 485.....			1,034 31
" " (deficiency) 486.....			1,765 54
Oct. 7. " " " 692.....			750 00
Nov. 21. " " " 763.....			403 79
Dec. 30. " " " 951.....			915 54
			<hr/>
			\$9,077 91
Overdrawn.....			\$ 544 54
Appropriation.....			8,533 37
			<hr/>
			\$9,077 91

Question. Do you know any statement of account, showing the final settlement with the contractor for binding and stitching, at the end of the year, or any partial settlements previous to the end of eighteen hundred and seventy-nine?

Answer. I do not.

Question. Have you ever been able to find any?

Answer. No; and never heard of any being found in the office.

Question. Who was the contractor for binding and stitching?

Answer. A. J. Cameron.

Question. The record of the proceedings from day to day, before the Governor and Council, is kept in what book?

Answer. What is called the "Council Blotter"; and from that is made up a Journal, to be deposited in the Secretary of State's office, at the end of each year.

Question. And is this book which you now produce, the "Council Blotter" for eighteen hundred and seventy-nine?

Answer. It is.

MARCH 8, 1880, P. M.

JAMES R. MILLIKEN, *recalled*.

Question. Upon the ledger of the Secretary of State is an account kept with the Appropriation for Transportation of Documents?

Answer. Yes; and I have it here.

Question. What is the amount of the appropriation for the year eighteen hundred and seventy-nine?

Answer. Eight hundred dollars.

Question. Has it all been taken, as is shown by the charges made against it?

Answer. Four dollars twenty-eight cents overdrawn.

Question. Of that appropriation, how much is charged as having been paid any express company?

Answer. To the Eastern Express Company, two hundred forty-three dollars twenty cents. One hundred two dollars fifty-five cents of that was paid to C. B. Morton, Agent; but that is the same thing.

Question. To whom is the balance (above the two hundred forty-three dollars twenty cents) charged, as being paid?

Answer. G. G. Stacy.

Question. Have you examined the reports of the Committee on Accounts, of the Council of eighteen hundred and seventy-nine, to see whether the charges against this appropriation, as being made to the Eastern Express Company, or their agent, contain the vouchers, with each report?

Answer. I have; they are all correct. I produce report of the Committee on Warrants, of March seventh, eighteen hundred and seventy-nine, advising the Governor to draw his warrant on the Treasurer of State, in favor of George G. Stacy, for the sum of four hundred dollars, from the Appropriation for Transportation of Documents. Accepted and approved by the Governor, March seventh, eighteen hundred and seventy-nine, "Warrant, No. 21," drawn upon it.

Question. Is there any voucher for that item of four hundred dollars?

Answer. There is simply a request in writing accompanying the report, which reads, "*Augusta, March 7, 1879. To the Honorable Governor and Council, I respectfully request you to draw a warrant in my favor for the sum of \$400 and charge the same to the Appropriation for Transportation of Documents for 1879. Very respect-*

fully yours, G. G. Stacy, Librarian." No other voucher appears to accompany the report.

By MR. INGALLS :

Question. Do you know the hand writing of that report?

Answer. No, sir.

By MR. HALE :

Question. See if there is an appropriation for the Visiting Committee of Insane Hospital?

Answer. I have it here. The amount of the appropriation for eighteen hundred and seventy-nine was two hundred dollars.

Question. Is it exhausted?

Answer. Twenty-five dollars and twenty-eight cents overdrawn. I produce report of the Committee on Accounts for eighteen hundred and seventy-nine, dated October seventh, eighteen hundred and seventy-nine, in which the Governor is advised to draw his warrant on the Treasurer, in favor of George G. Stacy for the sum of two hundred twenty-one dollars and sixty-six cents.—from the Appropriation for Contingent Fund one hundred dollars, and from the Appropriation for Transportation of Documents one hundred twenty one dollars and sixty-six cents, the same being for distributing documents of eighteen hundred and seventy-eight and seventy-nine, and for postage stamps. Accepted and approved October seventh, eighteen hundred and seventy-nine. Upon which warrants "677 and 678" were drawn.

Question. Do you find in this report as the basis of these warrants, any voucher?

Answer. I find vouchers for two items, one hundred forty-two dollars and sixty-six cents, and one hundred and eighteen dollars.

Question. Do you find any voucher for the large item of distributing documents and exchanges for eighteen hundred and seventy-nine, two hundred and sixty-nine dollars?

Answer. No, sir.

Question. Do you find any voucher for the large item "*for amount paid E. S. Tobie, \$292.*"

Answer. There is none here; two hundred dollars has usually been allowed the Librarian for distributing documents, and I presume that this item of two hundred sixty-nine dollars was intended to be covered by that.

Question. Turn to the appropriation for the Library?

Answer. I have it.

Question. What is the amount of the appropriation for eighteen hundred and seventy-nine?

Answer. Five hundred dollars.

Question. To whom is that five hundred dollars charged as paid to?

Answer. March seventh, to George G. Stacy. "Warrant No. 20, \$500." I produce report of Committee on Warrants, of March seventh, eighteen hundred and seventy-nine, advising the Governor to draw his warrant in favor of George G. Stacy for five hundred dollars from the Appropriation for State Library, the same being for purchase of books. Accepted and approved March seventh, eighteen hundred and seventy-nine. Upon which, warrant number twenty, is drawn. The following request or voucher is found. "*March 7, 1879. To the Honorable Governor and Council. I respectfully request you to draw a warrant in my favor for the sum of \$500, and charge the same to the Appropriation for State Library for 1879. Very respectfully, your obedient servant, G. G. Stacy, Librarian.*"

Question. Do you know of any other voucher for this besides what you have read?

Answer. I know of none other. It should be stated that, of this \$500, the amount of thirty-five dollars and thirty-seven cents was deducted and paid to the old Librarian, John D. Myrick, that amount being due him, and only the balance was paid to Mr. Stacy.

MARCH 6, 1880, A. M.

ALEXANDER J. CAMERON, *sworn and examined.*

By MR. HALE:

Question. Of Augusta?

Answer. Yes.

Question. Were you the contractor for the Binding and Stitching in the year eighteen hundred and seventy-nine?

Answer. I was.

Question. With whom was your contract made?

Answer. With the Committee on Printing and Binding, of the Legislature, subsequently ratified by the concurrent action of the two branches.

Question. At what time did you begin doing the work for that year, under the contract?

Answer. I did not begin the work till either the day of its approval, or the day after, probably ; but, before that, I had bought out the old binders.

Question. When did you begin to work under your contract ?

Answer. The contract was ratified, I think, the twenty-sixth of February, in the Senate, and the twenty-seventh in the House,—one day in the Senate and the other in the House.

Question. Had you been doing the work of the State, of the Binding and Stitching nature, before the contract was approved ?

Answer. Yes.

Question. For how long ?

Answer. The third day of February I took possession, bought out Smith & Co. That work was done under the Smith & Co. contract ; they transferred their rights to me.

Question. Did you receive, during the year eighteen hundred and seventy-nine, from time to time, payments for work done by you on your contract ?

Answer. Yes.

Question. When you received a payment upon your contract, what was your method of presenting your account, and what action was taken ?

Answer. Presented a detailed account,—all of which I believe is on file to-day,—with vouchers, each item signed by those in charge of the department to which the work was delivered.

Question. When you wanted any money upon your contract, you presented a detailed account of the work you had done up to date ?

Answer. Yes.

Question. With vouchers accompanying ?

Answer. Yes.

Question. And certified by the heads of the different branches of work ?

Answer. Yes ; clerks or responsible parties.

Question. To whom did you present that bill with the vouchers ?

Answer. Sometimes to one of the Council, and sometimes to the Secretary of State,—just as was convenient,—and they took them in.

Question. But it always went before the Governor and Council ?

Answer. I presume so ; no doubt about it.

Question. Then what would you receive which would entitle you to the money ?

Answer. A warrant signed by the Governor, by and with the approval of the Council.

Question. That warrant was drawn upon whom?

Answer. On the State Treasurer; I never took particular notice, but I presume the same form exists now.

Question. How would you get the money?

Answer. By presenting it at the Treasury.

Question. So that the voucher which you presented to the Treasurer was a warrant drawn by the Governor and Council?

Answer. Yes.

Question. And he paid you the money and you left the warrant with him?

Answer. Yes; I indorsed on the back of the warrant.

Question. But the original vouchers of your account and statement of work you had done were all left with the Governor and Council or Secretary of State.

Answer. Yes.

Question. Was that your course during the year eighteen hundred and seventy-nine, to the end of the year?

Answer. It was, excepting the second last payment I got of seven hundred and fifty dollars; I presented no account then; I had done about twelve hundred dollars worth of work, but had not any time, on account of pressing business, to draw a detailed account; and I went before the Governor and Council and explained my position and asked them to make me an advance,—what they thought would be right; they gave me seven hundred and fifty dollars on account of current account; that was the second last payment I got on work that had been done.

Question. When you got that seven hundred and fifty dollars on account, you had actually performed the work?

Answer. Yes; I had from eleven hundred to thirteen hundred dollars worth of work done.

Question. When did you present your final account for work done, up to the end of the year, with the vouchers and accounts showing that?

Answer. Either the thirtieth or thirty-first of December.

Question. Did you then have a complete settlement of all the work you had done, and receive your pay for the same?

Answer. Yes; all for which I had vouchers, all the work that I had completed.

Question. And you put vouchers in for all the work you had completed?

Answer. Yes, that those bills covered.

Question. So that on the thirtieth or thirty-first of December you completed your account for all the work that you had done up to that date, and put in your vouchers and accounts for the same and received pay for the same?

Answer. I did.

Question. Did you after that, and before the change in the government, receive any further orders or moneys through the Governor and Council, and if so to what amount?

Answer. I received two thousand dollars after that.

Question. To whom did you make application for the two thousand dollars extra that you received and that you have just referred to?

Answer. To the Council.

Question. Where?

Answer. In the Council Chamber.

Question. For what amount did you make application first?

Answer. I left it to their discretion; I showed them a statement of the amount of work I had on hand, in my hands, and expected to get from the Printers under my contract, and requested them, if they saw fit, to make me an advance on it.

Question. You showed them a statement of stock and work you had in hand and had not done?

Answer. Not completed; had to estimate it with previous years.

Question. Making an estimate?

Answer. Yes.

Question. And requested them to make you an advance of two thousand dollars?

Answer. I requested them to make me an advance of whatever they saw fit.

Question. Had, at that time, the Appropriation for Binding and Stitching been exhausted?

Answer. Yes.

Question. There was nothing left in that Appropriation?

Answer. No.

Question. And that you knew?

Answer. I did.

Question. And that they knew?

Answer. I do not know about that. It eventually turned out to be a misunderstanding. I was informed that, with what I had drawn and what others had drawn, the appropriation had been used up, and evidently they were laboring under a mistake.

Question. There were no vouchers for work done that were left for this two thousand dollars, as in the other cases?

Answer. No; but some such a statement as showing that I was to have work, a balance of twenty-six hundred dollars, still to be done.

Question. If you continued?

Answer. If I lived; the terms of my contract assured me the work; I am still doing that,—that is, for eighteen hundred and seventy-nine.

Question. Did you receive from the Governor and Council a warrant for two thousand dollars for this advance?

Answer. Yes.

Question. Will you examine the inclosed report of the Committee, read it, and see if it is the report that goes with the warrant that you received?

Answer. I would not be supposed to see this at all, although I knew of it on account of the misunderstanding that occurred.

Question. State what you know from communication with the Council?

Answer. They talked it over and came to the conclusion, first, they would draw me a warrant for twenty-five hundred dollars. From the appearance of the appropriation book they thought there was three thousand dollars still undrawn. It was a mistake, and they reconsidered the matter and concluded to give me two thousand dollars, and they thought I could easily collect the five hundred dollars.

Question. How does the warrant read as first drawn?

Answer. "Two thousand dollars."

Question. How does the report read?

Answer. "Two thousand five hundred dollars."

Question. Drawn upon what appropriation, first?

Answer. Upon the "Appropriation for Binding and Stitching."

Question. After they found there was no money left in that appropriation what change was made, as shown in the report?

Answer. From the Free High School.

Question. The words "*Appropriation for Binding and Stitching*" are struck out?

Answer. Yes, and the words "*Free High School*" put in. The sum of two thousand five hundred dollars is stricken out and the words "*two thousand*" written over that, and the figures "*\$2000*" written under.

Question. So that the report was changed, on learning the condition of the Appropriation for Binding and Stitching, from two thousand five hundred dollars to two thousand dollars, and the Appropriation for Binding and Stitching changed to Free High School?

Answer. The matter of the figures was a matter all apart from the appropriation, as it was a reconsideration. The warrant was drawn on the Treasurer on the Binding and Stitching Appropriation, and I presented that at the counter.

Question. When you presented the warrant to the Treasurer, what did you learn with reference to that appropriation?

Answer. The clerks looked into the matter and learned that the appropriation had been entirely exhausted.

Question. Then what did you do?

Answer. One of the clerks, Mr. Caldwell, I think, went to the Council Room with the warrant and explained the matter to them; I waited in the Treasury a short time; Caldwell returned and handed me the warrant and told me to take it up stairs.

Question. He returned with the warrant you had presented to him and instructed you to go up to the Council?

Answer. Yes.

Question. You returned to the Council with the warrant which you had just presented to the Treasurer?

Answer. Yes.

Question. What took place when you returned?

Answer. I went to Mr. Brown with it, as he had drawn the report, or had the appropriation in his hands,—and told him that Mr. Caldwell instructed me to go up there. He took the warrant and took the appropriation book and went over it and showed some of the other Councillors how he had been misled by the standing of the appropriation book. There were two appropriations for binding and stitching last year, and they were kept on two different pages, and in posting the appropriation blotter they were both added together on one of those pages and the other page was left blank altogether, and there still seemed to be three thousand dollars unused of that appropriation, and Mr. Brown explained to the other Councillors how that was.

Question. Explained that it was all used up?

Answer. Yes; and on account of there being no drafts against that three thousand dollars, he had been misled.

Question. He thus discovered there was nothing left of the Appropriation for Binding and Stitching?

Answer. He did.

Question. What was then done by which you got your money?

Answer. The warrant was changed from "Binding and Stitching" to "*Free High Schools*;" but the changing of the figures was done before the warrant was drawn.

Question. The warrant was then changed, and drawn on the Appropriation for Free High Schools?

Answer. It was; I think the warrant in the Treasurer's possession is altered just the same as there.

Question. And that was done by Mr. Brown, in the Council Room?

Answer. By one of the Council.

Question. While the Council were present?

Answer. Yes.

Question. Was the warrant delivered to you?

Answer. It was.

Question. What did you do with the warrant?

Answer. I went down to the Treasurer's a second time, and got the money or check.

By MR. INGALLS:

Question. Both warrants were for the same amount?

Answer. Only one warrant.

Question. Did not you go to the Treasurer's office with a warrant which they refused to pay?

Answer. I did.

Question. What was the amount of that?

Answer. Two thousand dollars.

Question. That was returned to the Governor and Council?

Answer. It was.

Question. Then your next warrant?

Answer. The same warrant.

Question. An alteration made?

Answer. Yes.

Question. So that there was but one warrant?

Answer. Yes.

Question. But there was a change in it from "Binding and Stitching" to "Free High Schools?"

Answer. Yes.

Question. Was that the only change?

Answer. It was.

Question. The report was changed before the warrant was drawn?

Answer. It was, almost immediately. They had written twenty-five hundred dollars, and Councillor Chase, I think, said he thought two thousand dollars would be enough, if the work was only to amount to twenty-five hundred or twenty-six hundred dollars.

BY MR. HALE :

Question. Was not a portion of this two thousand dollars that was advanced to you before the work was done, to be by you, in your intention, expended upon the Agricultural Reports?

Answer. Yes.

Question. Was not that Agricultural Report a document that had not been ordered by the previous Legislature?

Answer. There is really no Agricultural Report being printed; it is an Appendix to the Agricultural Report of eighteen hundred and seventy-eight, that Sprague, Owen and Nash had been printing in the early part of last year, and that is always printed to complete the Report. They stopped doing it.

Question. Was that embraced in your contract?

Answer. It was.

Question. How was that embraced in your contract if they were to do it?

Answer. The binding and stitching of it only is embraced in my contract.

Question. Is that covered by your contract?

Answer. Yes, either by my own or the one I bought of Smith and Company.

Question. Is the Appendix of the old Report of the year that Sprague, Owen and Nash did the work, embraced in your contract with the Legislature?

Answer. No. My contract covers only eighteen hundred and seventy-nine.

Question. Then this Appendix is not embraced in your contract for eighteen hundred and seventy-nine?

Answer. It is not.

Question. Was not that the only contract you had, for eighteen hundred and seventy-nine?

Answer. I also had the contract for eighteen hundred and seventy-eight.

Question. With the Legislature?

Answer. A legislative contract made with Smith and Company, and they sold their equity in it to me.

Question. That was simply a trade you made with Smith and Company, the old binders for eighteen hundred and seventy-eight?

Answer. It was ; I actually stood in Smith and Company's place.

Question. Whatever you did with them was by private contract?

Answer. Yes, with them.

Question. For old work that they had formerly had under a contract with the Legislature?

Answer. That they had on hand and were receiving every day from the printers.

Question. Some of this work you intended to do for this advance of two thousand dollars was work you had which you had bought out from them?

Answer. It was included in their contract.

Question. Not in your contract?

Answer. No. It would have been done long ago but for Sprague, Owen and Nash's hesitancy.

Question. Was not that a matter that should have been appropriated by the Legislature as a deficiency, if you were doing old work for the year previous?

Answer. I presume, properly ; I am not in a position to give a decided answer, but I presume it ought to have been.

Question. But instead of that you got the Governor and Council—or they did afterwards—pay to you money out of the Free High School Fund to do work of that kind?

Answer. Yes.

Question. Had you ever before for doing work got anything out of the Free High School Fund?

Answer. No.

Question. Had you had anything to do with the Free High School Fund before?

Answer. No.

Question. Did you suggest, or did the suggestion come from some member of the Council, that it should be taken from the Free High School Fund?

Answer. I did not suggest—I do not know—what conversation they had ; I took a back seat.

Question. So you had nothing to do with this drawing upon the Free High School Fund yourself, excepting you took the warrant as delivered to you ?

Answer. I saw the warrant and it was changed ; I looked to see what had been done, and saw that the words “Binding and Stitching” had been erased, and “Free High Schools” written in.

Question. You had not anything to do with the change, and did not suggest it ?

Answer. No.

Question. If it had not been done you would not have got the two thousand dollars ?

Answer. I presume if the account on which the warrant was drawn had not been changed—I am not prepared to say what would have been done.

Question. You do not know of any way you would have got it excepting that way ?

Answer. They did not refuse to pay it ; they only noted that the appropriation had been drawn.

Question. You know of no way you could have got the money except in some such way as that ?

Answer. I do not know any, unless the Treasurer felt like paying the first warrant and showing an overdraft. It was a great convenience for me to get it, and I felt very much obligated. They asked me my reasons for asking it, and I referred them to the preceding year where some slight advance had been made to the printers.

By MR. INGALLS :

Question. After the assignment of the contract by Smith and Company were the dealings with the Governor and Council by you or them ?

Answer. I dealt directly with the Governor and Council.

Question. What part, if any, of this work had been done at the time you received this two thousand dollars ?

Answer. More or less of it was in an incomplete condition. If I have a book of one hundred pages, and I receive ninety-nine I cannot make a book till I receive the hundredth ; I must wait till I get that page, if I have ten thousand copies, before I can make a single book.

Question. What part of the work was actually done ?

Answer. At that period, I cannot very well say.

By Mr. HALE :

Question. What was it?

Answer. I had the Bank Commissioner's Report folded so far as the printers had given it to me ; the Fish Commissioners' Report was almost completed, within a few pages I think of being out of the printers' hands ; I had done all I could till I got the rest.

Question. In general terms, what proportion of the whole?

Answer. There would be about one-fourth of it.

Question. Why did you ask for money in advance?

Answer. It would be an accommodation to me if I got it.

Question. Was that a usual course with you?

Answer. No, not with me. The last time I asked them for money in presenting bills and vouchers it was on account of current account.

Question. For work that had been done?

Answer. Yes.

Question. Why in this particular case did you want this advance?

Answer. I had no special object except in getting accommodation.

Question. Did you use this money?

Answer. More or less of it.

Question. Have you returned any portion of it?

Answer. No.

Question. Have you accounted for it?

Answer. I have not rendered any bill since.

Question. What is your bill now?

Answer. I have not that in detail ; some vouchers I have not got.

Question. Why was it you wanted this advance at that particular time?

Answer. I cannot give any particular answer. It was to be an accommodation to me. One reason was, I was working all the year, and borrowed capital and had to meet my engagements at the end of the year ; and my business would be more or less unsettled ; I could not wind it up complete at the end of the year ; if I could get that I knew it would help me out to square my indebtedness and still leave me enough to complete the work ; otherwise I should have had to have tried to get funds elsewhere.

Question. You had not done the work for this money?

Answer. No.

Question. It might be taken away from you?

Answer. I did not think the State would go back on its contract.

Question. Your contract did not embrace this Appendix you were doing ; it was only that you had bought out Smith and Company ?

Answer. I do not know as I can make you understand.

Question. Your contract that you made with the Committee of the Legislature did not embrace this old deficiency of Smith and Company ?

Answer. No, sir.

Question. You had been on under your contract and had done your work up to that date and had got your pay for it ?

Answer. Yes, all the work I had done ; I had not completed all the work my contract covered.

Question. What you had got pay for was under your contract ?

Answer. Partly under mine and partly under Smith's, more under Smith's than my own.

Question. This Appendix which you were at work on and which you had got about one-fourth of it, was work you were doing which you had bought, the old contract and right of Smith and Company's ?

Answer. Yes.

Question. It was a deficiency of their work which they had not done ?

Answer. Yes ; that is, it was not printed when they got through. When I said one-fourth I meant one-fourth of the entire work—I presented to the Council.

By Mr. INGALLS :

Question. That would be about six hundred or seven hundred of the two thousand dollars ?

Answer. Yes. Five hundred or six hundred.

Question. And the fourteen hundred dollars was in advance for work not done ?

Answer. It was all actually in advance.

Question. No part of the work was available ?

Answer. No part of the work was completed.

Question. No vouchers rendered ?

Answer. No. They are not supposed to know that the work is done till vouchers are presented.

ALEXANDER J. CAMERON, recalled March 8, 1880, P. M.

By Mr. HALE :

Question. On the first day of January, eighteen hundred and

eighty, of the item furnished by you to the Governor and Council as work unfinished, to wit: "5000 *Abstract of County Agricultural Societies, \$1,600,*" what proportion had you then done?

Answer. Little or nothing.

Question. Had you, in fact, done any stitching or binding upon that at that time?

Answer. No stitching or binding, nothing more than what little folding there was.

Question. Even at the present time have you done any stitching or binding?

Answer. Not of any account; nothing but the folding.

Question. Up to the present time you have done nothing of the stitching or binding?

Answer. No, sir.

Question. In fact, the work has not come into your hands from the printers?

Answer. No, sir.

Question. Isn't the folding a comparatively small item?

Answer. It is.

Question. So, really, there was nothing on the first day of January in the way of beginning work relating to the Appendix or Abstract?

Answer. Comparatively nothing.

Question. You know of no appropriation by the Legislature, or order for this?

Answer. No, not especially.

MARCH 8, 1880, P. M.

SAMUEL L. BOARDMAN, *sworn and examined.*

BY MR. HALE:

Question. Live in Augusta?

Answer. Yes, sir.

Question. Have you formerly been Secretary of the Board of Agriculture of the State?

Answer. I have.

Question. When did you begin acting as Secretary, and when did you cease?

Answer. I commenced acting as Secretary in eighteen hundred and seventy-two or seventy-three, and my duties ceased the end of

the second quarter in eighteen hundred and seventy-nine; that is, the last of June.

Question. What was your duty with reference to the making up of the Annual Report of the Board of Agriculture, published by the State?

Answer. I furnished all the copy.

Question. In what way is the volume constituting the Report divided?

Answer. It is divided into two parts; the first part, or the Report of the Secretary of the Board proper, including about half of the volume, is printed first, and ordinarily is completed and printed for the year in season to be delivered to the Legislature when it meets in January.

Question. For each year?

Answer. Yes; the Report for eighteen hundred and seventy-nine being printed and bound ready for delivery, ready for the members of the Legislature in eighteen hundred and seventy-nine and eighty.

Question. Provided any such Report had been ordered that year?

Answer. Yes.

Question. You only used eighteen hundred and seventy-nine as an instance?

Answer. That is all. I would use eighteen hundred and seventy-eight to illustrate, the same. There is a second part of the Report, sometimes called the Appendix or Abstract, which includes the official matter relating to transactions of County Societies for the year. The Agricultural Societies have till the third Wednesday of December of each year to send in their returns, and some of them don't get them in at that time,—sometimes they come later. The second part, or Abstract, is made up from those returns, and that part, although it forms a part of the Volume for the year, is usually printed after the adjournment of the Legislature. That part, while the copy may be ready, the printers have usually delayed in printing, on account of the pressure of Legislative work; consequently the printing of that has gone by as late as May.

Question. Taking for instance the Agricultural Report for eighteen hundred and seventy-seven, the second part called the Appendix or Abstract would not be completed till after the adjournment of the Legislature of eighteen hundred and seventy-eight?

Answer. That is what I wish to be understood.

Question. So that the volume would not be ready till along in early summer?

Answer. Yes; June or July, the completed volume comprising the two parts.

Question. Of the year succeeding the year that it reports?

Answer. Yes, sir.

Question. Having given that general information, I call your attention specially to the Agricultural Report for the year eighteen hundred and seventy-eight, and ask you to state what portion of that had been completed and ready for printing and binding at the end of the year eighteen hundred and seventy-eight?

Answer. At the end of the year eighteen hundred and seventy-eight the first part of that Report was all printed and bound, and had been delivered to the Legislature of eighteen hundred and seventy-eight and seventy-nine, printed and bound.

Question. At that time you were Secretary of the Board?

Answer. I was.

Question. And, as such, bound to furnish copy for the report?

Answer. I was.

Question. What was the practical operation of the act of March sixth, eighteen hundred and seventy-nine, in reference to prohibiting the payment of money for agricultural purposes, upon the Agricultural Report of eighteen hundred and seventy-nine?

Answer. I understood that it suspended all labor and work for the year eighteen hundred and seventy-nine.

Question. When were you removed from office?

Answer. I resigned my position; I cannot give the date of my resignation, but it was during the second quarter of the year eighteen hundred and seventy-nine, to take effect at the end of the quarter.

Question. Had the salary been, by the Legislature of that year, cut down?

Answer. Yes, sir.

Question. From what to what?

Answer. From eight hundred dollars and expenses to one hundred dollars, including expenses.

Question. At that time, after the passage of the act of March sixth, eighteen hundred and seventy-nine, had you undertaken or completed the work of preparing the Abstract or Appendix for the Report of eighteen hundred and seventy-eight?

Answer. I had done nothing to it.

Question. Did you consider it was a part of your duty, if so ordered by the proper official, to complete that, as a part of your work for the year eighteen hundred and seventy-eight?

Answer. I did ; I should say that the proper returns to be made by the Agricultural Societies, which would make up the Abstract of eighteen hundred and seventy-eight, were in my hands, and it would have devolved upon me to have prepared those for the printer, forming the second part of the Report.

Question. Even if your term had expired?

Answer. Yes.

Question. That was your duty?

Answer. Yes, acting under a precedent,—my only guide,—in connection with a similar case where my predecessor did the same.

Question. Without any extra charge?

Answer. So far as my knowledge goes.

Question. You consider that coming within the scope of your duty for the year you acted?

Answer. I did.

Question. Why didn't you go on and complete those Abstracts ; what were you waiting for?

Answer. I supposed that the reduction of the salary and doing away with the printing of any Report rendered it unnecessary for me to move in the matter of furnishing any more copy.

Question. You supposed there was to be no agricultural printing that year?

Answer. I so understood from the law.

Question. Either of the year before, or that year?

Answer. I understood that the law of eighteen hundred and seventy-nine prohibited the payment of any money for any agricultural purposes whatever, including printing.

Question. Did you have any communication or correspondence with reference to this work upon the second part of the Report of eighteen hundred and seventy-eight, with either the public printer or public binder?

Answer. I did.

Question. Have you any letters that you will produce in reference to that?

Answer. I have had some conferences with and letters from the public binder. I have had no conference or business with the public printers till I began to give out copy to them to be printed. I had interviews with the public binder, I think, previous to the receipt of any letters from him.

Question. What did the public binder desire you to do?

Answer. The binder, at two or three different times during the early part of the year 1879, as I would meet him occasionally on the streets here, would inquire if the copy for the Abstract was in my hands and if he could induce the Council to go on with the printing, if I would be in position to furnish copy. I said to him that the copy was in my hands and I could furnish it. Subsequently to these interviews—my home being in Augusta—I was in Augusta about every two weeks, and occasionally met him. I think I did not go into the bindery to see him during the year; but would occasionally meet him on the streets, and might have met him several times when nothing was said, but did meet him two or three times when we did speak of it. After that I received letters from him in relation to my furnishing copy for the Abstract.

Question. Have you any letter here?

Answer. Yes, sir; I now produce a letter from Cameron, State Binder to me, dated “June 24, 1879,” which is marked “*Exhibit 27, G. D. B., Clerk of Committee.*” [Witness reads letter to Committee.]

Question. The work he refers to there is the first part of the work of volume for eighteen hundred and seventy-eight?

Answer. All of it.

Question. That letter shows that on the day on which it was written, June twenty-four, eighteen hundred and seventy-nine, he had completed that part of the work of eighteen hundred and seventy-eight?

Answer. Yes, sir.

Question. And he refers there to being able to complete the whole of that work in time to settle his next account?

Answer. He does.

Question. I hand you letter marked “*Exhibit 28, G. D. B., Clerk of Committee?*”

Answer. It is a letter from Cameron, Public Binder, to me, dated “*Augusta, Sept. 12, 1879.*” [Witness reads letter to Committee.]

Question. The Abstract that Cameron refers to in this letter is what is sometimes called the Appendix to the Report?

Answer. It is.

Question. At the time when that letter was written, September twelve, nothing had been done by you with the copy for the Abstract or Appendix of the work of eighteen hundred and seventy-eight?

Answer. Nothing whatever; it was in my hands.

Question. Identify the letter marked "*Exhibit 29, G. D. B., Clerk of Committee,*" and give the date?

Answer. "*Augusta, Sept. 15, 1879,*" from Cameron, Public Binder. [Witness reads letter to Committee.]

Question. Did you at that time or about that time receive a written communication from the Secretary or Deputy Secretary of State?

Answer. I think I did a few days after that.

Question. Is "*Exhibit 30, G. D. B., Clerk of Committee,*" which you present, the communication you refer to?

Answer. It is. It is dated "*Augusta, Sept. 15, 1879,*" from P. A. Sawyer, Deputy Secretary of State. It bears the official heading of the office. [Witness reads letter to Committee.]

Question. Up to that date had you any authority or orders or directions from anybody in authority to go on with furnishing copy for the Abstract or Appendix for the report of eighteen hundred and seventy-eight?

Answer. I had not.

Question. Did you receive from the Secretary of State or Deputy Secretary after that or about that time any further verbal orders to go on and furnish it?

Answer. I was in Augusta a few days after the receipt of this letter and met Mr. Sawyer on State street, in company with General Leavitt, and, after speaking a moment to him and referring to the subject of this letter, said to him that I had been waiting for an order—what I regarded as an order—from the proper authorities to give out the copy; and stated to him that I hardly regarded his last letter as an order. He replied that he wished me to consider it as such, or "*I give you the order now to furnish the copy,*" or that I might consider it an order, or words to that effect.

Question. Did you consider the letter and communication, what he said to you, an order from the Secretary of State's office?

Answer. I did.

Question. That was in the latter half of September?

Answer. Yes.

Question. Have you since then furnished to the Public Printer of that year any or all of the copy for the Abstract or Appendix for the report of eighteen hundred and seventy-eight?

Answer. I have, all of it.

Question. When did you furnish it?

Answer. Enough for the printers to commence on, immediately

after the receipt of the order, and copy which came in subsequently, at a later date.

Question. Have you furnished any within the last three months?

Answer. I have.

Question. When did you furnish the last, or completion?

Answer. I cannot say definitely, but since January.

Question. Have you ever since that time been behindhand in furnishing whenever the Public Printer wanted copy, or have you been largely ahead?

Answer. No. They have always had copy in advance.

Question. What is the course when you furnish copy,—to whom is the proof returned for correction?

Answer. Always to me,—the proof of my Report, always has been.

Question. Of course it goes through the printer before it goes to the binder?

Answer. Yes.

Question. On the thirty-first day of December, eighteen hundred and seventy-nine, the end of the year, what portion of the copy that you had furnished for the second part, the Abstract or Appendix for the Report of eighteen hundred and seventy-eight, had come back to you from the Public Printer?

Answer. But very little.

Question. Up to the present time, what portion of this work has come back to you, for correction, from the Public Printer?

Answer. So much,—what I hold in my hand.

Question. How many forms, and how many pages does that comprehend?

Answer. Five forms; I find that some of the sheets are gone.

Question. Five forms, making how many pages?

Answer. Making eighty pages.

Question. What proportion of that, in your judgment, had come back to you from the Public Printer up to the first of January, eighteen hundred and eighty?

Answer. Possibly three forms, making forty-eight pages.

Question. Can the Public Binder do anything in the way either of stitching or binding on that work till it all comes into his hands from the printer?

Answer. No, he can't stitch it or bind it; he can fold it.

Question. So that the Public Binder cannot, up to this date, have done any thing in the way of stitching or binding upon the Abstract

or Appendix to the Report of eighteen hundred and seventy-eight?

Answer. No, it is not possible.

Question. Of course he couldn't have done it on the first of January?

Answer. No.

Question. What is the only thing the Public Binder could do on those sheets till he got them all in?

Answer. He could fold them from the flat sheet to the form of this I hold in my hand.

Question. Is that a matter of comparatively slight labor?

Answer. I should judge it was.

Question. If he had had, up to the first of January, eighteen hundred and eighty, forty-eight pages, could it have taken many days' work to have folded those?

Answer. I should think not.

Question. So that really he had not entered into any extent of the work of the second part, the Appendix or Abstract of the Report of eighteen hundred and seventy-eight, on the first day of January, eighteen hundred and eighty?

Answer. He had not.

Question. So far as the first part of that report of that year goes, his letter of June discloses the condition that was in, so that by both the condition of the whole work is shown?

Answer. I think so, to any one that can understand work of this kind.

BY MR. INGALLS :

Question. About how many pages would this whole Abstract make?

Answer. It has usually made about half the completed volume. The Abstract for eighteen hundred and seventy-eight would have been very much less than usual.

Question. I show you paper "Exhibit 31, G. D. B., Clerk of Committee." Do you know S. L. Goodale's hand writing?

Answer. I do.

Question. Look at the two papers, "Exhibit 31, G. D. B., Clerk of Committee," and "Exhibit 32, G. D. B., Clerk of Committee," and see if you recognize them as letters of Cameron to Goodale, and Goodale's reply?

Answer. Yes, I think I recognize them both.

MARCH 9, 1880, P. M.

GEORGE G. STACY, *sworn and examined.*

By MR. STROUT :

Question. Residence?*Answer.* I don't know whether my residence is Portland or Paris. A part of my household furniture is in Paris ; my family is in Portland ; I am stopping here temporarily.*Question.* What office did you hold for the year ending with January, eighteen hundred and eighty?*Answer.* State Librarian.*Question.* When did you enter upon the discharge of the duties of that office?*Answer.* I think about the middle of February, eighteen hundred and seventy-nine. My commission was for the term of three years unless sooner removed. I served from about the middle of February till the twenty-sixth of January, eighteen hundred and eighty.*Question.* That is, you were "*sooner removed?*"*Answer.* Yes.*Question.* State what salary you received as Librarian?*Answer.* Six hundred dollars. For distributing documents, and extra services, I think I received two hundred seventy-one, or two hundred sixty-nine dollars, or somewhere thereabouts. The account on file in the Secretary of State's office will show the amount.*Question.* During that time did you take the "*Evening Advertiser?*"*Answer.* I took it, and it came to the Library at the same time, evening or morning. It was there before I went there.*Question.* How many copies of the "*Daily Advertiser?*" did you take?*Answer.* There was a copy came to the Library and one to me on my own account. I had taken it for years—I do not know but ten ; I think Mr. Richardson has sent it to me ever since it was published.*Question.* Did you take any copy or copies of the "*Boston?*" or "*New York Herald?*"*Answer.* Not at the Library ; I supplied the "*Advertiser.*" Copies of the papers—I think every one, or nearly every one sent to the office—are incomplete, imperfect. The numbers stray away. I supplied some through Mr. Caldwell, who is generally very careful about pre-

serving the numbers ; I know when I was there in the Library from eighteen hundred and sixty-one to eighteen hundred and sixty-eight, every year he supplied more or less of those numbers.

Question. Did you take any copies of the "Herald" as State Librarian?

Answer. No, sir.

Question. "New York" or "Boston Herald"?

Answer. No.

Question. Or any "Herald"?

Answer. No.

Question. Did you take any copies of the "Maine Standard"?

Answer. No, sir. I do not know but the latter part of the year it might have been sent there ; I took it myself, and for years.

Question. Did you take any unbound copies of the "Maine Standard"?

Answer. The copies sent in the last of my being there but not before.

Question. Did you take any copies of the "Commercial Bulletin"?

Answer. Not for the Library.

Question. Did you for the State in any capacity?

Answer. No, sir.

Question. Did you take any copies of the "Maine State Press"?

Answer. No, sir ; the "Daily Press" was sent to the Library. There were missing numbers and I could not have it bound.

Question. Examine the two exhibits, the report and the account attached to "*Exhibit 33, G. D. B., Clerk of Committee,*" and state whether or not it was a report drawn in your favor, and whether the copy of the account is a proper voucher for it?

Answer. This is my account ; I do not know anything about the report.

Question. Is the account in your hand writing?

Answer. Yes.

Question. I find by the report that the Standing Committee on State Library state, "*that they have examined said account and find the same correctly cast, leaving a balance in the hands of said Stacy of \$47.46.*" Isn't that the amount that is mentioned in the account as the balance due you?

Answer. No ; it is due the State from me.

Question. Have you any doubt that those two documents came together ?

Answer. I cannot tell you ; I have not the remotest idea as to the report.

Question. Did you ever put in any other account where there was a balance due of forty-seven dollars and forty-six cents ?

Answer. I think not ; I do not remember that I ever did.

Question. I find you charge the State, for eighteen hundred and seventy-nine, to amount paid for copies of "Daily Advertiser," twenty-four dollars.

Answer. That is correct. That is for five volumes furnished bound, in the Library.

Question. What was that ?

Answer. "Portland Daily Advertiser," to make up the set. The same thing was continued for eighteen hundred and seventy-nine. This was prior to eighteen hundred and seventy-nine, I think.

Question. Three copies of the "Herald?"

Answer. Yes, the same of the "Bulletin" and of the "Press."

Question. One bound copy of the "Maine Standard," three dollars ?

Answer. Yes.

Question. Unbound "Standard," four copies, eight dollars ?

Answer. Yes ; I think that was to complete a set.

Question. Two copies of "Commercial Bulletin," eight dollars ?

Answer. Yes.

Question. Six copies of "Maine State Press," eighteen dollars ?

Answer. That is correct.

Question. Do you say in each instance you paid out that amount ?

Answer. Yes. They are placed in the Library. The book-binder will testify they were delivered to the Library, and are there to-day, unless they have been taken out since I left.

Question. I understood you to say that those were separate copies ?

Answer. Separate copies of prior dates.

Question. Bound up ?

Answer. Yes.

Question. Not copies that were taken ?

Answer. No ; but they were bound up.

Question. We have a telegram, in answer to inquiries, from Mr. Pullen. "*Portland Me., Feb. 19, 1880. To Hon. Andrew Hawes. Stacy had no papers and paid for none during last year nor for many years past. Stanley Pullen.*"

Answer. That is correct, the prior numbers. The papers were

all prior dates, and they were paid for ; I had no dealings with Pullen for the year eighteen hundred and seventy-nine.

Question. Was there a bill rendered and paid and receipted from the "Press" office, of those papers?

Answer. No, I think not.

Question. With whom did you make the contract for the purchase?

Answer. I have taken the "Press," I think, ever since it was established, and those papers were sent to me and I put them in the Library ; had them bound up at the expense of the State, and had them put into the Library and charged to the State.

Question. They were old papers you had on hand?

Answer. They were papers of prior date to eighteen hundred and seventy-nine that I had, that I owned, that were paid for prior to eighteen hundred and seventy-nine, but the copies were not bound till last year.

Question. I have here a letter from "Boston Herald." "*Boston, Feb'y 21st, 1880. Andrew Hawes, Esq. Dear Sir. Yours of the 18th is at hand. We have been unable to find any payment from G. G. Stacy or any papers sent during last year. Hoping this will prove satisfactory, we remain, yours, R. M. Pulsifer & Co.*"

Answer. That is correct. There is no paper charged last year to the Library. They were of prior date.

Question. Do I understand you that those copies of papers were papers that you had come to you personally, before that?

Answer. Yes, that is the correct version and the truth about it.

Question. Did you own them?

Answer. I did.

Question. Were they all of the same year?

Answer. Different years ; different papers were of different years. There were several kinds—"Herald," "Press," "Advertiser," "Standard," and I do not know whether any more or not ; but the account is correct.

Question. Then they are not papers that you had taken and paid for while you were Librarian?

Answer. No, sir.

Question. Old papers which you owned personally and put into the Library?

Answer. Yes.

Question. Is the same true of the "Commercial Bulletin?"

Answer. Yes, sir.

Question. I have here an answer to a letter sent the "Commercial Bulletin": "*Boston, Feb. 21, 1880. Mr. Andrew Hawes, Augusta, Me. Dear Sir: Yours of 19th at hand. In reply would say that one G. G. Stacy was a subscriber to the Bulletin from April 5, 1873, to Nov. 21, 1876, for which was paid us \$14.50. Yours truly, Curtis Guild & Co.*" Was that the "Bulletin" you put into the Library?

Answer. It is a portion of it; I do not know how much I put in. This account specifies, and the volumes are there to show for themselves. This account was made up according to the fact.

Question. Is that true of the "Daily Advertiser"?

Answer. Yes.

Question. "Daily Portland Advertiser"?

Answer. Yes. The "Boston Advertiser" was made up by Mr. Caldwell, I think.

Question. When was it you had taken these papers?

Answer. I don't remember the dates.

Question. You had kept files of them?

Answer. Yes, carefully; I do nearly all the papers I take, and if I lack one I generally supply it and have it perfect.

Question. Did you charge for these papers the same amount that you would for new papers?

Answer. Yes, the same amount I paid, I think.

Question. I find in an account rendered by yourself that I show you, marked "*Exhibit 34, G. D. B., Clerk of Committee,*" an item under the year eighteen hundred and seventy-nine, "*Amount paid E. S. Tobie, \$292.*"

Answer. I can answer that without looking, and the vouchers were filed, and I have another in the hands of the Council at the present time; that was paid for postage stamps of different denominations, which were put on to documents sent to different States and towns, and individuals, instead of sending by express, as usual. We weighed them and found we could send them for nearly half as much as by express. Large packages weighing four pounds, we couldn't send by mail, and they were sent by express. In all cases where we sent them we prepaid them. The most of them are sent to the Library in that way from different States.

Question. Look at the account shown you, and state whether it is in your hand writing?

Answer. Yes.

Question. Did you get these postage stamps at one time?

Answer. No; I think I got them at two different times, and two vouchers were placed in the hands of the Council at the time the account was rendered.

Question. I find charged here, "*For distributing documents and exchanges for eighteen hundred and seventy-eight and nine, \$269.*"

Answer. Yes. Every Librarian that has had a commission since the office was created has received two hundred dollars a year for the distribution of documents and exchanges, and the year prior my predecessor hadn't distributed them. They did not get in, in time, or something. I distributed them for nearly two whole years; I made an account; I talked with the Council about it and told them how the matter stood, and instead of charging four hundred dollars as I should have been entitled to if I had claimed it under the practice, I charged two hundred and sixty-nine dollars, if those are the figures; whatever is charged in the account I claimed for services in distributing these documents, and it was granted.

Question. This two hundred and sixty-nine dollars is for personal services?

Answer. Yes. It covered the year eighteen hundred and seventy-nine and the year previous.

Question. What was the nature of the documents distributed?

Answer. The Laws, Agricultural Report, Law Reports, Journals, Year Book; and those years we had the "Maine Historical, Vol. 2," I think, and three large volumes of what we call public reports, made by the heads of departments, and Legislative documents. All that are published by the State we distribute to the different States and institutions, then we distribute to towns.

Question. For which you charged extra, over and above your salary or compensation as Librarian?

Answer. Yes. That has been the practice always.

Question. What other emoluments or perquisites did you receive?

Answer. I do not know that I received a dollar. My account shows I have overpaid about six or seven dollars. The State owes me six or seven dollars. The sum appropriated was five hundred dollars. My predecessor expended thirty or forty dollars, and a warrant was drawn for me for the balance, I do not remember how much, but four hundred dollars and something. I do not know whether I received any other emoluments or not, but all my accounts are in the hands of the Council.

Question. Was the whole appropriation exhausted?

Answer. Yes. Before I got any, debts were paid out of it.

Question. Besides this item of two hundred and sixty-nine dollars, exclusive of that were there regular contract prices with the express company for the transportation of matters of the State?

Answer. I never knew there was ; I was there a good many years, and they have always charged what they had a mind to. I have known them to charge seventeen hundred dollars a year. I think last year the expense was less than four hundred dollars, on account of the change in the mode of sending. I think eight hundred dollars was appropriated, and I received four hundred dollars for different purposes specified in the bill, and the balance of it—I never knew what became of it.

HERBERT D. GETCHELL, *sworn and examined.*

By MR. STROUT :

Question. Where do you reside?

Answer. Augusta.

Question. What is your business?

Answer. I am stopping in Massachusetts, keeping books for the Tremont Nail Company ; but my folks live here.

Question. Had you any connection with the transaction of the purchase of a carpet of Dr. Lancaster?

Answer. Yes, sir.

Question. Who first mentioned the matter to you?

Answer. Mrs. Kelloch, of Augusta.

Question. What is her business?

Answer. Dress-maker.

Question. Was that your first connection with it?

Answer. Yes ; I carried my mother down to have a dress cut, and she mentioned the matter to her.

Question. What did she say?

Answer. My mother mentioned she had got to get new carpets, and Mrs. Kelloch mentioned there was one at the State House that was left over ; they had too much for the Library, she said, and Dr. Lancaster gave her the refusal of this carpet, and she had concluded to get a cheaper one, and would let my mother have this one, if she wanted it ; I drove to the State House, and Dr. Lancaster said I could have it ; I bought it.

Question. Did you look at it?

Answer. Yes, sir.

Question. Where was it?

Answer. It was out near the Pension Office.

Question. In what room?

Answer. In the hall just at the foot of the stairs, as you come from the Senate Chamber.

Question. Rolled up?

Answer. Yes.

Question. Anything around it?

Answer. No.

Question. New or old?

Answer. It was new carpeting.

Question. How many yards did you buy?

Answer. Thirty-one yards.

Question. Of whom did you buy that?

Answer. Dr. Lancaster.

Question. Dr. Lancaster at that time was Superintendent of Public Buildings?

Answer. Yes.

Question. Do you know anything about there being a similar carpet anywhere in the building?

Answer. There is one in the Library like it.

Question. Have you seen it?

Answer. No. [Witness leaves Committee Room to examine the Library carpet, at request of Mr. Strout, and soon returns.]

Question. Have you examined the carpet in the Library?

Answer. I have.

Question. State whether or not it is the same as the carpeting you bought?

Answer. Yes.

Question. The same pattern, and same class of goods?

Answer. Yes.

Question. What did you pay per yard for the carpeting?

Answer. Seventy-five cents.

Question. What did Dr. Lancaster say to you about this carpeting?

Answer. He said they bought it for the Library, and had too much,—had this left over—and he was going to sell it to somebody, and said I could have it. He said there was not enough for anything else.

Question. I show you bill of two hundred and eighty-five yards of Tapestry carpeting, at seventy-two cents a yard, two hundred five dollars and twenty cents, bought of Marrett, Bailey and Company, and received by them. [Mr. Strout passes bill to witness.] State whether or not that answers the description of the carpeting which you bought of Dr. Lancaster?

Answer. I cannot say this is the same, but it was Tapestry carpeting; I gave seventy-five cents for it, and I think he told me that is what he paid for it. He was to let me have it, I think, at what the State paid for it.

Question. What time was it you made the purchase of him?

Answer. About the first of October; I cannot say certain what date.

By MR. STRICKLAND :

Question. This is the price in Portland, with three cents added?

Answer. I think that was it. He charged me for the express or freight, I think.

By MR. STROUT :

Question. Did you take the carpet to your house?

Answer. Yes.

Question. And paid him the money personally?

Answer. Yes. He measured the carpet right out by the fountain in the State House.

Question. He measured it?

Answer. No; Mr. Woodman measured it.

Question. Who was he?

Answer. A man who worked here; do not know what he did,—but a watchman or something of the kind. [Witness leaves committee-room and subsequently returns.] I find, upon examination, that the price I paid for the carpeting was seventy-two cents instead of seventy-five.

MARCH 17, 1880, A. M.

BRADFORD F. LANCASTER, *sworn and examined.*

By MR. STROUT :

Question. Residence?

Answer. Augusta.

Question. Business?

Answer. Dentistry has been my business.

Question. You were formerly Superintendent of Public Buildings?

Answer. I was.

Question. Were you under Governor Garcelon?

Answer. I was.

Question. When did you last see Governor Garcelon?

Answer. I saw him night before last.

Question. Where?

Answer. At his room at the Augusta House.

Question. Did you go there voluntarily or did he send?

Answer. He sent for me.

Question. Where were you when he sent for you?

Answer. At home.

Question. What message did he send to you?

Answer. That he wanted to see me; I went to his room.

Question. Anybody there present?

Answer. Mr. Ingalls was present; I think he only stopped a moment.

Question. After you went there did you talk about these vouchers?

Answer. We did.

Question. Whether or not pen and ink were sent for?

Answer. They were.

Question. At whose request?

Answer. I think I sent for them.

Question. At whose suggestion were they sent for?

Answer. I do not know as I can remember. We talked matters over some time and we finally concluded we needed pen and ink.

Question. And sent for them?

Answer. Yes.

Question. Did you send for paper or did you have paper with you?

Answer. I think we sent for paper; I know, in fact, that paper came with the pen and ink.

Question. Did you write any voucher or vouchers for Governor Garcelon?

Answer. I did.

Question. How many?

Answer. I copied one that was written with pencil, and wrote one.

Question. Wrote one new one?

Answer. Yes.

Question. For how much?

Answer. I think about three hundred dollars, the new one.

Question. That was the voucher of three hundred dollars?

Answer. I think so ; I am not certain.

Question. At what time did you date it?

Answer. I do not remember the date.

Question. Was it dated the day it was written?

Answer. No, sir.

Question. Ante dated?

Answer. Yes, sir ; it bore the same date that I drew the money.

Question. What did you do with those vouchers?

Answer. I gave them to the Governor.

Question. Did the Governor have any vouchers there present beside those?

Answer. My impression is he did ; I think he did.

Question. He had some vouchers you had previously given him?

Answer. Yes, sir ; I am not certain whether he had them with him at that time or not.

Question. Think a moment.

Answer. I remember he had an account of money he had paid me from time to time, in his memorandum ; I looked it over and found it to be correct.

Question. How did you know what new vouchers to give if he did not have his vouchers present?

Answer. I remembered that at one time I drew money and did not give him any voucher.

Question. When did you draw that three hundred dollars?

Answer. I think that was the last money I drew.

Question. When was that?

Answer. I should say perhaps four or five weeks ago.

Question. Was it after Governor Garcelon's term of office had expired?

Answer. Yes, sir.

Question. How many days?

Answer. My impression now is that it was some little time after.

Question. Two or three weeks?

Answer. I should think as long as that.

Question. Where were you?

Answer. I went to Lewiston.

Question. For that purpose?

Answer. Yes.

Question. Did you know he had money of the State in his hands?

Answer. No.

Question. How came you to go to Lewiston?

Answer. I knew that he had money; I have no means of knowing how he came to have this money; I only knew that he had money, —knew he had had money, and supposed he might have some then.

Question. What led you to suppose he might have money?

Answer. He told me, in December, to make out the bills, the number of days each man was on duty, and the amount each man should have, and furnish him from time time, and he would give me the money to pay them with; I had no means of knowing how he came by this money. It was talked in December of raising money by private subscription to defray the extra expenses of a police force.

Question. Who talked that?

Answer. Fusionists.

Question. Which one of them?

Answer. A number.

Question. Such as whom?

Answer. I do not know as I remember now; perhaps I might think.

Question. Upon your oath, state.

Answer. I guess I can think of some, in time. I think quite a number spoke about raising money by subscription.

Question. Prominent politicians?

Answer. Yes.

Question. Here in Augusta?

Answer. Yes, sir.

Question. Any outside of Augusta?

Answer. My impression is I talked with quite a number; I told them these men would look to me for their pay, and some provision should be made to keep them, and I wanted it understood these men were to be paid if I had anything to do with it; and they said they should be paid if they had to raise money by private subscription.

Question. Whom did you talk with about that?

Answer. I cannot recollect. If I can recollect I will tell you; I have talked with so many different men about so many different things I have difficulty in remembering; I do not want to implicate anybody who is not guilty, and I do not seem to know of anybody; I know that suggestions were made by quite a number.

Question. Mr. Pillsbury?

Answer. I do know that I ever mentioned it to Mr. Pillsbury.

Question. You say you cannot remember who they were?

Answer. No; if I can think of any, I will tell. There is nothing, so far as I am concerned, to conceal in the matter.

Question. Finally that plan was given up?

Answer. I should judge so by what I have since learned.

Question. Instead of raising money by private means, it was taken in advance from the State Treasury, and held by Governor Garcelon?

Answer. I presume so; I have not any doubt of it now.

Question. You did not know it at the time?

Answer. No.

Question. The law allows you two watchmen?

Answer. Yes.

Question. The statute was passed by the Fusion Legislature of eighteen hundred and seventy-nine?

Answer. Yes.

Question. One of the economic measures?

Answer. Yes.

Question. When did you first increase the force?

Answer. I think on or about the seventeenth of November,—I think about the eighteenth.

Question. To how many, did you increase it?

Answer. I think to fifteen.

Question. You put fifteen men into the State House?

Answer. I think so.

Question. Where did you get them?

Answer. The most of them—or a large number—were residents of this city; some of them came from other places.

Question. Some from Waterville?

Answer. Possibly some might have been from Waterville.

Question. Where did they come, in the first instance, to you or Captain Black?

Answer. Some came directly to me, and others came to Captain Black and other leading Fusionists, and they sent them up.

Question. You have seen a roll of enlistment of certain men,—what is known as Captain Black's roll?

Answer. My impression is I have seen a paper of that kind; I do not really know as they enlisted.

Question. It was a roll, and an oath was administered?

Answer. Yes ; I think I took the oath myself.

Question. That oath was what?

Answer. To obey the Laws and Constitution of the State.

Question. And the orders of Captain Black?

Answer. No.

Question. Was there nothing of that kind?

Answer. I think not ; I did not take such an oath.

Question. There was such a roll?

Answer. I think not ; I think I signed the Captain Black roll ; I think it was "The orders of the Governor" instead of "the orders of Captain Black ;" I think we took an oath to obey the Constitution and the Laws of the State, and to obey the orders of the Governor.

Question. Are you sure it was the orders of the Governor?

Answer. Yes ; that is the oath I took.

Question. You do not know what the others took?

Answer. No.

Question. You had about fifteen men ; did those men increase in number?

Answer. Yes, sir.

Question. To what extent?

Answer. My impression is at one time we had as many as seventy-five men on.

Question. They were enlisted from time to time?

Answer. I do not know that they were enlisted.

Question. Did you employ them or did Captain Black?

Answer. Captain Black sent some of them. The men I had on duty here I put on under direction of Governor Garcelon and General Chamberlain.

Question. Those that Captain Black sent here—do you know who authorized it?

Answer. I cannot say I know of my own knowledge who authorized it.

Question. Do you remember the time when the arms came from Bangor here?

Answer. Yes.

Question. Where were they put?

Answer. They were put in different places ; they were changed around from one place to another.

Question. Why was that?

Answer. General Chamberlain, after he came here, ordered them put in the back Library.

Question. Where were they before that?

Answer. At one time we had some of them in a Committee Room; my impression is we had some of them under the Adjutant General's room.

Question. What ones did you have in a Committee Room?

Answer. Some of the Bangor arms, I think, at one time.

Question. Some of the breech-loading rifles?

Answer. Yes.

Question. In what Committee Room were they put?

Answer. I guess number seven, at one time.

Question. What is that used for ordinarily?

Answer. Any committee.

Question. Not a special Committee Room?

Answer. No.

Question. They were moved about from place to place, distributed over the building?

Answer. Yes; we had to put them out of the way somewhere, and really there was no convenient place for them. When General Chamberlain came he ordered them put in the back Library, and a guard put over them.

Question. And those were taken out at night and put away by day; what is your understanding about that?

Answer. Some of them were taken out—I guess one or two—or a few, nights.

Question. What do you know about the men drilling with these arms?

Answer. I do not think I ever saw them drill. The most I saw, I saw them march down, and saw the guard posted.

Question. You have no doubt they did drill, from information you received?

Answer. I do not know of my own knowledge that they did; I heard they did, but I remonstrated against any military demonstration, so far as I was concerned.

Question. With whom did you remonstrate against their drilling?

Answer. I remember of speaking to Mr. Hall, once, and telling him I thought it was not proper to have any military demonstration; and, so far as I was concerned, I should rather they would not.

Question. You were Superintendent of the building?

Answer. Yes.

Question. When you went away at night, in whose charge did you leave these men?

Answer. Captain Black's, I think, a part of the time, and Major Folsom's and Major Channing's.

Question. The drilling with these arms was done all by their orders?

Answer. I cannot state, because I do not know that they ever drilled. The only military demonstration I saw was the men marching down; I saw them posted as they usually post them in the army.

Question. Why did you remonstrate against drilling?

Answer. I remonstrated against any military demonstration at all; did not like to have them have the arms.

Question. They did have them?

Answer. Yes, I think they did have them a few nights; in fact I know they did.

Question. Tell us about the guns that were found loaded with nails and cut lead?

Answer. I did not know that there were any loaded with nails; I knew there were some loaded with cut lead; I was told there were.

Question. Where were they put?

Answer. I think they were put in the room under the Adjutant General's office.

Question. How many?

Answer. Very few.

Question. Fifteen or twenty pieces?

Answer. I should think not as many; I do not think we had that number in use.

Question. When were they loaded with cut lead?

Answer. I should say that was about the time they undertook to move the arms through Bangor; I think on that very night.

Question. Those arms were loaded with cut lead?

Answer. Yes, sir.

Question. Were they kept loaded up to the time of the sitting of the Legislature?

Answer. Yes; but they were not in use.

Question. They were kept loaded?

Answer. I do not think they were unloaded.

Question. They were stored there when the Representatives of the

people met in this Hall [House of Representatives] to organize the present Legislature?

Answer. Yes, they were put out of the way, under lock and key.

Question. Where did those arms that were loaded with cut lead come from?

Answer. They were arms that have been here since J came here, —in the State House—and I guess since the war.

Question. Were they arms that were deposited here by soldiers who fought in the war?

Answer. I should judge so. They were Springfield and Enfield rifles, I think.

Question. Do you know by whose orders they were loaded?

Answer. Yes; they were loaded by my orders, I think.

Question. Did you not think it was an extraordinary proceeding to take the rifles that were carried by the soldiers, in defense of their country, and load them with cut lead, to be used upon the people of this State?

Answer. We did not intend to use them unless an attempt was made to capture the State House.

Question. What did you load them for if you did not intend to use them?

Answer. We loaded them in case an attempt was made. Rumors were afloat that they intended to capture the State House.

Question. Did you help cut the lead?

Answer. No.

Question. Who did?

Answer. I do not know, but some of the men here.

Question. Some in your employ?

Answer. Yes; some of the men put on duty by order of Governor Garcelon. We always have loaded pieces in the State House.

Question. Do you know of any authority which authorized you, not being commander-in-chief or in military authority, to employ men to load guns with cut lead and keep them here?

Answer. I know that the Superintendent of Public Buildings has always had men on duty, and I know they have always been armed.

Question. Do you know of any law which authorized you to do that?

Answer. No.

Question. Did the Governor authorize you to do it?

Answer. Yes, sir.

Question. He authorized you to have those guns loaded with cut lead?

Answer. Not with cut lead.

Question. Did he authorize you to have loaded guns here?

Answer. Yes.

Question. Verbal authority?

Answer. Yes, sir.

Question. Governor Garcelon authorized that?

Answer. Yes.

Question. Did you have fixed ammunition brought from Boston?

Answer. Ammunition came with the pieces.

Question. The boxes came with the pieces?

Answer. Yes, sir.

Question. Were they opened?

Answer. Yes, sir.

Question. And the ammunition was exposed?

Answer. Yes.

Question. Were the pieces loaded that came from Bangor, any of them?

Answer. I do not know whether those were loaded or not.

Question. Do you not know they were?

Answer. I cannot say I do; I heard they were.

Question. Have you any doubt they were?

Answer. They might have been, and might not. I do not know they were; I never saw them loaded; I never saw anybody load them and never examined to see. I heard that they loaded them.

Question. From whom did you hear that?

Answer. I guess I saw it in the "Kennebec Journal."

Question. Did you have to go to the "Kennebec Journal" for your information as to what was going on in the State House?

Answer. I never regarded it as a very reliable source.

Question. They were so found when they were taken away?

Answer. I cannot say; I do not know of my own knowledge whether they were loaded or not.

Question. Do you remember when General Chamberlain gave the order sending a part or the whole of these men away?

Answer. I do.

Question. Do you remember when General Chamberlain gave the order that only three men at one time should be allowed up in the Library, or where the arms were?

Answer. I do not know as I remember.

Question. Do you say you do not?

Answer. I do not, at the present time.

Question. After men had been ordered away from where those arms were, did you not send them back up there?

Answer. No, sir. All the men I sent into that Library I sent by order of General Chamberlain.

Question. Did you send men in any other place in that vicinity—in the upper part of the building—that were not ordered there by General Chamberlain?

Answer. No; I never sent any except by his orders.

Question. Is it not true that there were men up in the vicinity of those arms, sent there at the time when the session of the Legislature commenced, in January last?

Answer. I did not know there were any men there after the guns were sent away. Men were up there on guard over the guns.

Question. Was there not an organized force of men sent up there before the guns were sent away, who were not put on guard over the guns,—some ten, fifteen or twenty men?

Answer. After General Chamberlain came here?

Question. Yes.

Answer. Not to my knowledge.

Question. Have you any doubt there was?

Answer. I have no means of knowing; I do not remember of having been in the Library but twice, then I think I went up with General Brown and some one else.

Question. Were you not so informed?

Answer. I heard there were men there on duty, six or eight; I never saw them; I saw a few there.

Question. Do you know who they were?

Answer. No.

Question. Did you know the character of those men employed in the State House?

Answer. Not of my own knowledge,—only what I had heard.

Question. You had heard?

Answer. Yes.

Question. [Mr. Strout passes witness a list of eleven names.] Run your eye over the list furnished you. Have you any doubt that the men named in that list as having been in State Prison, and County Jail, were on duty in this building as a police force?

Answer. I have no means of knowing whether they were or not ; I think I have heard, and I think I can say I know, that Johnson,—either this one or his brother,—was in State Prison,—I have not any doubt about that,—and was pardoned out.

Question. Did you permit men to come into this building whose character you did not know ?

Answer. These men came recommended.

Question. By whom recommended ?

Answer. I cannot say. They were recommended by different persons. Some of them brought letters of recommendation.

Question. As Superintendent of Public Buildings, did you permit men to come in here where the public property was exposed, of whose character and history you knew nothing ?

Answer. If there were any such men here I could not prevent it, any more than I could those who were here who drank seventeen bottles of whisky ?

Question. Did you know what the character of the men on guard here was ?

Answer. No ; it was impossible for me to know them personally ; I only knew them by what others said of them.

Question. What others recommended them ?

Answer. They were recommended by different persons ; Captain Black recommended some, Doctor Martin and Colonel Morton some.

Question. Did Mr. Fogg recommend any ?

Answer. He recommended one, think his name isn't on this list,—Haskell.

Question. Did you pay him for services ?

Answer. Yes, sir ; he was paid at two or three different times ; he was not paid in full the first time ; he was paid for what time he had been on duty then, and subsequent to that he was paid for his services while here.

Question. You forbade the removal of those arms to Bangor ?

Answer. Yes, sir.

Question. You forbade General Chamberlain taking them out of the building ?

Answer. Yes, sir.

Question. Why did you do that ?

Answer. I thought they were under my charge at that time.

Question. Were you a military officer of the State ?

Answer. No, sir.

Question. Had you any control of the military force of the State?

Answer. No; but I thought I had control of the property.

Question. You were quite excited?

Answer. I guess I was. It was an exciting time. I supposed I might be held responsible in case they were lost.

Question. How long was that after the people assembled to commence a Legislature that the arms were removed?

Answer. My impression is the arms were removed before the Legislature met; I will not say as to that.

Question. You are wrong.

Answer. I may be; I do not remember; I remember the time they were removed that Major Brown took me into the Library and told me what he was going to do. I forbade it.

Question. Was it not on Saturday after the Legislature met on Wednesday?

Answer. It might have been.

Question. I mean when the members elect met for the purpose of organization?

Answer. I guess it was after that; but my impression is it was before the present Legislature met.

Question. I understand you that this receipt that you made for Governor Garcelon night before last for three hundred dollars, was for money you received from him?

Answer. Yes, and did not receipt for at the time.

Question. Was that money that you paid out to any party?

Answer. Yes, sir.

Question. I want to show you a Pay Roll dated, "*Augusta, Jan. 7, 1880. Received of B. F. Lancaster, Superintendent of Public Buildings, by the hand of S. D. Leavitt, the sum set against our name in full for services as watchmen at State House.*" [Mr. Strout passes roll to witness.] Run your eye over that Roll and state to me whether you had any men in your employ whose names do not appear on that Roll?

Answer. Can you tell me the number of men on this Roll?

Question. One hundred and nine, I am informed. Run your eye over that Roll; and here is also a Roll headed "*Received of B. F. Lancaster, by the hand of S. D. Leavitt, ninety-two dollars and twenty-five cents, in full for amounts due,*" [Mr. Strout passes Roll last referred to, to witness,] and state whether you had any men whose names do not appear on one of these Rolls?

Answer. It would be impossible for me to do that, because I should have to keep them all in my head. My impression is there is quite a number of names not on this Roll.

Question. Can you state?

Answer. No; I know but very few of these men.

Question. How many men did you have in your employ in all?

Answer. I should think perhaps from a hundred to a hundred and fifty; not at one time, but at different times.

Question. Take them altogether?

Answer. Yes.

Question. Can you testify you had any other men except those whose names appear to be paid in full on that receipted Roll which you have just examined?

Answer. Yes, sir.

Question. Who?

Answer. I think there are quite a number whose names are not on there, but I do not really remember. They are most all strangers to me.

Question. Do your one hundred and fifty include those on there?

Answer. Yes.

Question. Did you have twenty-five men whose names do not appear on that Roll, as paid in full?

Answer. I should think so. They were on duty after that.

Question. How many were on duty after that?

Answer. I guess we had twenty-five one night after the seventh.

Question. Before the seventh were there twenty-five men, or twenty, or ten, whose names do not appear on that Roll?

Answer. Yes.

Question. How many?

Answer. I do not know as I could state.

Question. State as near as you feel yourself justified in stating under oath?

Answer. Quite a large number whose names were not on there, that were not paid at the time that was made out. Some men came to me afterwards and told me they did not suppose they were going to get paid, but they found the rest were paid and so they put their bills in.

Question. Who has those bills?

Answer. Governor Garcelon has them.

Question. How many in all came to you after that Roll was made up?

Answer. I cannot state ; I did not keep any record of it.

Question. Were there over twenty-five?

Answer. No ; I think perhaps not, and some of those did not get pay at the time for what time they were on, and they claimed more and they were paid more.

Question. Who paid them?

Answer. I paid some of them.

Question. There appear to be one hundred and nine men on this Roll, and sixteen on the Supplemental Roll. Do not the names that appear on this second Roll comprise all those whose names did not appear on the first?

Answer. Yes ; but those men were not paid for their full term of service, any of them, at one time ; perhaps a few might have been, but the most of them were paid at different times.

Question. After that how many men were there who were employed and paid by you, not the City Police, who came in when General Chamberlain took charge, but of those irregular men who were retained and paid by you after January seventh, after Governor Garcelon's term of office expired?

Answer. I think General Chamberlain at one time directed me to reduce my force to ten. After that he told me to put on twenty-five one night ; that was when the police force was discharged. The police force was discharged, all of them, I think, at one time, one night after the seventh.

Question. How many nights did you continue to employ men, distinct from the police force of the city, after the seventh?

Answer. I do not remember ; I continued to employ them till General Chamberlain directed me to discharge them.

Question. How long after that?

Answer. I should think the tenth or eleventh of January.

Question. How many men did you employ after that time that were paid by you?

Answer. We had twenty-five on one night, but they were put on by order of General Chamberlain. He directed me to put on twenty or twenty-five, I think. We put on twenty-five.

Question. Outside of that particular night, did you ordinarily have over ten on duty?

Answer. No ; I should think not. One or two nights I guess we did ; I guess the eighth and ninth we had more than that.

Question. Would it average over ten?

Answer. I should say it would. They were on day and night. We had more on at night than day.

Question. Would it average over fifteen?

Answer. We had so many different men and changed our number so often it is impossible to remember.

Question. Give your best recollection?

Answer. I should say we had more than that on an average after January seventh.

Question. Up to the tenth?

Answer. Yes.

Question. How many?

Answer. Perhaps we had fifteen or eighteen; should think it would average that.

Question. Those fifteen or eighteen men you had there for three days, from the seventh to the tenth?

Answer. Yes; I think it was on or about the tenth that General Chamberlain directed me to discharge them all, and I did so.

Question. You did not employ any men after that?

Answer. No, sir.

Question. And were not responsible for any?

Answer. No; excepting the regular watchmen.

Question. What did you pay those men?

Answer. We paid them different prices.

Question. Upon an average how much did it cost?

Answer. Do you mean day and night?

Question. Yes.

Answer. The lowest we paid them was two dollars. Some of them had as high as five dollars.

Question. What would be the average you paid those men, day and night?

Answer. The most of them had two dollars.

Question. Would it average over three dollars?

Answer. No, I should not think it would.

Question. Eighteen at three dollars would make fifty-four dollars, and for three days it would be one hundred and sixty-two dollars. Did you pay out over two hundred dollars for men employed after the seventh?

Answer. Yes, sir. There were men who had served previous to the seventh, and had not received their pay, and received it after.

Question. Have you any idea how many that was?

Answer. I should think perhaps fifteen or twenty, perhaps not so many.

Question. How many days did you pay?

Answer. Two to ten days.

Question. They would average how many days?

Answer. From five to six, I should think.

Question. You paid them upon an average of about three dollars each?

Answer. I should hardly think we paid them as much as that.

Question. Two dollars fifty?

Answer. Perhaps so.

Question. That would amount to about two hundred and fifty dollars. What did you do with all the rest of the money that Governor Garcelon says he paid into your hands? It appears that this Roll was paid, the men were paid up to January seventh, by Mr. Leavitt through you. What did you do with the nearly two thousand dollars which Governor Garcelon says he paid you?

Answer. I paid every dollar of it to the men whose names I gave Governor Garcelon, and he has a list of them now, I presume; I gave it to him, and gave him the number of days they were on duty.

Question. Were they doubly paid?

Answer. I do not know anything about that list. [Witness points to Roll already shown him.]

Question. You say you do not know anything about this list which says upon the face "*Received of B. F. Lancaster, Superintendent of Public Buildings, by the hand of S. D. Leavitt?*"

Answer. I do not know to whom he paid that money.

Question. Do you not know anything about the payment of it?

Answer. I do not know whom he paid it to; I have no doubt he paid some of the men, or supposed so.

Question. This appears to be a receipt in full?

Answer. Yes.

Question. Why did you pay them over again?

Answer. Some had not been paid.

Question. You said the whole number did not exceed twenty-five?

Answer. To the best of my recollection.

Question. That would account for only about two hundred and fifty dollars. What became of the balance?

Answer. A great many men were paid and we took receipts.

They were paid quite large sums, perhaps fifty to seventy-five dollars apiece.

Question. Can you give no better account of that money than what you have stated to the Committee?

Answer. I gave Governor Garcelon an account of every dollar, that is, every man I paid.

Question. Did you have any talk with Governor Garcelon about this matter when you met him at his room night before last?

Answer. Yes.

Question. Did he say he had the Rolls or a list of the men you paid?

Answer. I do not think I asked him.

Question. Did not talk that over?

Answer. No. We did not say anything about the Rolls.

Question. Did you talk over about the men you had paid, or that you had paid any money to these men?

Answer. I think he asked me something about by whose authority the men were employed after the seventh of January.

Question. How long were you with Governor Garcelon?

Answer. I was up there some little time.

Question. An hour or two?

Answer. I might have been there an hour.

Question. Did anybody go to Lewiston with you to get this money?

Answer. No. A large number of those men on this list here I paid myself.

Question. But by the receipt it appears they received it from Mr. Leavitt?

Answer. I know I paid quite a large number, but perhaps he might have paid them and not paid them in full.

Question. Look at the signature opposite the twenty-eight dollars and fifty cents; is that your signature?

Answer. No.

Question. Who wrote it there?

Answer. I do not know.

Question. It is your name?

Answer. I see it is; I noticed my name here; I supposed it was some one else that bore the same name.

Question. Did you know of any man on police duty by your name?

Answer. No.

Question. Did you receive that twenty-eight dollars and fifty cents?

Answer. No, sir; I never received a dollar excepting what I received by the hands of Governor Garcelon.

Question. Then somebody has forged your name to that Roll; is that so?

Answer. I do not know; I notice Captain Black's name is written there a number of times.

Question. Do not those items cover money you have paid to those different men?

Answer. I presume so; I do not know what it does mean.

Question. Can you swear there were any other men whom you did pay that do not appear on that Roll?

Answer. Yes; I guess Major Channing's name is not on that Roll.

Question. I find the name of John Benson as paid up to January seventh on this Roll, and there also appears a bill, approved by you, for eighty-five dollars which Governor Garcelon says he paid on your order. Do you know what service John Benson performed here after January seventh for which he was entitled to eighty-five dollars of the State's money?

Answer. I supposed that included the whole time he was here. I was not aware that he had been paid at all.

Question. Do you mean to say you paid him in full, twice?

Answer. I did not pay him but once; I did not pay him at all, but I think I approved his bill; but I was not aware he had been paid when I approved it.

BY MR. HALE:

Question. Governor Garcelon accounts for some two thousand dollars in money paid to him, by receipts given by you to him. When the Committee adjourned on Monday he was to furnish the vouchers for all of that; you saw him after that adjournment?

Answer. Yes, sir.

Question. In the evening?

Answer. Yes, sir.

Question. And talked the matter over fully with him about these moneys that had been paid by him to you?

Answer. We talked the matter over some.

Question. Did you then see any receipts he had of yours?

Answer. I saw one written in lead pencil, and he wanted it changed to ink.

Question. After that he went home and returned with all the

receipts which he claimed he had of money paid to you, and presented them before the Committee as his vouchers; thus throwing upon you about two thousand dollars to account for. Do you present before this Committee any Roll, or any receipts, or any vouchers whatever, to account for that money?

Answer. I put them into Governor Garcelon's hands.

Question. When did you put them into his hands?

Answer. As I drew the money.

Question. During the month of January?

Answer. Yes, sir.

Question. Can you in any way account for the fact that Governor Garcelon, going home as he did for all vouchers, should not have presented those receipts, when he was giving in your receipts that threw the money on to you?

Answer. I do not know as I can.

Question. You understand, that now the money rests, by Governor Garcelon's testimony and receipts, in your hands?

Answer. I do not know; I did not hear his testimony.

Question. He has so testified, and shown the receipts, and has claimed to discharge himself by furnishing your receipts?

Answer. I furnished him with a list of men employed at the State House, the number of days on duty, and the amount each man received.

Question. You do not claim to state from memory how much that covered?

Answer. No; I gave him a receipt for all.

Question. Why should not the Governor, after he had seen you before he went home after vouchers, have produced them before the Committee?

Answer. I supposed he would produce them.

Question. Nothing of that kind has been produced. Did you keep a Roll apart from the Roll of Black?

Answer. Yes.

Question. Separate and distinct from this Roll here?

Answer. Yes. Some of them were men who were on this Roll,—most of them.

Question. Most of them were men on this Roll?

Answer. A good many. If I had known I was to be called before the Committee, I would have got that Roll from Governor Garcelon, but he told me he was responsible for the money that he paid out,

and he wanted the Roll,—a list of the men. I simply carried out his instructions.

Question. He was responsible till he turned it on to you by producing your receipts. I find on here two names,—Woodman and Longfellow?

Answer. Yes.

Question. They received special pay here?

Answer. Yes, for special services.

Question. They were in your employ at the same time, receiving their regular salary?

Answer. Yes, sir.

Question. And Mr. French's name appears. Was that Mr. French a Clerk in the Adjutant General's office?

Answer. Yes.

Question. And drawing pay as Clerk?

Answer. I presume so.

Question. At the same time a charge is made for services about the State House?

Answer. I presume he got pay for special services.

Question. Any idea what those special services were?

Answer. He stopped in the Governor's Private Room nights; to protect the returns, I think.

Question. Was there any chance of anybody getting into the Governor's Room through the hundred and fifty men you had here?

Answer. We did not have that number on.

Question. Fifty?

Answer. I guess we did not have on fifty the time I speak of. We did have two or three men on as Special Police before the eighteenth of November.

Question. This is staff duty he has charged for, after Major Folsom came here?

Answer. I have no means of knowing about that.

Question. Did you have anything to do with making up the tabulations or compilations of the returns?

Answer. No; I am not in any way responsible for that.

Question. Did you have anything to do with either the custody or treatment of them from the time they were sent to the Secretary of State's office till certificates were issued?

Answer. I never had one of them in my hand.

Question. Do you know of anybody outside the Governor and Council that had any control of them?

Answer. Only what I heard.

Question. Did you see here in Augusta, members of the Fusion party, very frequently in and out of the Council Chamber, during those weeks,—Pillsbury and others?

Answer. I do not know as I recollect of seeing Pillsbury in there.

Question. Do you not remember of seeing him frequently in and about the Capitol?

Answer. Yes; I have seen him in here.

Question. Has that not been his habit all through, up to the time of the meeting of the Legislature?

Answer. I used to see him come in here once in a while; I cannot say how frequently.

Question. You remember it as a habit?

Answer. Yes; I remember of his coming in here a few times.

By MR. STROUT:

Question. Any matter connected with any part of the investigation that you wish to testify about?

Answer. I do not know as I think of anything. [After leaving the Committee room witness returns.]

Question. If you have any further testimony to submit, the Committee will hear it?

Answer. I want to say to the Committee that a large number of men whose names are on this list here have been paid at some time by me. When this list was made out these men were not paid for their full time, and I furnished Governor Garcelon with a list of the names of men who were employed at the State House, and the number of days they were here, and the amount each man received. Now, it seems to me that the Committee, if it is desirous of having a fair and impartial investigation of this matter, as the Governor has in his possession a list of those names, it would be no more than fair—

MR. HALE. If you have any testimony we will hear it.

WITNESS. And see whether I paid them the amount indicated by this list; I have not made a final settlement with the State, and there is one carpet I sold that I have not received the pay for, and I have not drawn my salary, and I have some bills which were paid subsequent to the vouchers which I handed in; I have some more vouchers I have not put in.

Question. You have sold one carpet you have received your pay for?

Answer. Yes, sir.

Question. Has there been any minute or record or return ever made by you of the money you received for that carpet that belonged to the State, that you have sold and taken pay for?

Answer. I have a minute of it.

Question. Is there any in this State House?

Answer. No, sir.

Question. You never have left, with any person, any minute or memorandum of it?

Answer. No; I did not settle with them because there was one carpet I had not received pay for.

Question. You became aware that this Committee had ascertained you had sold such a carpet and received pay for it?

Answer. Yes.

Question. When did you become aware of it?

Answer. I saw it in the "Kennebec Journal," I think.

Question. But before you became aware of that you never made any return of that money?

Answer. No; I have not settled with the State. I have not drawn my salary.

MARCH 6, 1880, P. M.

B. EMERY PRATT, *sworn and examined.*

By MR. STROUT:

Question. What is your business?

Answer. I practice law.

Question. Your residence?

Answer. Farmington, Franklin county.

Question. Whether or not you were interested in the election on the eighth of September, eighteen hundred and seventy-nine?

Answer. Not pecuniarily or personally; I was interested in it as far as my feelings were concerned, — very much interested in it mentally.

Question. On which side?

Answer. On what is popularly called the Fusion side.

Question. Did you take part in planning for the election in the town of Farmington and adjoining towns?

Answer. Well, I think it may properly be termed so; I made some speeches in Farmington and towns adjoining.

Question. Present at the town meeting?

Answer. I was present at the town meeting at Farmington, September eighth.

Question. How long before that had you been engaged in the political canvass?

Answer. I cannot tell you how long.

Question. As near as you can?

Answer. I did not do anything till after the Democratic and Greenback conventions had been held.

Question. Then you commenced in the canvass?

Answer. I made a little speech at Farmington the day of the Democratic convention, and made a little speech after that at New Sharon, one at Industry and one at Weld; I think that is all.

Question. After the election was over how did you understand that the State had gone, so far as you could gather from the public prints?

Answer. The Fusion papers, Democratic and Greenback, claimed the State was Democratic or Fusion, as I understand it—as I recollect—and the Republican papers claimed it was Republican.

Question. I do not refer to the Governor but to the Senate and House of Representatives; how did you understand the State had gone after the election was over?

Answer. I understand that legally it went Fusion.

Question. From the public prints how did you gather the State had gone?

Answer. There were claims both ways.

Question. Were there any Fusion papers you are aware of that claimed, in the first instance, that a majority of Fusion Senators and Representatives had been elected?

Answer. I am not positive about that.

Question. Stop and refresh your recollection?

Answer. I do not think I could refresh my recollection; do not think I can remember how it was.

Question. State any Fusion paper that, within a week or ten days after election, claimed that a Fusion majority had been elected in the House and Senate?

Answer. If I read it in any paper it was the "Argus;" that is the paper I take and read. The "Argus" will speak for itself.

Question. Did you read such a claim as that in the "Argus?"

Answer. I cannot remember certainly; I think, however, that was it.

Question. Is it not a fact that for a fortnight after election it was understood from all the papers that the State had elected a majority of Republican Senators and Representatives; that, in the first instance, the Gubernatorial vote was in doubt, and afterwards that there was no election by the people?

Answer. I think, on reflection, that it was conceded that, upon the face of the returns, a majority of Senators and Representatives were Republicans; I call to memory now that there were frauds claimed on the other side which, it was claimed, would vitiate,—that it was carried by fraud and would be changed; I think that was the claim in the papers.

Question. What was the claim in relation to the county of Franklin, that it was Republican, so far as Senators and Representatives were concerned, or Fusion?

Answer. It was in doubt for some time.

Question. But, so far as the public were concerned, it was settled that the Republicans had elected them?

Answer. I cannot speak for the public; I can only speak for myself.

Question. How was it, so far as your judgment and knowledge went, on the face of the returns, by the popular vote?

Answer. I did not know how it was; I was unable to find how the returns stood.

Question. How long was it before you began to hear there might be defects in the returns and question made in regard to their legality?

Answer. I cannot tell you.

Question. State as near as you can?

Answer. I cannot recollect anything about it. I know there were such rumors.

Question. How long before you heard rumors?

Answer. My impression is it was soon after election.

Question. Within ten days?

Answer. I cannot tell you.

Question. Before the State Fair occurred at Portland?

Answer. I cannot tell you.

Question. Give your best recollection?

Answer. I have; I do not have any recollection about it; I know it seems to me soon after election I heard reports.

Question. Did you not hear such reports, according to your best recollection, from ten days to three weeks after election?

Answer. I should presume that I might; it is simply a guess.

Question. Where did you first hear such rumors?

Answer. I cannot tell you that.

Question. Did you gather it from the public prints in the first instance, or from individuals?

Answer. I think it was in the public print; I think the "Boston Globe" was one of the first papers that claimed there were irregularities.

Question. I speak of defective returns—not any irregularities in conducting the election?

Answer. I cannot tell you when; I do not know as I heard there were any defects in returns for months after the election.

Question. For months?

Answer. Yes.

Question. Do you swear you did not hear anything of that kind?

Answer. I do not swear so, but I swear I have no recollection of hearing there was any defect in the returns; I did not understand that anybody knew what was in the returns.

Question. Not for months after?

Answer. No; I think not till sometime late in November.

Question. Have you been in communication and on terms of friendship with the prominent men in the Fusion party during the past year?

Answer. I have been friendly, I think, with prominent men in the Fusion party.

Question. You are recognized as one of the leading men in the party in your section?

Answer. I do not think I am; I am a Democrat and always have been; we made a trade with the Fusion party this fall in Franklin county, and that was the first time I ever had the honor of the title of Fusionist.

Question. You have been one of the leading men of the Democratic party in your section heretofore,—an active man?

Answer. I do not think I have been an active man in politics. You may term it so. I have done but very little in politics.

Question. After the election of September eighth, when did you first personally interest yourself in connection with the election, or the parties interested, or the returns, or the method in which the election was conducted?

Answer. I was interested from before the election.

Question. After it was over?

Answer. As far as being interested, I was interested all the time.

Question. When you first commenced to do any acts or take any part in relation to what had passed in the election?

Answer. I cannot recollect; I have seen some affidavits published in the papers with my signature; I see by those dates it was about the middle of November.

Question. That is what you saw in the paper?

Answer. Yes, sir.

Question. I ask you upon your oath, when it was you first commenced to practically and actively take part in matters connected with the election which had transpired?

Answer. I cannot state.

Question. As near as you can?

Answer. Without referring to those newspaper reports which I presume are correct, I cannot give any definite answer.

Question. Did you have correspondence with prominent men at Augusta?

Answer. About that matter?

Question. Yes.

Answer. I think I wrote to Mr. Pillsbury, asking his opinion on a question of law.

Question. Did you write to any other person?

Answer. I do not think I did.

Question. When was it you wrote to Mr. Pillsbury?

Answer. I cannot state; I have the answer in my pocket.

Question. State as near as you can?

Answer. I cannot; I should say October or November.

Question. Refresh your recollection from the answer you received and state how long before that it was you wrote?

Answer. I presume it was immediately preceding that time. The answer I received from him was dated "November 7, 1879."

Question. So you think you wrote him on or about the first of November?

Answer. I should say about the fifth of November, I judge by this answer and the time it takes for mails to go.

Question. With what other person had you any correspondence, by mail?

Answer. I had correspondence with Mr. Sawyer.

Question. What Sawyer?

Answer. P. A. Sawyer.

Question. Was he Deputy Secretary of State at the time?

Answer. I understood he was.

Question. When did that correspondence commence?

Answer. I shall have to refresh my recollection by my letters. [Witness takes letters from his pocket and examines them.] I think the first correspondence I had with Mr. Sawyer, by this answer, which is dated October second, must have been the very last days of September or the first day of October.

Question. How long did your correspondence continue with him?

Answer. I do not know. [Looks at letters.] I will commence back further; I wrote to Mr. Sawyer, and have an answer from him here of thirteenth of September.

Question. In relation to these returns?

Answer. Yes, sir.

Question. Was that the first correspondence you had about the returns or connected therewith?

Answer. Yes, sir.

Question. You are quite sure of that?

Answer. Yes, I am.

Question. How long did the correspondence continue?

Answer. That letter and the other to which I have referred is all the correspondence I had with him.

Question. When was the last letter you received from him or wrote to him?

Answer. I cannot tell you; I wrote Sawyer letters I never received an answer to. I took with me all the correspondence I had with Sawyer during his term of office.

Question. You wrote letters up to how late?

Answer. I cannot say.

Question. Best of your recollection?

Answer. I cannot tell whether this was the last or not?

Question. Did you write him a letter as late as December second?

Answer. I cannot say.

Question. What is your recollection?

Answer. I do not recollect a thing about it; I might and might not.

Question. In relation to these returns?

Answer. I might have written him and might not; cannot recollect whether I did or not.

Question. How long was the last correspondence you had before the sitting of the Legislature?

Answer. I cannot tell you; I have no idea at all about it.

Question. Did it relate to these returns?

Answer. I cannot state what I wrote to Sawyer,—anything further than by these letters in answer.

Question. To what other persons in Augusta, or who had business in Augusta, did you write, in relation to this matter, from the time of the election down to the session of the Legislature?

Answer. I do not recollect as I wrote to anybody else.

Question. Do you swear you did not?

Answer. I do not, because I might have written to somebody and forgotten; I have no recollection of it.

Question. Did you not write to Governor Garcelon?

Answer. I think I wrote to him.

Question. Did you not remember that when I asked you the question?

Answer. No; but I now remember I wrote to Governor Garcelon and to the Council.

Question. Did you write to the Governor and Council?

Answer. I think I did; that is all the letter I have reference to.

Question. Did you not write Alonzo Garcelon in person?

Answer. I cannot say whether I did or not; I might.

Question. Did you not write E. C. Moody while he was here?

Answer. I think not.

Question. The gentleman who was before us the other day?

Answer. I think not; I never saw him or knew him.

Question. Do you testify you did not?

Answer. I have no recollection of writing him a letter.

Question. Did you write to Captain Chase, one of the Governor's Council?

Answer. No; I do not think I ever did.

Question. Did you write to Mr. Fogg?

Answer. I do not think I did.

Question. Or Foster?

Answer. Or Foster.

Question. Or Brown?

Answer. I think I never wrote a letter to Mr. Brown regarding this matter; I have no recollection that I ever did. I have had correspondence with him and I might have said something of this

matter to him ; I had business with him, but I have no recollection of mentioning this matter to him further than the letter directed to the Governor and Council.

Question. Did you see any party personally, connected with the State department or any leader or prominent man in Democratic or Fusion party, in relation to the matter of these returns during that time ?

Answer. During what time ?

Question. From September eighth to the session of the Legislature ?

Answer. With anybody connected with the State Government ?

Question. Yes.

Answer. I think I saw Mr. Sawyer several times during that time, as he passed through to Phillips.

Question. Did you have conversation with him in relation to this matter ?

Answer. I think I asked him what his opinion was about the results.

Question. Can you remember when you first saw him about it ?

Answer. No, sir.

Question. Cannot give the date ?

Answer. Not the slightest.

Question. Where did you see him ?

Answer. I think I have seen him at Farmington, when he has been passing through.

Question. Has he been to your office ?

Answer. I cannot say whether he had been to my office before the session of the Legislature since election. He is frequently at my office when in town.

Question. This matter of the returns and counting out was exciting ?

Answer. It was exciting to some, I presume.

Question. Still you say you have no recollection whether Sawyer came to your office during this time ?

Answer. I think I saw Sawyer in Farmington, but where I cannot tell ; my impression is I saw him once at the depot ; my impression is I saw him several times during that period you speak of, but I cannot swear.

Question. Do you hold in your hands the letters of various parties which you brought in answer to the summons of the Committee ?

Answer. Yes, together with other letters. That piece of paper, which I now show, belongs with one of the letters; it came with it to me and will explain the letter, perhaps.

Question. Examine the letter now handed you, marked "*Exhibit 18, G. D. B., Clerk of Committee,*" and state whether it is in your hand writing, and signed by you? [Witness looks at letter.]

Answer. Yes; I wrote that letter.

Question. To whom is it addressed?

Answer. "*Hon. Alonzo Garcelon and the Executive Council.*"

[At request of Mr. STROUT, witness reads the letter as follows:]

"FARMINGTON, Maine, Nov. 15, 1879.

Hon. Alonzo Garcelon & the Executive Council:

Enclosed please find affidavits of the Clerks of the Towns of Rangeley and Jay, showing that their record was not made up in open town meeting as required by law. I have consulted E. F. Pillsbury, and he is of the same opinion 'that the Clerk must make his record in open town meeting, or it is fatal.' I shall forward other testimony as soon as I can get it from Rangeley and Dallas Plantation. Please to hold back on the Franklin Co. returns until I get in the remainder of our testimony, if possible.

Your obt. serv't,

B. EMERY PRATT."

Question. With whom had you been in consultation or conferred, in relation to the matter, before writing that letter?

Answer. Upon what question?

Question. Of these returns.

Answer. I had consulted with Eben F. Pillsbury,—wrote him a letter,—and that is the answer you have there.

Question. Have you any copy of the letter you wrote?

Answer. No.

Question. Do you know what its contents were?

Answer. I know I asked, in the letter, his opinion as to that point of law; whether or not it would invalidate the returns if the record was not made up in open town meeting.

Question. Had you consulted or talked with Mr. Sawyer, Deputy Secretary of State, in relation to the matter?

Answer. I cannot say whether I had or not. I do not think I had; I have not any recollection that I did; I might.

Question. Had you conferred with any other party in relation to it, or talked with them?

Answer. I think I might have asked some of the lawyers' opin-

ions at Farmington; think I might have asked Mr. Whitcomb; I will not say I did, but presume likely.

Question. Did you talk with S. Clifford Belcher about it?

Answer. I cannot remember.

Question. You have no remembrance about it?

Answer. I remember that I talked with him about some things, but cannot remember what; I presume likely I might have mentioned it to Major Belcher, but I do not have any distinct recollection; cannot say I did, or but I did.

Question. Do you testify you had not consulted or talked with either of the Governor's Council or the Secretary or Deputy Secretary of State in relation to the matter of the returns from Franklin county, before writing that letter?

Answer. I state that I had not seen any member of the Governor's Council, to my recollection, from the time of the election to the time of the session of the Legislature; but I cannot swear positively but I had; I am very forgetful.

Question. Had you talked with the Deputy Secretary of State about it?

Answer. I cannot say that; I presume if I had a chance to say anything to him about it I said it; but I have no recollection. The presumption would be, I talked with him about it if I talked with him during that time.

Question. I call you attention to letter marked "*Exhibit 19, G. D. B., Clerk of Committee.*" and ask if that was written by you? [Witness looks at letter.]

Answer. That is my writing.

Question. To whom?

Answer. I presume that was directed to the Governor and Council; I cannot swear as to that.

[Witness, at request of Mr. STROUT, reads letter as follows:]

"NEW SHARON, Nov. 17, 1879.

I have been to Dallas Pl., Franklin Co., and arranged for those returns to be amended and they will be forwarded soon as rec'd by me. I also expect an affidavit from the clerk of Greenvale Pl., same as from Rangeley, also others. Don't declare this county any other than fusion for want of testimony, for that you will have. In haste,

B. EMERY PRATT."

Question. Did you do as you said you would in this letter—forward the returns when received by you?

Answer. That word “returns” is improperly used there. That meant “record” instead of returns.

Question. Are you not aware that it is now within the knowledge of this Committee that blank returns were sent out from the Secretary of State’s office in numerous instances, and that amended returns were made up and returned here to the Secretary of State’s office?

Answer. I know nothing of the matter.

Question. Do you now say to us that, as a lawyer, you did not know the difference between a return and a record?

Answer. No, sir; I do not say that; I do know the difference between a return and a record.

Question. In writing to the Governor and Council, you say that when you wrote the words “amended returns” you meant “amended record?”

Answer. I do; I mean what I say.

Question. As a lawyer, can you tell me any law by which a record may be amended in order to be returned to the Governor and Council to amend returns in the hands of the Governor and Council?

Answer. I do not know as there is any; I understood that that could be done.

Question. From what source?

Answer. It was talked over by lawyers.

Question. What lawyer ever told you so?

Answer. I do not know as I could state positive, but I think Mr. Whitcomb and I talked it over.

Question. Do you say that Mr. Whitcomb ever told you that a record could be amended so it could be forwarded to the Governor and Council so as to amend the returns by it?

Answer. I do not state so.

Question. Is there any law or statute which authorized that?

Answer. No; I do not mean to say there is anything in the statute which is not there.

Question. You knew it was not there?

Answer. I do not know whether I did or not.

Question. What did you mean by “Amended returns?”

Answer. I will state to this Committee what arrangement I made with the Clerk of Dallas Plantation.

Question. From your own letter, written by your own hand, “I have been to Dallas Plantation, Franklin county, and arranged for those returns to be amended.”

Answer. That is the way it reads.

Question. Was there more than one record in Dallas Plantation?

Answer. I do not know; I never saw the record.

Question. If you wrote that by mistake would you say “*those record?*”

Answer. It seems I did.

Question. You said “*those returns.*” There were returns from Dallas plantation, were there not?

Answer. I do not know.

Question. Do you not know that every plantation and every town makes returns for the several officers, for Representatives, Senators, Governor and County Officers?

Answer. I know they are required by law to.

Question. What did you mean by using the words “*those returns?*”

Answer. I will state what arrangement I made, and what I meant when I wrote that letter: I talked with the Clerk of Dallas Plantation. How I happened to, Mr. Field, County Attorney of Franklin County, told me he had seen a certified copy of the returns of Dallas Plantation,—I mean the record,—that he had seen a certified copy of the record, and that they had given in so many votes for Garcelon, and so many for Smith, and so many for Davis, but did not put down their given names; I went to see the Clerk of Dallas, but he was not at home, and I did not see his record. I arranged with him to come to John Haley’s at Rangeley, and have Mr. Haley show him how to make a record of his meeting—to make a certified copy of the record as he had got it in his book—then to make another record and have it conform to the facts, and for him to make an affidavit of the circumstances and forward it.

Question. To whom?

Answer. Forward it to me.

Question. To whom were you to forward it?

Answer. I intended to forward it to the Governor and Council.

Question. By arrangement with whom?

Answer. By arrangement with nobody.

Question. How did you know there was any such error that could be amended by sending amended returns or, as you now state, “*amended record?*”

Answer. There was a good deal of query in my mind as to what evidence could be considered by the Governor and Council, and I think there was considerable discussion in the papers about it.

Question. Tell this Committee what you meant by writing to the Governor and Council as you did in that letter,—not inquiring what evidence would be received?

Answer. I meant precisely what I stated; I had been there.

Question. You say you had had no conference,—you did not make inquiry,—but stated to them confidently they would be furnished?

Answer. I stated to them it would be done, in that letter, and it was meant for the Governor and Council.

Question. When you say you did not know they would receive an amended return?

Answer. I did not know as they would consider any kind of evidence.

Question. Had you ever known before that the Governor and Council had received an amended return by which to correct the official return, in relation to Governor, Senators and Representatives?

Answer. I saw by Mr. Pishon's letter that was published.

Question. When did you see that?

Answer. I do not know when that was.

Question. Prior to November seventeenth, eighteen hundred and seventy-nine, had you ever heard of such a thing?

Answer. I cannot say.

Question. Had you ever known such a thing to be done before?

Answer. I do not know as I had.

Question. Why should you write to the Governor and Council, the same as you would if the matter had been arranged, saying you had arranged to have those returns amended?

Answer. I made just the arrangement I have stated to you, and no other.

Question. Had Eben F. Pillsbury advised you that any such return would be received?

Answer. No, sir; nor any other man.

Question. You never had heard of it?

Answer. I never had.

Question. From any person?

Answer. From any person to my knowledge, at this time; I was going simply to put the facts, as they existed, before the Governor and Council and let them act as they chose, and then turn the papers over to the Legislature.

Question. You had had no talk with Mr. Sawyer about that matter?

Answer. No.

Question. Or any kindred matter?

Answer. I do not think I had ; I do not think there was any kindred matter to it.

Question. With whom did you arrange in relation to the amendment of the record?

Answer. I arranged with Mr. Collins, I think.

Question. Where did he reside?

Answer. Dallas Plantation ; I went to his house to see him but he was away, and I did not see his record at all.

Question. What arrangement did you make to have his record amended?

Answer. I arranged with him, at John Haley's house in Rangeley village, to bring down his book to Mr. Haley, and for Mr. Haley and him to make a copy of his record, as he had it in his book ; then, to make a proper record as it should be made—as Haley would instruct him—he did not know how himself—on paper, mind you, and to make an affidavit stating that the copy was a certified copy of the book, and then make a return according to the facts and an affidavit that such were the facts.

Question. Before whom was he to make that affidavit?

Answer. Before John Haley.

Question. Did he ever make any such affidavit?

Answer. No ; I never got any sort of a thing from him.

Question. He declined to do it?

Answer. I do not know ; I never heard from or saw him since that day.

Question. Have you seen any blank returns since election?

Answer. No.

Question. You have seen returns such as are used in making up returns for Senators and Representatives?

Answer. Yes ; I have been Town Clerk.

Question. Then you knew perfectly well the difference between a return and a record?

Answer. Yes, sir ; that was simply a clerical error.

Question. You say you made the clerical error of using “*those returns*,” in the plural, instead of “*that record*,” or “*the record*?”

Answer. I do state that positive.

Question. That was a clerical error?

Answer. I define it as such ; I wrote that when in fact I meant just what I have told you.

Question. By “*those returns*” you meant the record of the Clerk?

Answer. I meant the certified copy of the record together with a copy of the facts, with an affidavit that those were the facts.

Question. State any other town or plantation where you made inquiry in relation to the record?

Answer. I did, in the town of Rangely.

Question. Who was Town Clerk there?

Answer. John Haley.

Question. What did you do there?

Answer. Had an affidavit stating that the Clerk made up the record of the meeting the next day after the meeting adjourned.

Question. Was there any defect in the record or returns?

Answer. I never have seen the returns; I recollect the error in the record was a clerical error in the spelling of Rodolphus Thompson. He spelled it R o l d o l p h u s.

Question. How did you know that he made up the return the same as the record; did he tell you so?

Question. He said he supposed he did; he did not know whether he had made that error in the return or not; I never saw the return.

Question. Did you not have some information in relation to that matter?

Answer. Of the returns?

Question. Yes.

Answer. Not from any human being, or any other power. I will state squarely here now, that the nearest I ever came to seeing one of the returns of eighteen hundred and seventy-nine, was a copy I saw exhibited by I. Warren Merrill, which he said was a certified copy. He exhibited it in an indignation meeting, and I was probably twenty feet from him. He was Clerk of Farmington, and he sent and got a certified copy.

Question. Look at “*Exhibit 20, G. D. B., Clerk of Committee,*” and state whether or not it is signed by John Haley, and whether the jurat and the body of the affidavit are written by you?

Answer. Yes; the body of the affidavit is in my hand writing and was written by me, and signed by John Haley, in my presence.

Question. Did he make oath to that in your presence?

Answer. He did.

Question. Does it contain the truth as far as you and he could learn it at the time?

Answer. [Witness reads the paper.] Yes; that contained the

facts as he stated; and he exhibited to me some of the ballots thrown for Thompson, properly spelled.

Question. How was it that he had that matter first called to his attention, that it was "*Roldolphus*" instead of "*Rodolphus*?"

Answer. I called his attention to it myself.

Question. Did you examine his record?

Answer. I did.

Question. In his presence?

Answer. Yes, sir.

Question. And you called his attention to that error?

Answer. I called his attention to the fact that it was spelled wrong, and he looked at it, and at once stated it was spelled wrong and he did not know it before.

Question. You had been a Town Clerk?

Answer. I had.

Question. Was there not a copy of his record before the Governor and Council at that time?

Answer. I do not know.

Question. You had no knowledge that the return itself did not have the name correctly spelled?

Answer. No.

Question. He had no knowledge?

Answer. He did not inform me that he had.

Question. Still he says, on oath, that "*in making my list of persons voted for Sept. 8th, 1879, as clerk of the town of Rangeley, I made the following error, to wit: 'Roldolphus P. Thompson,' when in truth and in fact the person voted for was Rodolphus P. Thompson?*"

Answer. Yes, sir.

Question. You had had no information from any person that a copy of a record, or an affidavit, would be received to correct the returns?

Answer. No.

Question. You had never known such a thing to be done before?

Answer. No, sir.

Question. Still you told the Governor and Council you had arranged for those returns to be amended in Dallas, and added "*Don't declare the county any other than fusion for want of testimony, for that you will have?*"

Answer. That letter is in my hand writing.

Question. Did you refer to such affidavits as this when you told them they would have testimony which would control the count of Franklin county?

Answer. I did not say anything about controlling the count.

Question. You told them “*Not to declare the county any other than fusion, for want of testimony?*”

Answer. I told them what I wrote.

Question. Is that a part of the testimony you referred to?

Answer. I cannot tell you.

Question. You have no knowledge about that?

Answer. I do not think it is; I think this was taken before that letter was written; the date so shows.

Question. Had it been forwarded before this letter was written?

Answer. I think so, but I cannot tell.

Question. This was dated November eleventh; did you forward it immediately?

Answer. I think I did very soon; my letter there shows when I forwarded it.

Question. You were in correspondence, at that time, with the Deputy Secretary of State?

Answer. I wrote letters to him, and received what I have handed in; they speak for themselves.

Question. You say to them, “*Don't declare the county any other than Fusion for want of testimony, for that you will have.*” What other testimony was it you were to furnish them?

Answer. There were expected to be some affidavits that paupers voted, and frauds had been committed; I thought I should get affidavits of those facts, but I did not; one question I do not think I fully answered: you asked me what other towns I got affidavits from or examined the records of; I called on the Town Clerk of Jay, and got an affidavit from him that his record was not made on the record book till the next day after town meeting. The records of the towns of Jay and Rangeley were the only town records I read, or have read up to this time.

Question. I pass you paper marked “*Exhibit 21, G. D. B., Clerk of Committee,*” and ask you in whose hand writing it is, by whom signed, and whether received by you at or about its date?

Answer. It was received by me; I do not know who wrote it; I have no doubt Eben F. Pillsbury wrote it; it looks like his hand writing, and purports to be signed by him.

[Witness, at request of Mr. STROUT, reads the letter, as follows:]

“AUGUSTA, Nov. 7, 1879.

BRO. PRATT: Yours received. I think if the Clerk does not make his record ‘in open town meeting,’ it is fatal. Let me know what town it is, so that I can calculate upon results. Have you found any other irregularities?

In haste, E. F. PILLSBURY.”

Question. What did you understand by “so that I can calculate upon results”?

Answer. I never understood anything about it; it is something I do not know anything about.

Question. Did you forward to him information as to what town it was?

Answer. I do not recollect; I do not think I did.

Question. Did you have any communication with him after that time?

Answer. I do not think I did; I have no letter from him; I keep all my letters on file, and I have examined all my letters and find none but this one, and I have no recollection of any.

Question. How did you expect he would be able to “calculate upon results” if you did not write him?

Answer. I did not make any calculation about it. I knew nothing about his results and cared nothing; I supposed he wanted to get information and make up his mind in advance what effect it was going to have.

Question. Any doubt about that?

Answer. No; I do not think I have.

Question. So that, he was at that time, engaged in calculating upon results?

Answer. You see the letter; I told you I knew nothing about it further than it shows, and had no further communication with him *pro* or *con* after that, to my recollection. I simply asked his opinion upon that one, lone, abstract point of law, and got it.

Question. You knew Mr. Pillsbury was living at Augusta.

Answer. I supposed he was.

Question. You knew he was prominent as a Democrat?

Answer. I did.

Question. You knew that he would probably form as good judgment in relation to what would be considered “fatal,” or otherwise, as any man in the State?

Answer. I considered his opinion upon a point of law as very good.

Question. Did you consider the opinion of Eben F. Pillsbury upon a question of statute law was any better than Mr. Whitcomb's, or your own, even?

Answer. I thought it was much better than mine.

Question. That his opinion upon a question of plain statute provision was better than that of the lawyers of Farmington; did you really think so?

Answer. I do not know what I thought. I wrote him and got his opinion, didn't I?

Question. Yes, and I know why, but I want you to tell me?

Answer. I shall not compare Mr. Pillsbury with other lawyers. It is not a matter of courtesy to come in here and tell you I think you know more than he does.

Question. Why did you write him upon a plain question of statute law unless you supposed he had better facilities for knowing what would pass with the Governor and Council than the lawyers at Farmington?

Answer. I considered his opinion much better than mine; I think you have heard in your practice, that "*in a multitude of counsel there is safety.*"

Question. I now show you "*Exhibit 22., G. D. B., Clerk of Committee,*" and ask you whether that is in Mr. Sawyer's hand writing?

Answer. I suppose it to be. I do not know. I received it as his.

Question. It is signed by him?

Answer. It purports to be; I am not an expert, but I think it is his.

Question. He resides in your neighborhood?

Answer. At Phillips, about eighteen miles from me; same county.

[Witness at request of Mr. Strout, reads the letter as follows;]

"AUGUSTA, Oct. 2, 1879.

BRO. PRATT: Herewith I hand you vote for the several candidates in Franklin County at last election, as requested by General Clark. Hope they will be of advantage to you and that you may be able to discover some fraud or looseness that will work to our advantage. In great haste.

Yours truly, P. A. SAWYER."

Question. Is the paper marked “*Exhibit 22*” the document referred to in that letter?

Answer. It is, but this paper has been changed.

Question. Who changed it?

Answer. I did; wherever there is a pencil mark it is my hand writing.

Question. Do you know in whose hand writing the rest of it is?

Answer. No farther than I should judge it is Sawyer’s; I have no knowledge. That would be my opinion; I am not an expert.

Question. It appears to be copies of the number of votes contained in a certain return?

Answer. Yes,—in the Clerk’s return,—not the official return.

Question. When did you send for that to the Deputy Secretary of State?

Answer. I do not think I sent for that; I think General Clark sent for that, and ordered it sent to me.

Question. Who is General Clark?

Answer. George W. Clark.

Question. Where does he reside?

Answer. New Vineyard, I suppose.

Question. In your county?

Answer. Yes.

Question. What are his politics?

Answer. He is what is called a Fusionist; do not know whether he is a Democrat or Greenbacker.

Question. An active politician in Franklin county?

Answer. He always has been; as a Democrat he has been very active, and has been to the Legislature, and been a Selectman.

Question. Had you seen him and talked with him before October second?

Answer. My impression is, I had.

Question. Where?

Answer. I can not say, but I should say probably at my office.

Question. Did you talk about these returns?

Answer. I cannot tell you what we talked about. Yes, I recollect, and state positively, I had talk with General Clark, and we talked over as to the majorities of the different candidates.

Question. For what?

Answer. County Officers more particularly. He was a candidate for County Commissioner.

Question. Did General Clark come to Augusta?

Answer. I do not know; I have no knowledge of his coming here.

Question. Did you hear of his coming?

Answer. I do not think I did; I have no recollection of it. He might have come and I not know it.

Question. You and he talked about it?

Answer. We talked about it; I was in doubt how it was; the papers did not agree; General Clark wrote to Mr. Sawyer, or else I wrote for him,—I cannot state which,—to have that paper sent to me,—we wanted to see how it was going. The vote was close on County Commissioner, and he was interested to know.

Question. So he sent you the whole thing,—all the officers?

Answer. Yes, what that shows.

Question. Does or not that contain the votes for the several candidates in your county?

Answer. It contains the votes for Senators, Judge of Probate, Clerk of Courts, County Commissioner, Register of Probate and County Treasurer; that is all.

Question. It does not contain the Representatives?

Answer. No.

Question. Did you not want that?

Answer. I cannot say whether we did; we did not send for it; I do not think we sent for anything only Commissioner, but I am not certain. I know it was talked over with General Clark about sending to get a certified copy, and I know it was talked at the time that I. Warren Merrill had got a certified copy of how they stood.

Question. Examine the letter marked "*Exhibit 23, G. D. B., Clerk of Committee,*" and state whether it was sent to you?

Answer. It was.

Question. By whom is it signed?

Answer. Signed by P. A. Sawyer.

Question. Deputy Secretary of State?

Answer. Yes, sir.

Question. It is in his hand writing?

Answer. I should say it was; I am not certain about it; but my opinion is, it is; I have no doubt but what it is.

[Witness, at request of Mr. Strout, reads the letter, as follows:]

"AUGUSTA, Dec. 27, 1879.

BRO. PRATT: I am just in on my return. I find your favor of the 25th unanswered. The certificate sent John G. Brown is the only authority he

receives. The report of the Council approved by the Governor and which is kept on file in this department, is the formulation of the title of all Co. officers to their positions. By examining the law regarding canvassing of returns by Gov. & Council for Co. officers you will see they are to be notified by the Sec'y of State. The Governor notifies and summonses members of the Legislature. This is in conformity with all the records and is all that is necessary. The governor has never signed them. I find matters as quiet as could be expected.

Yours truly, P. A. SAWYER.

P. S. The qualification may be made any time after he receives notice and on or before Jan. 1st. Yours is all right."

Question. What does he refer to by saying "*I find matters as quiet as could be expected?*"

Answer. I do not know.

Question. At the time you received that letter, you did not understand that portion of it?

Answer. I thought I did; I interpreted it to suit myself.

Question. How did you interpret it?

Answer. There had been some visiting statesmen, and considerable racket, and it was dying out.

Question. Had you had any talk with him about that matter before?

Answer. I do not recollect; I think I had. I think I saw Sawyer prior to that,—after the visiting statesmen came here,—and some talk was made about it, and everybody talked it over.

Question. He says he finds "*matters as quiet as could be expected.*" Where had he been at that time?

Answer. I do not know.

Question. Had he been to Franklin county?

Answer. I cannot tell.

Question. Had you seen him?

Answer. I think not; I am not certain of that. I have no recollection of seeing him and do not think I had.

Question. Who is John G. Brown, he referred to?

Answer. John G. Brown.

Question. Where does he reside?

Answer. Farmington, now; he resided then in New Sharon.

Question. Was he a member-elect of any office?

Answer. He was elected Register of Probate, and as Dedimus Justice. I qualified him. He thought the certificate he received should be signed by the Governor; I thought not; he wanted me to write to Mr. Sawyer and I did.

Question. "*Yours is all right.*" What is meant by that?

Answer. He meant the way it was sent in it was right, that I had made a proper return, as I understood it.

Question. Had you anything to do with any amendment of the returns from Perkins Plantation?

Answer. No, never; I never saw the returns or the records or had anything to do with them in any manner whatever.

Question. Had no conversation with any of the people?

Answer. No.

Question. Did you hear that they were defective in any way?

Answer. I do not recollect as I did; I might have heard something about them, but have no recollection of it.

Question. Look at "*Exhibit 24, G. D. B., Clerk of Committee,*" and state by whom it was received and in whose hand writing it is?

Answer. It was received by me and I supposed it was written and sent by P. A. Sawyer.

[Witness, at request of Mr. STROUT, reads postal card as follows:]

"Returns not all in yet. Come in slowly. Am still of the opinion we have all our candidates elected. The Republicans are claiming more than they have any ground for. Things not nearly so bad for us as reported.

Yours truly, P. A. SAWYER."

Question. How do you think you happened to make the clerical error, having been Town Clerk, in writing to the Governor and Council on November seventeenth, eighteen hundred and seventy-nine, of using the words "*those returns*" when you meant to say "*that record*?"

Answer. I do not know how I happened to make that mistake; I know I did make it. That letter was written hastily in Harding's office at New Sharon, and I think parties were present talking, and I made that mistake precisely as I have explained.

Question. You continued to make the mistake. You not only said "*I have been to Dallas Plantation, Franklin County, and arranged for those returns to be amended,*" but you said "*And they will be forwarded as soon as received by me.*" How did it happen that after having been to Dallas Plantation and made this arrangement in relation to amending the records, that you carried out the idea that the returns were to be amended and that they were to be forwarded?

Answer. I meant just as I have told you. My explanation would

be that probably I thought there were to be two different documents sent at the same time and I referred to them in the plural.

Question. Had anybody said anything, when you were up to Dallas Plantation, about amending returns?

Answer. No, sir.

Question. Returns had not been mentioned?

Answer. I do not think they had.

Question. They were not mentioned during the conversation up there?

Answer. I presume they were. I presume the law of eighteen hundred and seventy-seven was referred to; and thought that the returns could be amended by the record if the record was right.

Question. Where could they be amended?

Answer. The question was whether they could be amended before the Governor and Council.

Question. You did not say anything about sending amended returns to Augusta or having returns come up to be amended?

Answer. No, there was no conversation with me by any human being about amending one of these returns.

Question. You did not say anything about it in Harding's store, where you wrote this letter?

Answer. Not about amending returns.

Question. Still, having been up there and that matter never having been mentioned, you wrote to the Governor and Council, officially, that you had arranged for amending "those returns," and that they would be forwarded as soon as received by you?

Answer. It seems I did; I wrote that letter, the whole of it. No question but that is my writing; I do not deny any part of it. It is just as I wrote it—I have not the slightest doubt.

Question. When did you first see a copy of that letter?

Answer. It was published in the newspapers all over the State, simultaneously. It was used at our town meeting.

Question. You looked at it?

Answer. Yes, sir.

Question. Surprise you any?

Answer. I looked at; I was surprised it said "returns" instead of "record." I was anxious to see it; I did not know then as I should have the privilege of looking at the original. There was a great query whether I made it so or whether it was tinkered.

Question. Look at it.

Answer. I am satisfied it is my writing, and no tinkering about it ; it is just as I wrote it, every scratch.

Question. You have been thinking about it since you saw this in the public papers ?

Answer. Yes, sir.

Question. There has been a good deal of talk about it ?

Answer. Not but a little, to me.

Question. When you were summoned before this Committee, you knew it was in connection with these letters ?

Answer. I supposed it was in connection with matters I had had to do with ; yes, I presumed it was ; I had no doubt it was ; I have been styled in the papers as "*Agent of the Franklin County Conspiracy,*" and I supposed that was the matter I was to be examined about.

Question. You were fully appraised ?

Answer. I was fully appraised of what there was of it.

Question. Did you have anything to do with Greenvale Plantation ?

Answer. Not the slightest—hold on—Mr. Haley was to send the Dallas, and he saw the Greenvale folks and got an affidavit as I recollect ; I am not certain, but my recollection is he got an affidavit from the Greenvale folks and I forwarded it to the Governor and Council ; I never had anything to do with getting it.

Question. What was the trouble with the Greenvale return ?

Answer. I do not recollect. I do not know but Mr. Haley told me at the time ;—yes—I will take that back ; I was looking after that ; Mr. Haley told me at the time he thought they were in the same way ; but he did not know ; he said that had always been the custom up in that country.

Question. What are Mr. Haley's politics ?

Answer. I do not know ; he has been called a Democrat heretofore, always ; has been to the Legislature, elected as such I think.

Question. Did you receive any reply to your letter to the Governor and Council ?

Answer. No, sir.

Question. Did you have any conversation with any person in relation to it, with the Governor or any of the Council or Mr. Sawyer ?

Answer. Not with the Governor and Council ; I might have with Mr. Sawyer ; Mr. Sawyer and I always talk over matters freely ; I never had a letter from Governor Garcelon of any description in my life ; I have not seen him since election.

Question. Have you seen Mr. Sawyer since that letter appeared in print?

Answer. I think I have.

Question. Talked with him about it?

Answer. No; he has been to our Court.

Question. Have not had a word of conversation with him about it?

Answer. I do not think I have.

Question. Look at "*Exhibit 25, G. D. B., Clerk of Committee,*" and state whether or not it is a certified copy of the record of Greenvale, forwarded by you to the Governor and Council?

Answer. All I can say is, I read the paper he sent and I presume this is the paper; I have no particular recollection about it.

Question. You have no doubt about it?

Answer. No; I should not have any particular doubt of it. If anybody said it was I should not deny it; but I cannot swear to this paper; I think however this is probably the paper.

Question. Examine paper "*Exhibit 26, G. D. B., Clerk of Committee,*" and state whether or not the body of the paper and the jurat attached thereto are in your hand writing?

Answer. That is all my writing excepting those two names, and the jurat is my writing.

Question. Examine the four affidavits handed you, marked "*Exhibit 26, G. D. B., Clerk of Committee,*" on the outside, and on the inside marked "*Exhibit 26-2,*" "*Exhibit 26-3,*" and "*Exhibit 26-4,*" and state in whose hand writing the body of them are and whether the jurats are signed by yourself?

Answer. "*Exhibit 26-2*" is in my hand writing, all excepting the name "*J. H. Merritt.*"

Question. That is the signature of the party making the affidavit?

Answer. Yes. "*Exhibit 26-4*" is in my hand writing with the exception of "*John Haley,*" the name of the person who made the affidavit. "*Exhibit 26*" is in my hand writing; there is a paper attached there; "*Exhibit 26-3,*" that is not in my hand writing.

Question. In whose is it?

Answer. I do not know; it is sworn to before David H. Chandler, Justice of the Peace.

Question. You have no personal knowledge in relation to it?

Answer. I know nothing about it.

Question. At whose suggestion did you go about taking these affidavits?

Answer. I went at my own suggestion.

Question. You had talk with other people about it?

Answer. Yes.

Question. Talked with Mr. Sawyer in relation to it?

Answer. I cannot recollect.

Question. Upon that general question your memory is infirm?

Answer. I am forgetful about certain things. Certain things I can remember and certain things I cannot. I do not have any recollection of talking with P. A. Sawyer about the matter.

MARCH 10, 1880, P. M.

WILLIAM C. HOLT, *sworn and examined.*

BY MR. STROUT :

Question. Where do you reside?

Answer. Bangor.

Question. Business?

Answer. Cashier of the Veazie National Bank.

Question. State whether or not you have made hand writing the subject of critical and careful study?

Answer. I have.

Question. For how many years have you had experience in examining hand writing?

Answer. Thirty years.

Question. State whether you have been called as an expert in hand writing, and, if you answer in the affirmative, state how frequently?

Answer. I have been called as an expert; I was called in the Herrin and Cary case, in Houlton; and the Lowell murder, at Auburn; and the Mank trial, at Rockland; the Gordon murder trial, at Belfast; I have been before the United States Commissioner in matters of forgery in Bangor; and frequently in the Supreme Court in Bangor, in other cases.

Question. Have you made the subject of hand writing and of the formation of different letters, and all matters connected with the art, a subject of general examination, in addition to your experience in detecting forgeries in your bank?

Answer. I have.

Question. I place in your hand the return for Senatorial votes from the Plantation of Perkins in Franklin County, marked "*Exhibit*

35, *G. D. B., Clerk of Committee;*" I call your attention especially to the words and figures "*Twenty Seven, 27,*" found in the whole number of ballots, given in said return; I also call your attention to the Council Blotter for the year eighteen hundred and seventy-nine, and to such portions of the Blotter as appear to have been kept and signed by P. A. Sawyer, Deputy Secretary of State; also a letter from P. A. Sawyer to B. Emery Pratt, dated "*Oct. 2, 1879,*" and marked "*Exhibit 22, G. D. B., Clerk of Committee;*" also a postal card signed by P. A. Sawyer, directed to B. E. Pratt, marked "*Exhibit 24, G. D. B., Clerk of Committee;*" and ask you whether or not you have made a careful and thorough examination of the hand writing of said Sawyer, as contained in said Council Blotter, letter and postal card, and carefully and thoroughly examined the words and figures "*Twenty Seven, 27*" found in the Senatorial return from Perkins Plantation?

Answer. I have,—as careful an examination as I could in the short time I have had.

Question. How much time have you had to examine?

Answer. I have only had about four hours and a half at the extreme.

Question. State whether or not you have had sufficient time to enable you to make up your mind, beyond any reasonable doubt, in relation to the matters inquired of?

Answer. I have.

Question. I will now ask you to state to the Committee by whom the words and figures "*Twenty Seven, 27,*" found in the return now shown to you, of Perkins Plantation, and examined by you, were written?

Answer. They were written in the same hand writing, in my opinion, that the writing in this Council Blotter of eighteen hundred and seventy-nine is written over the name of P. A. Sawyer.

Question. The Deputy Secretary of State.

Answer. Yes.

Question. Assuming the writing in the Council Blotter, which you have examined, to be the hand writing of P. A. Sawyer, Deputy Secretary of State, state whether or not you have any doubt that the words and figures "*Twenty Seven, 27*" in the return which you have before you were written by the same person?

Answer. I have no doubt of that at all.

Question. Please state to the Committee the facts which you have

found and the reasons you wish to give for the conclusion to which you have arrived.

Answer. In the first place, my mode of examining has been to take each letter separately and give my reasons why I think they were written by the same, the similarities and dissimilarities. In the first place, the commencement of the capital "T" in the word "Twenty" is very marked, as also the "F's," made by commencing the letter with a heavy stroke of the pen, passing downward to the right about one-third of the distance, from the point commenced at, to the first downward stroke; then curving upward before making the first downward stroke, following the last or right hand end of the curve downward, seldom if ever making a loop there, stopping at the bottom on the downward stroke at the line sometimes, and sometimes turning it to the left; at other times turning it upward and back to the line with a heavy stroke downward. In the bottom of the "T" or "F" the writer varies. In the commencement of the letter there is a little variation in his letters. That can be seen in this Blotter, on pages marked "1" in pencil, by me, and "2," "3," "4," [passing over some written by another,] "5" and "6." I have looked through and I find it holds good wherever he has written. I thought those pages were enough to look at. Out of twenty capital "T's" and "F's" only two are made any other way, one on page "1," fourth line from the bottom, and one other case only in all I have examined; but the letter is so strongly marked, it would be very easy to point out a capital "T" or "F" made by him, by any common observer.

The next in order would be "w" and "e" and "n" in the word "Twenty." There is nothing particular in those letters that is marked, over a sort of running hand, excepting the "e" which is seldom if ever looped, I believe, in his writing. The "e" is not looped here. The "t" is the same, nothing particular, although there are many letters precisely like it. I would next pass to the "y" in "Twenty." It is too plainly marked to be mistaken as any other writer's letter, making the first part of the "y" like ordinary letters, then coming down with a heavy stroke for what would be called the stem and not a loop, turning the point a little to the right as he comes downward, stopping with a heavy stroke. This is very marked and unmistakable. The next in order is the capital "S" in the word "Seven;" I find he was in the habit of making some portion of his capital "S's" a small "s," and several otherwise. I

should be pleased to call the attention of the Committee to some which I would point out as confirming the idea that the "S" in "Seven" was made by the same hand that makes the writing here. [Blotter.] There are other "S's" made differently, but he changes on those more than on any other letter. The "S" that I speak of is made like a printed "S," commencing at the top, curving to the left and to the right and to the left again in an awkward printed "S," as can be seen in the word "Seven" on the return shown me. These are very strongly marked. I have no doubt whatever that the party making the "S" in the writing over the signature of Sawyer in the Blotter, made the "S" in the return. This will be found by inspection of the writing in the return as compared with the Blotter on the following pages: "1," line "12" from top, in the word "Warrants;" also "16th" line in the word "Documents;" the "21st" line in the word "Reports." These "S's" are very similar to the one in the return, only not quite as large, because these I have given are at the close of a word. On the "20th" line, page "1," word "State" is where it commences a word. On page "3," line "20," in the word "Sundry" and in the word "Salary," same line, both made in the same way. On line "21st," same page, the "s" in "Warrants" is almost a *fac simile* of the one in "Seven" in the return, not quite; the shading is precisely the same, under a glass. Also line "29," same page, "S" in the word "State." Page "4," line "9," word "Warrants." Page "5," lines marked "1" and "2," the same "S" is found. The next is the letter "e" in "Seven." It is similar to the others by not being looped. The "v" in the word "Seven" is also very similar to the "v's" made by the writer in the writing over the name of P. A. Sawyer. You will notice in the return that the "v" is peculiar by commencing with a point at the top, coming straight downward; I mean by straight, a straight line with the ordinary slant of writing, till nearly to the bottom, curving to the right, and the next movement of the pen, to complete the "v," passing to the right and upward, making a sag in the second stroke of the small "v;" I think it is marked in all his writing, I think it is not a straight line from the bottom of the "v" upward. I saw none but what that was very marked. I would refer, in confirmation of that, to Sawyer's letter which is marked "Exhibit 22," etc., to words "Several," "Advantage" and "Discovery,"—a *fac simile* of the one in the return. No two people, in my opinion, can make those letters. It is character-

istic—and I believe, so far as I have examined, it holds good in his writing. The downward stroke of the “v” and the upward stroke are very dissimilar. The last letter in the word is “n.” It is really no letter at all but is used or understood to be the letter necessary to complete the word, which was a habit of the writer when he wrote rapidly. It is not always confined to “n” but in “or” or “m.” He holds the pen I should say at times (I never saw him write,) a little from him, when he writes fast, and, in that case he makes a movement intending to make an “m” or “n,” as can be seen in Sawyer’s letter to Pratt marked “*Exhibit 22*,” etc., as in “or,” not finishing the last letter or letters, making two or three very slight movements of the pen, as seen in the return,—sometimes almost straight. The same thing can be seen and holds good in all cases where he seems to write in a hurry. On page “13,” in word “in,” the “n” is like the “n” in the return. I should say he held his pen little quartering, writing fast; the shading indicates that.

Question. How many instances have you examined in connection with the letter “y” in the word “*Twenty*,” to make comparison?

Answer. The “y” and “g,” the stem and loop letter, about sixty. In the sixty I think there are two where, inadvertently, there was a portion of a line made a little one way and the other but not an intention of making a loop letter; it seemed like a dragging of the pen when it was taken from the paper.

WILLIAM C. HOLT, *resumed.* *Evening.*

Question. State whether, examining the general characteristics, and the general form of the writing of the letters, record and alteration in the return, you find an unmistakable sameness in all?

Answer. There is in the formation of the letters. Some of the writing is with a pointed pen and more scratchy.

Question. From this examination have you any doubt that the addition to the return which has been shown you of the words and figures “*Twenty-seven, 27*,” is the hand writing of P. A. Sawyer, Deputy Secretary of State?

Answer. I have no doubt in my own mind at all, but what it was written in the same hand as the writing shown me over the signature of P. A. Sawyer, in the Blotter.

Question. I wish you to examine the return for County Officers from the town of Brownfield, Oxford county, marked “*Exhibit U, G. D. B., Clerk of Committee*,” and especially the word “*Brownfield*”

and the word "*Oxford*" filled into the printed part of the return, at the top (being the same matter testified to by Eli B. Bean, one of the Selectmen, as having been filled in since the return left the town) and state whether or not you have before examined it to-day, carefully?

Answer. I have, very carefully.

Question. State whether or not you are satisfied that the words "*Brownfield*" and "*Oxford*," found in that return, are forgeries, or simulated words?

Answer. I am satisfied that the filing on the back and the body of the return are in the same hand writing. I am satisfied that the words "*Brownfield*" and "*Oxford*," in the return, were not written by the same hand as the body of the return and the filing on the back.

Question. Are you not satisfied that the "*Brownfield*" and "*Oxford*" filled into the printed part of the return are simulated?

Answer. I am satisfied they are.

Question. And that there is an attempt to imitate the body of the writing?

Answer. Yes.

Question. State your reasons for your opinion, briefly.

Answer. I understand this to be filled up by Eli B. Bean. In the "*Brownfield*" there is evidently an attempt to imitate the "*B*" in "*Bean*," from the fact that coming down with the first part of the capital "*B*" and passing to the left there is a little jog in the lower part of the "*B*," which shows plainly that the first movement was to turn too readily upwards; afterwards he came back and went further to the left, passing the pen up around to complete the "*B*," making the top part of the "*B*" considerably the largest. The loop in the center of the "*B*," where it turns to make the bottom, also runs parallel with the line on which it is written, which does not exist in any other "*B*" in the return. The word "*Oxford*" is patched or mended, that is, the line connecting the "*O*" and "*f*" was made with one stroke of the pen, afterwards bringing it across down on the line that passed from the "*O*" to "*f*," to make the "*x*," then the pen is again touched upon the left side of the cross, attempting to indicate an "*x*" in "*Oxford*" as it is on the filing. On the filing the "*Ox*" is made with one stroke of the pen instead of the "*Of*." In my opinion it is an attempt to imitate. It is written more upright than the rest of the writing or the same words on the filing.

Question. Are you or not satisfied it is a forgery?

Answer. I am.

Question. Do you or not, find the stiff appearance and the slight tremor under the glass which is usual in forgeries?

Answer. Yes. It is more upright than the rest of the writing which would naturally follow in imitation. There is a very little tremor. It is written by a ready writer. It is an imitation, because the pen is taken off.

By MR. HALE:

Question. Have you examined the Representative return from Gouldsborough, marked "*Exhibit 17, G. D. B., Clerk of Committee,*" and especially the name "*Oliver P. Bragdon*" in the body of the return, and if so, state its appearance and what, if any, alteration has been made in it?

Answer. It appears first to have been written "*Oliver P. Bragdon*" and, with different ink, changed to "*B*" or partially to a "*B.*" There seems to have been an erasure; whether it was before or after that letter was written it is not possible to tell.

Question. Where does the erasure apply?

Answer. On the lower part of last loop of the "*B.*"

Question. What now appears instead of the entire lower loop which would make it a "*B*"?

Answer. About two-thirds of the lower loop of the "*B.*"

Question. Is it clear, from your examination, that that was made at some different time and with different ink from the rest of the letter?

Answer. It is made with different ink, most assuredly, and, in this case, the line is quite unsteady, tremulous.

By MR. STROUT:

Question. Have you examined the middle initial letter as appears in the Senatorial return from the town of Berwick, marked "*Exhibit 7, G. D. B., Clerk of Committee,*" "*George A. Wakefield*?"

Answer. I have examined the "*A.*"

Question. State what the letter was originally, and what changes, if any, you find have been made in it?

Answer. I should say that the letter originally was "*H,*" and it has been changed to "*A,*" and very poorly changed at that. The ink is of a darker quality and coarser, and, under the glass, it shows that the stroke on the left hand side of the top of the "*A*" is about the same size as the top of the "*H*", but in the right hand side, where it

connects, it is not as wide and large ; but it was bungling, and the dark ink runs down into the ink in which it was first written, showing two colors of ink in the same stroke.

Question. Was it slowly written as in imitation?

Answer. I should say it was, as it is very tremulous ; it looks patched and jagged.

Question. Have you compared that with the other "A" which you find in the same return?

Answer. Yes, sir.

Question. Was it made by the same man who made the other letter "A"?

Answer. I should say it was not, not the repairs on it.

BY MR. HALE :

Question. Have you examined the return for County Officers from the town of Buckfield, marked "Exhibit P, G. D. B., Clerk of Committee," and more especially, the word "Buckfield" at the end of the return, below the word "Selectmen" and opposite their signatures and that of the Town Clerk, and, if so, state what, if any, marked peculiarities appear in the writing?

Answer. It is entirely dissimilar to any other writing in the return ; that is all I could say.

Question. State what peculiarity there is about the letters?

Answer. The formation of the "k" and "f" is evidently forced. I do not know that I ever have seen a letter made in that way by anybody, and still I may have.

Question. What is the peculiarity of the loop?

Answer. He brings the "k" down as a downward stroke and comes around to the left and makes an "R" on what would be a stem of a "k;" he makes a capital "R," and the "f" is looped on the left side which is very rare indeed.

FEBRUARY 20, 1880, A. M.

EDWARD C. MOODY, *sworn and examined.*

BY MR. HALE :

Question. Where do you live?

Answer. In York, York county.

Question. Were you a member of the Governor's Council for the year eighteen hundred and seventy-nine?

Answer. I was.

Question. Serving throughout the year?

Answer. Yes.

Question. At what time did your duties cease?

Answer. By the Opinion of the Court, the first Wednesday in January, eighteen hundred and eighty—the same time as the Governor's.

Question. Did you, in any way, act or claim to act as a member of the Council after that date, yourself?

Answer. Yes, I think I did.

Question. For how long?

Answer. I think up to the time that I was re-elected or supposed to be, under Smith's administration.

Question. After having been elected by what is known as the "Smith Legislature," did you act as a Councillor at all for the succeeding year?

Answer. No; I did not qualify.

Question. You declined to qualify?

Answer. I did.

Question. Of what Committees of the Council for eighteen hundred and seventy-nine were you a member?

Answer. Committee on Election Returns, Pay Roll, Military Affairs, State Prison and Reform School; I was chairman of the Committees on Election Returns and Pay Roll.

Question. Who were your associates on the Committee on Election Returns?

Answer. When the Committee was announced by the Governor it was Charles H. Chase and F. M. Fogg,—when first announced by the Governor in the beginning of the year.

Question. Does it so appear in the State Register?

Answer. I think it does.

Question. Was any change made in the Committee on Election Returns, if so, when and what change?

Answer. I think it was the thirtieth of October; I can tell by referring to the Council Blotter which is here. [Witness examines the Blotter.] It was Thursday, October thirtieth; I identify this book as the Council Blotter; shall I read who were present?

Question. Yes, read the minutes.

[Witness reads from Council Blotter, as follows:]

“Thursday, Oct. 30. 8, A. M. Council in session. Present, chairman Foster, Monroe, Chase, Parker, Brown. On motion of Councillor Chase Councillors Foster & Brown were added to the Committee on Elections, and said committee was instructed to receive the returns on file in the office of Secretary of State and proceed to open and tabulate the same as soon as convenient. Adjourned to Monday, Nov. 17, at 4 o'clock P. M. Attest, P. A. Sawyer, Deputy Secy. of State.”

Question. During the year were you in the habit of attending the sessions of the Council?

Answer. Yes, I was.

Question. You are familiar with the books, papers and documents used in that office?

Answer. Yes, of the Committees to which I belonged.

Question. Look at certain tabulations we have here and see if you identify them as being those made up by the Governor and Council? [Book marked “*Exhibit E, G. D. B., Clerk,*” examined by the witness.]

Answer. I do not think those are tabulations; I think they are what is called the Docket, prepared for the Legislature,—not the tabulations spoken of in the report of the Committee on Elections. I consider this is a paper or document that is called a Docket for the House of Representatives, made for the Legislature, placed in the hands of the Secretary of State; at least I suppose that is it. That certainly is not the original tabulation.

Question. By whom is this made up—by the Council?

Answer. Yes; it is made up by the Council.

Question. Or, by the Committee on Election Returns?

Answer. I suppose it would properly come under them, but it is made up by the Council.

Question. Does it assume to contain a record of the candidates voted for, for the respective Representative Districts, with the number of votes in each case?

Answer. Yes.

Question. And the name of the party sent to the Secretary of State as having been elected?

Answer. Yes; I supposed they were for the convenience of the Legislature; I do not know what else they were for.

Question. Does the list of names on the outer margin of the pages purport to be a list of the names of the candidates whom the Council decided to have been elected?

Answer. Yes.

Question. And as left with the Secretary of State by the Council it purports to show the final results of the Council's examination, does it not?

Answer. Yes; I should suppose so.

Question. Are you acquainted with the hand writing of the members of the Council?

Answer. Yes.

Question. Glance your eye over the pages and see if you recognize the hand writing of different members of the Council in this document?

Answer. I do not, excepting in but one instance.

Question. In whose hand writing is the most of this—the body of it?

Answer. I think it is Mark Harden's.

Question. You think the hand writing of the body of the document is—most of it—Mark Harden's?

Answer. I think so. The writing of the Senators is Pishon's. They write something alike when they write fine, but I should say that was Harden's; I may be mistaken, but it looks like it. It may be Pishon's; they are both good writers.

Question. In looking at the list of names in the outer margin of these pages which made the list of Representatives elect as sent by the Council to the Secretary of State, do you see that they are in different hand writings?

Answer. Yes; I see that there have been changes made,—have been erasures.

Question. That there have been erasures and changes made in the list of Representatives?

Answer. Yes.

Question. Look over these pages, one after the other, and tell me in how many cases you find there have been erasures—and names substituted? [Witness looks through the book.]

Answer. I find seven cases where names have been erased and others substituted.

BY MR. STROUT:

Question. Do you mean by that, that as the Docket was originally made up, certain names were written in the margin as persons who appeared to be elected and that afterwards those names were erased and other names written in their places?

Answer. Yes.

Question. Please state the names of persons who appear upon the Docket to be substituted for others originally there; and state for what persons those names were substituted?

Answer. In the Lisbon and Webster District, "*Leonard H. Beal*" was substituted for "William H. Thomas."

Question. Was the middle letter "H?"

Answer. That was made for "Wm." and then "H.;" I guess that was his name; I had something to do with that case myself.

Question. Then in the county of Franklin?

Answer. I do not know; I cannot tell how that was originally. It is well-known, I suppose, that probably it is the name of the sitting member of the House?

Question. Name what?

Answer. "John R. Eaton." I suppose there is not much doubt but that is what was in there.

Question. You do not know that that was it?

Answer. No.

Question. You cannot tell from inspection what was under that name?

Answer. No.

EDWARD C. MOODY, *recalled, Feb. 25, 1880. Evening.*

BY MR. STROUT:

Question. Look at paper "*Exhibit 3, G. D. B., Clerk of Committee,*" and see if that is in your hand writing, and whether you wrote it?

Answer. Yes, I did.

BY MR. INGALLS:

Question. At the interview he [H. M. Heath] speaks of?

Answer. Yes.

EDWARD C. MOODY, *recalled, Feb. 26, 1880. Evening.*

BY MR. HALE:

Question. I call your attention to paper marked "*Exhibit N, G. D. B., Clerk of Committee,*" which you examined on the evening of the twentieth, and which purports to be a statement of the reasons why certain Senators, Representatives and County Officers, who appear to be elected on the face of the returns, were counted out; I find it stated there, as one of the reasons for rejection in certain cases, that the returns showed that all of the signatures were in one

hand writing. Do you remember of any instance of that kind that occurred during any examination of the returns made by the Committee of which you were chairman, while you were present?

Answer. Yes, I think I do; I think the town of Medway, in Penobscot county, was one. The return will show, if I am not right.

Question. Do you recollect now, without special reference being made to any town or plantation, any other?

Answer. I think there were several towns, but I do not know as I could recall them.

Question. Was there a rule laid down by the Council, or by the Committee of the Council, to reject where the returns appeared to be in one hand writing?

Answer. Yes, I think it was; I do not know that there was a written rule, but that was the understanding.

Question. Do you remember that that point was made in the Lisbon case, at first?

Answer. Yes, it was.

Question. By which member of the Council, in that particular case?

Answer. Mr. Fogg, I think; in fact I know he was the one.

Question. In that case was the Republican candidate, Mr. Thomas, counted out, and the Greenback candidate, Mr. Beal, counted in?

Answer. Not on the ground of signatures.

Question. I ask you whether, in that case, the Republican candidate was counted out?

Answer. Yes.

Question. Was the ground first taken by Mr. Fogg in that case that the signatures were not made by the Town Officers, who purported to make them, abandoned by him, on the Selectmen appearing and swearing that they had all signed?

Answer. It was voted down before they appeared.

Question. Upon what ground, then, was the objection made?

Answer. I am not certain about that; I was at home.

Question. That was done after?

Answer. Yes.

Question. Do you remember what ground Governor Garcelon took upon the Lisbon case?

Answer. I had some talk with him about the signature of Mr. Chamberlain, my uncle, and I told him there was no doubt but what that was his signature; and I think he agreed with me on that.

Question. The report reads as follows :

“The Supreme Court, Vol. 64, page 588, have held that the municipal officers shall sign the returns with their own hands or make their marks, otherwise the returns cannot be counted. We have found several returns fatally defective in this particular and have accordingly rejected them. By this rule laid down by the Court the New Sharon and Hersey returns has been by us rejected. This rejection affects the election of two Representatives.”

I call your attention to that language in the report of the Committee on Election Returns, and ask you if you had any hand or part in making that decision as stated here?

Answer. I did not draw up that report, nor sign it.

Question. Have you any recollection of the case of New Sharon and Hersey?

Answer. Is New Sharon in Franklin county?

Question. Yes.

Answer. I think it was that town that there were some affidavits came in from the Selectmen, to the effect that they did not sign the returns ; that is my impression about it ; but told the Clerk to do it ; I may be mistaken about that, but that is my idea.

Question. They did not sign, but authorized the Clerk to sign?

Answer. That is my impression, it was that town.

Question. And after the affidavits came in, in which they stated they authorized the Clerk to sign for them, the town was thrown out?

Answer. Yes, I think it was ; no, that was Stoneham.

Question. Have you any recollection, on reflection, of the New Sharon case?

Answer. No, sir ; I have not anything that I should feel sure of ; I do not know but I have got New Sharon and Stoneham mixed, confused.

Question. Have you any recollection of the case of Hersey?

Answer. Is that in Aroostook, in the Burnham District?

Question. Yes, Cushman and Burnham District.

Answer. No ; I did not know anything about what action was taken in the case ; Mr. Powers came in before the Committee when I was away, and the matter was fixed then.

Question. Then the action in both cases you had nothing to do with?

Answer. In the New Sharon or the Stoneham, I did, but I cannot say which it is.

Question. They are in different counties. On reflection you will

not say you remember there were any affidavits in the New Sharon case?

Answer. I should not want to say that I remember about it, because I do not.

Question. Do you remember that certain towns were rejected by the Council on the ground that the signatures were not those of the individuals purporting to sign, simply upon the inspection of the returns without affidavits?

Answer. Yes; the town of Medway I am very sure was.

Question. Was rejected upon the inspection of the returns?

Answer. Yes; I am very sure.

Question. Upon what appeared on its face?

Answer. I am very sure it was that town; if you will look at the return I think it will corroborate what I say about that; I think that is the town, in Penobscot county.

Question. Will you look at the return for Representative from the town of Hersey, and tell me whether in your judgment those signatures are signed by one man or different persons?

Answer. I should think they were signed by different persons. The first Selectman did not sign the names of the other two and the Clerk.

Question. Don't they all look to you as if signed by different persons?

Answer. No; I should think that the last Selectman and Clerk were signed evidently by one and the same man; I remember about that now.

BY MR. COOK :

Question. Isn't the Clerk one of the Selectmen?

Answer. Yes; and they took the ground—so they told me when I got back—that a Selectman could not be a Clerk.

Question. You remember that on your returning, after an absence, the Committee told you that in reference to the Hersey return they took the ground that a Selectman could not be a Clerk, and rejected the return on that ground?

Answer. Yes. There is no doubt about that at all.

Question. Do you remember which one of the Committee on Election returns told you that?

Answer. Mr. Munroe; and told me Dr. Parker rather disputed it because he said in Aroostook very often the Clerk and Selectman were one and the same.

Question. But you were told it was thrown out on that ground?

Answer. Yes.

Question. You are confident of that?

Answer. Yes, because the Burnham matter had been offset by the "Alfred," by Mr. Powers' statement.

Question. That reason differs entirely from the reason given in the report just read to you?

Answer. It seems to me so, but that was the reason as I understood it. It is evident by the return that one of the Selectmen and the Clerk are the same.

Question. But the three signatures of the Selectmen are evidently in different hand writings?

Answer. "Tozier" evidently is. The other two are somewhat alike, I think, although I should not want to swear that William Bates did not sign his name there himself.

Question. Will you examine the paper which I hand you, which is the Senatorial return from East Machias, Washington County District, taken from the files, and tell me whether, upon that return, one of the Selectmen's signing and the Clerk appear to be by the same person?

Answer. One is "John C. Talbot" and the other is "J. C. Talbot."

Question. Is the hand writing evidently and plainly and unmissably the same?

Answer. With the exception of the "C."

Question. Look at the hand writing and see whether the two signatures are evidently the same hand writing?

Answer. I should say they were.

Question. Do you know that the return was not rejected, from East Machias?

Answer. I think the Representative was?

Question. This is Senatorial?

Answer. I supposed it was not; I do not know; I cannot say of my own knowledge whether it was or not; but it is my impression it was not. I have not noticed the tabulation. A man generally signs his name just the same way on one piece of paper. [Witness examines Docket.] I find from examination of the tabulation or Docket that the Senatorial vote of East Machias was counted and not rejected.

Question. I ask you to look at the Senatorial return from the town

of Cutler, taken from the files of the Governor and Council, and examine it and see if it there appears that one of the Selectmen and the Town Clerk were the same person? [Witness examines return.]

Answer. No doubt about it.

Question. The name in each case is what?

Answer. "James T. Matthews."

Question. Signing as ——?

Answer. Second Selectman and Town Clerk.

Question. Look at the Senatorial returns as shown by the tabulation, and see whether Cutler was rejected or counted?

Answer. They were counted.

Question. In both cases, East Machias and Cutler, is or not the majority largely against the Republicans?

Answer. Two to one in Cutler, against Republicans, and, in East Machias, sixty against Republicans; that is, taking the two highest votes on each side.

Question. I ask you to look at the Senatorial return from Kossuth, in Washington county, taken from the files of the Council, and see if the signatures of all the Selectmen are not plainly the same there?

Answer. They look so; but I don't know; it strikes me that that was the conclusion that we arrived at; but, when Mr. Heath and the Governor, and I, looked at it, there was a poor return, I think.

Question. Look at the tabulation, or Docket, and see if Kossuth was counted or rejected? [Witness examines Docket.]

Answer. It was counted for two,—one of the candidates on each side.

Question. Counted for Talbot, and for Harris?

Answer. Yes.

Question. Examine the Representative return from the Plantation of Greenvale, in Franklin county, taken from the files of the Governor and Council, and see if the body of the return and the signatures are not evidently in one hand writing; and if one of the Selectmen and the Clerk are not one and the same person?

Answer. I may be wrong, but I should not think there was any doubt but they were in the same hand writing.

Question. Whether it appears that the Clerk and one of the Selectmen are the same?

Answer. The same name; on examination of the tabulations for Representative, I find that the return from Greenvale was rejected and not counted; I judge the reason was, because the whole number of ballots was not given.

Question. Do you remember that one rule adopted by the Council was to reject returns where the whole number of ballots had not been written in?

Answer. I think it was. It was as far as I was concerned, any way; I voted to reject on that ground; I took the Bliss and Poland case for precedent; I found after it was all through, that was not the reason that Poland was counted out.

Question. You made that case the precedent, and, after you got through, found that was not the reason on which the Bliss and Poland case was decided?

Answer. Yes, according to Mr. Farrington's statement to me. In the return in the State House, there was no whole number in it, and I understood that was the ground.

Question. Did you or not, after the Committee on Election Returns had been increased to five, follow all the doings of the Committee and know everything that was being done, or were many things done without your knowledge?

Answer. I could not know of every thing that was being done by all the members, and they did not know, of course, what I did, some of the time.

Question. Did you know of any protest being sent in; in the case of returns from Oxford county, by Mr. Bisbee who represented the Republican candidates?

Answer. No.

Question. Was any such protest ever called to your attention.

Answer. No, sir.

Question. Or any letter of Mr. Bisbee's accompanying any such protest?

Answer. No.

Question. Was any action taken, to your knowledge, by the Governor and Council upon any such protest?

Answer. No; I never heard of it.

Question. Do you remember or know anything about the case of the town of Buckfield, and the alteration of the return after it was received by the Council?

Answer. I remember about the return from Buckfield, not having the name of the town.

Question. Or county?

Answer. I think both were out; I know Mr. Bisbee came there and he and I looked the returns over together, and he made a minute of it, I think.

Question. Do you remember when you looked them over first, and with Mr. Bisbee, after they had been received, that the return from the town of Buckfield lacked the names of the town and county?

Answer. It did, in the front part of the return.

Question. In the early part of the return?

Answer. Yes; about the "*Buckfield*" being there by the Selectmen, I never thought of looking there, because I do not believe there are ten returns that have got the name of the town opposite the names of the Selectmen.

Question. Do you know anything about those names of the town and county afterwards having been written in by some person or persons?

Answer. No.

Question. You have no knowledge, yourself, who did it?

Answer. No.

Question. But you are certain that when they first came in to the Governor and Council, they were not there?

Answer. Yes, I am.

By MR. INGALLS:

Question. You say *they*?

Answer. "*Buckfield*" and "*Oxford*"—the two names.

By MR. HALE:

Question. Were the returns from the town of Buckfield counted, or rejected?

Answer. I think they were counted; I am very sure that they were counted.

Question. Do you remember about the return from the town of Brownfield, Oxford county, being defective in the same way when first received?

Answer. I do not know that it was Brownfield, but it strikes me there was some other town in Oxford county.

Question. Do you remember that, in looking over, with Mr. Bisbee, you did find another town defective in the same way as Buckfield,—lacking the names of town and county in the upper part of the return?

Answer. I think so; I wouldn't be positive on that point, but I remember perfectly well about Buckfield.

Question. In the case of the other town, whatever it may have been, had you any knowledge of the name of town or county being written in by any person or persons afterwards?

Answer. No, sir.

Question. If done by any person you do not know by whom?

Answer. I do not.

Question. After the returns were received from the several towns and plantations, with whom did they remain till the final count was promulgated?

Answer. I held them till the twenty-first of November; that is, I had the key to the safe till that time.

Question. Where were they kept?

Answer. Kept in the safe, then.

Question. Where?

Answer. In the Secretary of State's office.

Question. Where was the examination made, from day to day, of the returns, by the Committee on Election Returns?

Answer. In the Council Chamber, and in the Governor's Room.

Question. From the time when the returns were received, up to the twenty-first of November, were Republican candidates, or their counsel, or friends, allowed to examine them?

Answer. I am pretty sure they were not.

Question. Don't you remember that repeated application was made by Republican candidates, or their counsel, for examination of the returns, but it was denied?

Answer. Yes, I do.

Question. Were you present at the time when a Committee, consisting of ex-Governor Dingley, Mr. Lindsey, and Mr. Emery, of Ellsworth, requested the privilege of examining the returns?

Answer. No, I was not.

Question. Where were you at that time?

Answer. As I understood it, that request was being made while I was in the Council Chamber, and they were in the Governor's Room.

Question. You were in Augusta at that time?

Answer. Yes. That was the seventeenth of November, I think.

Question. The request was proffered in the Governor's Room?

Answer. I so understand; I did not hear it.

Question. To the Governor?

Answer. That is what I understand, and I guess that was the general understanding.

Question. It was refused?

Answer. I so understand it.

Question. At that time was the question discussed in the Council,

or by the Committee on Election Returns, whether the Republican candidates, or their counsel, or representatives, should be allowed to inspect the returns?

Answer. No. At least, I do not know of any discussion about it.

Question. Did the Governor discuss that question, or confer with his Council upon it at any time during that day?

Answer. I think that he came out and had some talk about it after the people had gone away.

Question. Don't you remember that Governor Garcelon did at first give encouragement to those gentlemen that they should look at the returns and that, after consulting with his Council, he declined?

Answer. No, I don't have that recollection of the matter.

Question. When did the Council first decide that no inspection should be allowed, of the returns?

Answer. I cannot tell the date.

Question. Do you remember whether that decision was made on the day that Mr. Bisbee was there and when he requested to see the returns from Oxford county?

Answer. It was made the same day that Wing and Savage were there; I remember about the Governor writing the order "*As at present advised.*"

Question. That decision was made that no inspection should be allowed of the returns?

Answer. Yes; that they couldn't be amended, or to that effect, and it was useless to see them, or something like that; I do not know just how it read.

Question. Did the Council adopt the rule that no amendments should be allowed of the returns?

Answer. I do not know that they adopted it—made it a matter of record.

Question. Did they act upon that rule?

Answer. I think they did.

Question. All the way through?

Answer. I think that was the understanding.

Question. What was the reason for the decision that no inspection of the returns should be allowed,—because they couldn't be allowed to be amended and it would do no good to look at them?

Answer. I think that was the substance of the order that the Governor wrote. It is on the blotter of the Council, I suppose.

Question. Have you ever known, previous to this last year, of

candidates or their counsel or friends being denied the opportunity to examine and inspect the returns?

Answer. No, sir.

Question. Heretofore it has always been customary to allow it?

Answer. So I have understood.

Question. You never heard it contradicted?

Answer. No.

Question. During the examination of the returns in the months of November and December were they or not carried many times from the Secretary's Room into the Council Room and returned at night?

Answer. They were up to the twenty-first of November.

Question. You know that they were up to the twenty-first of November?

Answer. Yes; I know that, that is, when I was here.

Question. After that your custody over them ceased?

Answer. That is, as far as locking them up was concerned.

Question. After that were they not carried by other parties to the Council Room to be examined?

Answer. Yes; we would send Mark down, after that, or Sawyer, or somebody, to bring them up; and part of them were kept in the Governor's Room, in the closet there, or cupboard. There was a Yale lock on that, and they were about as safe there.

Question. At every meeting of the Council during those months, was there or not some examination of, and inspection of, and working upon, and tabulating of these returns?

Answer. There was some other business. There were several pardon matters that came up.

Question. At every meeting wasn't there more or less of working upon, and tabulating, and fixing these returns?

Answer. I do not seem to remember about that. I guess most of the time they worked upon them, excepting when there was other business.

Question. Was the final result reached and determined upon till near the close of the year?

Answer. The certificates had got to be issued any way—the twenty days—of course it had to be done before that.

Question. Was the final result reached and determined till the day when the report appears to be signed, on the thirteenth of December?

Answer. No; I do not think it was.

Question. Were there not changes made in the tabulations, and in the report of the Committee clear up to the day of the adoption of the report?

Answer. Mistakes were corrected.

Question. Were there not changes made?

Answer. I do not think there was but one change made afterwards.

Question. Were there not changes made clear up to the time of the signing of the report?

Answer. Yes, that is when they went over the tabulations and returns to see they were finally correct. You can call it verifying, to see whether it was carried out correctly from the returns, where there had been errors made either in my not seeing or making mistakes.

Question. Wasn't there one change, at least, made in the report after it was signed, and accepted? and, if so, which case was that?

Answer. That was the Lisbon case.

Question. The Republican candidate, Mr. Thomas, was stricken out and the Greenback candidate, Mr. Beal, written in his place?

Answer. Yes.

Question. In the body of the report?

Answer. Yes, but that I suppose they had a right to do.

Question. Do you remember the circumstances in the case of the Gouldsbrough Representative—Oliver P. Bragdon?

Answer. Yes; I remember about that.

Question. Whose name was first written in the report of the Committee as being the duly and legally elected Representative?

Answer. Oliver P. Bragdon.

Question. The Republican candidate?

Answer. I have since learned it was, but did not know then.

Question. Was that afterwards changed, and the Greenback candidate's name written in the place of Mr. Bragdon?

Answer. Mr. Flye was given a seat, and his name put in the report.

Question. Mr. Bragdon's name scratched out and Mr. Flye's name written in?

Answer. Yes.

Question. Do you remember the reason for it?

Answer. I think in the Gouldsbrough matter that I must have made a mistake in getting the name "Oliver P. Bragdon" when it was "Oliver B."

Question. What do you mean by that?

Answer. That is it should have been put down "Oliver B." when I wrote it Oliver P." But we went over and verified it—that is, compared the returns with the tabulations—it was found that the return was "B." When it was first written down it was "P." There was some talk about the letter "B," and I carried it to the Governor, and I says: "Governor, I must have made a mistake in this matter; what do you call that, a B or P? He says, "can't you tell a B from a P?" That is all there was said about it.

Question. You had, in first examining it, called it a "P?"

Answer. I did not examine it the first time closely.

Question. You must have made some examination?

Answer. Yes, of course; I supposed it was a "P."

Question. Were not the returns from the other towns in the district for "Oliver P. Bragdon?"

Answer. Yes, I think so.

Question. In looking over the Gouldsbrough return, you called that "Oliver P." and tabulated all the votes as for "Oliver P. Bragdon?"

Answer. Yes, but I will not be sure I looked critically.

Question. In your first examination of the returns, all the other towns were "Oliver P.," and you called Gouldsbrough "Oliver P.?"

Answer. Yes; but I couldn't swear but it was "Oliver B.," to-day.

Question. How long after that before your attention was again called to the Bragdon case, and the return from Gouldsbrough?

Answer. I am sure I don't know; I can't say how long a time it was between the verifying and when it was made up originally.

Question. How long from the time you first wrote it before your attention was again called to it when you showed it to the Governor?

Answer. I do not know. It might have been two days, and might have been a week.

Question. During that time Oliver P. Bragdon appeared on the list of Representatives elected?

Answer. Yes, that is on the original tabulation. If you had that paper I lost you would find it so, I think.

Question. Examine the final tabulation or Docket made up for the Secretary of State, from which he was to make up his list, and state whether it appears plainly there that "Oliver P. Bragdon" was written in?

Answer. It does not appear plainly. I can see the "O" and "P" and "B."

Question. Then doesn't it appear plainly that "Oliver P. Bragdon" was first written there?

Answer. Yes; I suppose there is not much doubt about it.

Question. What name does now appear written over it?

Answer. "James Flye."

Question. The tabulation or Docket which you are examining is not the original?

Answer. No.

Question. But the final docket made up for the Secretary of State to make his list from?

Answer. I am very sure it is.

Question. So that, as late as that was written up, Oliver P. Bragdon's name was first written in?

Answer. Yes, it must have been.

Question. Look, also, in the same tabulation, at the figures, and see if it does not appear that the vote of Gouldsborough was first tabulated and counted for Oliver P. Bragdon, and that there has been a change in his total vote?

Answer. Yes.

Question. And does it not appear at last that the vote of Gouldsborough is carried out to "Oliver B. Bragdon?"

Answer. Yes.

Question. Does it not appear that, in the column of "Oliver P. Bragdon," for Gouldsborough, there has been an erasure?

Answer. Yes.

Question. Doesn't it appear that the footings for "Oliver P. Bragdon," and "James Flye," have been changed?

Answer. Yes.

Question. Where were you when Governor Garcelon submitted the first Questions to the Justices of the Supreme Court?

Answer. I think I was in Boston the day that he did it; at least, I was not in Augusta.

Question. Had the matter, before that, of submitting the Questions which had arisen regarding the count, been discussed in the Council?

Answer. I never heard any thing said about it, at all.

BY MR. HAWES :

Question. Do you recollect an application, from myself to the Governor and Council, to ask the Opinion of the Supreme Court as to the Constitutionality of the law of eighteen hundred and seventy-seven, about the eleventh or twelfth of December?

Answer. I remember something about it, but I do not know just what. I never saw any paper, I think. Did you make it in writing?

MR. HAWES. I did.

BY MR. HALE:

Question. Don't you remember that, before the submission of the Questions by the Governor, there had been a great interest, and even excitement, throughout the State, with reference to the action of the Governor and Council, as to the returns?

Answer. I do.

Question. Don't you remember that it was the general topic of discussion throughout the State?

Answer. I suppose it was.

Question. Don't you remember that petitions had come in from many quarters, urging the Governor to submit the disputed Questions as to the count, to the Justices of the Supreme Court?

Answer. I know there were a few.

Question. Didn't you see more or less of those petitions when you were at Augusta?

Answer. I believe I never saw but two.

Question. Where were they from?

Answer. I think one from Augusta.

Question. Headed by whom?

Answer. It strikes me it was some Ex-Governor, but I will not be sure.

Question. Ex-Governor Morrill?

Answer. I guess it was Anson P. Morrill.

Question. Don't you know there were many other petitions came in to the Governor and Council?

Answer. I do not think I saw more than two.

Question. Wouldn't it be natural for you as chairman of Committee on Elections to see them?

Answer. No; I do not know as it would.

Question. Wasn't the matter then discussed by the Governor and Council, as to what should be done on those petitions?

Answer. I didn't hear any discussion.

Question. Did you, after these petitions came in, never hear the subject mentioned?

Answer. I don't know but I have, but nothing that I can remember.

Question. Do you mean to say that at the meetings of the Governor and Council at that time, that the subject of submitting those

Questions, and of the petitions urging it, was not discussed repeatedly by the Council?

Answer. I don't think I ever heard the matter mentioned in open Council in my life.

Question. Do you know whether the Council was in favor of or opposed to submitting the Questions?

Answer. I know I was opposed myself.

Question. Upon what ground?

Answer. I am somewhat of a partisan, and I never had much faith in Courts or Judges since eighteen hundred and seventy-six.

Question. What did the Court or Judges have to do with the eighteen seventy-six case? that was not submitted to the Court. The upshot of it was, wasn't it, that you thought you had everything and you were not inclined to run any risk? wasn't that your feeling, and that of the other members of the Council?

Answer. I do not know how the other members felt about it; I guess some of them backed water on it a little, but I was opposed to it from the start.

Question. Were some of the others in favor of it at first?

Answer. No; I don't know of anybody; I was not here when the Questions were submitted, but I wrote to the Governor advising him not to; I wrote to him from York. Knowing him as well as I did, after Governor Morrill wrote that letter, I thought likely that Garcelon would do it.

Question. You were afraid he would?

Answer. Yes; I was.

Question. Do you know anything about any counsel being employed about that time?

Answer. Mr. Gould was employed.

Question. By whom was Mr. Gould employed?

Answer. By the Governor, I suppose; at least he was there; I do not know whether really employed.

Question. Mr. Gould was there when, before or after the Questions were submitted?

Answer. He was there before.

Question. You saw him there before?

Answer. Yes; I am very certain I did.

Question. What was Mr. Gould doing there before?

Answer. He was in to see the Governor; I wasn't in there.

Question. You understood he was acting as counsel?

Answer. That was my understanding about it.

Question. Did you understand that Mr. Gould was for or against submitting the Questions?

Answer. I couldn't but understand he was in favor of submitting them after he came up and fixed them up.

Question. He did fix them up himself?

Answer. So I understood; I do not know it of my personal knowledge; he was generally consulted.

Question. By both Governor and Council?

Answer. Yes; I consulted him.

Question. With reference to certain cases you consulted him?

Answer. Yes.

Question. Did you consult Mr. Gould in relation to the Skowhegan case,—throwing out Skowhegan on the question of double column ballot?

Answer. Yes.

Question. What was Mr. Gould's advice?

Answer. Throwing it out.

Question. Did he afterwards write a letter taking the other ground?

Answer. I saw a copy of his letter in the "Bangor Commercial," I think.

Question. Did that letter agree with his advice to you, or was it directly opposed?

Answer. It was directly opposed; I know I spoke about it at the time.

Question. You are confident that Mr. Gould advised you to throw that out?

Answer. Yes, sir.

Question. Sure of it?

Answer. Yes.

Question. On that very ground?

Answer. Yes; I am very sure about that.

Question. Did you consult with him about any other particular case you remember about?

Answer. Yes; I cannot remember the name of the town, but I know that Mr. Monroe was sitting there at the time, and we both asked him about it; in fact, Monroe called me up where they were sitting. There was some town we were going to act on; I cannot remember the town.

Question. Do you remember the point involved?

Answer. I think it was that town where the Selectmen gave their affidavits to the effect that the Clerk signed the returns for them ; I do not want to be too positive about it.

Question. Did Mr. Gould advise that they be thrown out?

Answer. Yes.

Question. You do not remember what town it was?

Answer. No.

Question. How many times did you consult Mr. Gould?

Answer. I guess in only two or three cases.

Question. Do you remember in any case that he advised you not to throw out towns?

Answer. No ; I don't think he did.

Question. You think his advice was all in the direction of casting out, do you?

Answer. It was ; the Questions I submitted to him.

Question. How did Mr. Gould get his pay?

Answer. I don't know ; I do not know whether he has got it or not ; I recollect of saying to the Governor when riding up to Waterville to see how the ratification meeting turned out, of asking the question who was going to pay Mr. Gould ; and the Governor said : " Why, we pay him, of course." I did not know whether it had got to come out of my pocket, any of it, or not ; I wanted to know about it.

Question. What did you understand by " We ;" that the Council paid him?

Answer. I did not know what to understand then ; I did not ask any further. He said " We ;" I made up my mind I should not pay much for the advice he had given me.

Question. Have you ever been called upon to pay anything to him?

Answer. No.

Question. Were you on Committees of the Council that had charge of auditing any bill?

Answer. No ; I wasn't on the Committee on Warrants, or Appropriations.

Question. Do you know anything about the uses made of moneys drawn from the different appropriations, in the latter part of the year,—the last part of the year eighteen hundred and seventy-nine, and the first part of the year eighteen hundred and eighty?

Answer. No ; I know I received twenty-six dollars myself, for

mileage one session, when I left home when the Council was in session, but I was detained, and when I got here they had adjourned, so my name was not on the Pay Roll, but I claimed that I ought to have my mileage if I did not get any attendance, because I left home when the Council was in session, and I always charged from the day I did leave home.

Question. Did you receive your pay for that?

Answer. Yes.

Question. From what fund did you receive it?

Answer. I suppose from the Contingent Fund of the Governor and Council.

Question. You don't know anything about the expenditures of that Contingent Fund?

Answer. Only as I have seen it in the Appropriation Book, and have received—I guess I have received three hundred dollars or four hundred dollars—during the year from it.

Question. What amount did you receive during the year, in all?

Answer. I never figured it up at all.

Question. About what amount do you think ; everything?

Answer. I should think I must have received one thousand dollars.

Question. During the year?

Answer. I should think so.

Question. And the other members of the Council as much, or more?

Answer. I should not suppose that Mr. Brown, or Fogg, would be as much, because my mileage is twenty-six dollars each session ; and that tells up to what it does, where you don't get but five or six dollars. I never reckoned up in the Contingent Fund, but I think I drew as little as anybody ; I endeavored to make that a point, any way.

Question. What is the amount of the entire Contingent Fund?

Answer. I think five thousand dollars.

Question. Then of course only a portion of the pay of the Council for services and mileage and attendance could come from that Fund?

Answer. Then there is the Pay Roll of the Council which is four thousand dollars. I was chairman of the Committee on Pay Roll of the Council. That is four thousand dollars.

Question. When was that Fund exhausted?

Answer. I do not know as it is exhausted.

Question. Do you, yourself, have any knowledge of money being drawn from different appropriations and misappropriated, in its use, to other purposes?

Answer. No; I don't of myself; only what I have heard lately.

Question. You were not on the Committee on Printing?

Answer. No. The usual course that bills and accounts and everything of that sort take is: They come in and the chairman of the Council hands them to the Governor and then they are handed to the Committee on Accounts; then the Committee on Accounts report that the Governor be advised to draw his warrant; then the Committee on Warrants make a report to that effect, so that really the Committee on Accounts and Committee on Warrants have the charge of the thing; and generally, when those Committees both report, it passes the Council without objection, unless something out of the common course.

By Mr. HAWES:

Question. Then the basis of a warrant would be a bill?

Answer. Yes.

Question. In all cases?

Answer. Yes, every time.

Question. You wouldn't consider it regular to draw a warrant without the basis of a bill or voucher?

Answer. I should not.

By Mr. INGALLS:

Question. Goes first to the Committee on Accounts?

Answer. Yes.

Question. Then referred by that Committee to the Committee on Warrants?

Answer. Yes; if they recommend that a warrant be drawn, it goes to the Council; and you would hardly think of objecting to passing a report of that kind after the Committee on Accounts had done so.

Question. Does that become a matter of record?

Answer. The reference?

Question. Yes.

Answer. It is stamped on the back of the bill "*Referred to the Committee on Accounts.*"

Question. It does not go on any record book?

Answer. Yes; the record will read "*Bills were presented from Sprague, Owen & Nash; Printing, [so much]. Referred to the*

Committee on Accounts. Reported favorably by the Committee on Warrants that the Governor be advised to draw his warrants."

Question. Then there is a vote of the Council, in addition, authorizing the drawing of the warrant?

Answer. Yes, but it is generally an informal vote; I don't know that I ever knew the yeas and nays taken on it.

By Mr. HAWES :

Question. Did you ever know of a warrant being drawn without any voucher or bill being presented in the first place?

Answer. No; I don't know that I did. There might be a hundred and I not know it—not being on the Committee.

Question. You don't know anything about Cameron, the Book Binder, being paid money in advance?

Answer. No.

By Mr. COOK :

Question. Were you in the session of the Council on December thirty-first or thirtieth?

Answer. I came to Augusta December thirty-first in the afternoon.

Question. At that meeting do you remember of the Committee on Warrants recommending the Governor to draw a warrant for himself for four thousand dollars?

Answer. December thirty-first, I did not get here till eight o'clock, I think, in the evening. That was the time I was delayed, and they had adjourned.

By Mr. HALE :

Question. Do you know anything about one thousand dollars that Leavitt had and has just returned?

Answer. I did not know that he had returned anything.

Question. Do you know anything about the thousand dollars that he had?

Answer. No.

Question. Do you know Eben F. Pillsbury?

Answer. Yes.

Question. Know him well?

Answer. Yes; very well acquainted with him.

Question. Seen a good deal of him in Augusta?

Answer. Yes, considerable.

Question. During the time when this work was going on upon the returns by the Council, was he frequently up here at the Capitol?

Answer. I do not know that he was more frequently than common. He was around here a good deal during the year.

Question. Where is his office,—on the hill or down town?

Answer. Down town.

Question. During all the time you were Councillor was he around the Capitol a good deal?

Answer. Yes, as much as anybody, I should think.

Question. Do you know of anybody outside the Council that was there oftener, or as often, as Pillsbury?

Answer. You mean anybody not having anything to do with the State?

Question. Yes.

Answer. No; I don't know as I do.

Question. Wasn't he constantly in, advising the Council?

Answer. He didn't me.

Question. Don't you know of his giving it to other parties,—members of the Council and the Governor and State Officers?

Answer. I never heard him give them any advice.

Question. Don't you know that he was giving advice? didn't you hear him quoted many times in your deliberations?

Answer. No. People that knew me never quoted his advice to me.

Question. You don't like him?

Answer. Yes; I like him as a man.

Question. But don't like him as a politician?

Answer. No; I don't.

Question. You think he about ruined the concern?

Answer. I don't know as it is necessary for me to answer that question.

Question. If you had had your way, his advice would not have been followed?

Answer. I do not know. He didn't advise me. It wouldn't have been followed in one case, if I was correctly informed what his advice was.

Question. About a matter that came up before the Governor and Council?

Answer. That was sort of a political matter.

Question. What was that?

Answer. I do not know as it is any use for him [pointing to Stenographer] to take it down.

Question. Let us see.

Answer. That was the day you came in,—sixty of you,—and wanted to qualify, and went out to get Mr. Lamson; and Mr. Pillsbury says, “*Damn them! let them sweat a spell.*”

Question. You were in favor of their qualifying?

Answer. Yes; I did not take much stock in that kind of sweating.

Question. Your notions were to let the Republicans qualify?

Answer. Yes.

Question. Pillsbury opposed it?

Answer. So I am informed.

Question. Was Mark Harden constantly present, and making himself useful?

Answer. He was Messenger to the Council. He was always there.

Question. Did he do considerable writing on these returns and tabulations?

Answer. Yes, he did considerable. He is a good writer. You can see that by the reports in his hand writing, I think.

Question. Have you any knowledge of any corrections of returns or of blank returns sent out to the different towns, from the Governor and Council or Secretary of State?

Answer. Not of my own knowledge.

Question. From information you got in the course of this whole general count, do you know of any blank returns being sent out in order to fix up the vote in any of the towns; if so, state what towns?

Answer. Is it necessary for a man if he is going to give testimony that would criminate himself—has he got to do it?

MR. HALE. The rule is this, before Legislative Committees: that the witness is privileged; and declarations made before a Committee cannot be used against him in a criminal proceeding; or he may avail himself of the privilege of declining to answer upon the ground that the answer would criminate himself.

Answer. That is about as good an answer as anybody would want to get; I do not know of a single return being sent to Washington county.

Question. What do you know about it?

Answer. Not a thing about Washington county.

Question. About any other county,—any other part of the State. Either tell us all you know about it or state that you decline to make a statement of that on the ground that a witness is not obliged to state things that will criminate himself?

Answer. Well, I am not going to lie about it any way.

Question. All we want is the truth.

Answer. I do not know of any, but one instance, that ever a return was sent or carried by anybody anywhere,—a blank,—and in that case it never was used and no change was made.

Question. What was the case, and what were the facts?

Answer. If you will hand the return to me from the town of Bristol.

Question. Representative?

Answer. No; Senatorial, in Lincoln county. [Senatorial return from Bristol passed to witness.] There, if you will notice in this return of Bristol, "*the whole number of ballots given is six hundred and ten,*" and the votes were three hundred and seventy, and two hundred and twenty-eight, and four. Those do not correspond, you see. I took that return in my pocket, and a blank return, and went to the town of Wiscasset. I there found that the record of the town of Bristol read "*Andrew R. J. Smith.*" Knowing it would make no difference whether that return was amended by the record, (if it was amended by the record Smith would be counted "*Andrew R. J.,*" and by the record of Lincoln county to-day he is not elected Senator,) so I did not do anything about that.

Question. That return is right?

Answer. No. The return is all right, but the record is "*Andrew R. J.;*" the record of Bristol.

Question. How did you find that out in Wiscasset?

Answer. I had some talk with a gentleman there.

Question. Who was that?

Answer. Benjamin F. Smith, a member of Governor Garcelon's Staff.

Question. He told you what?

Answer. That the record of the town showed "*Andrew R. J.;*" I guess I have got a minute of it in my pocket.

Question. You didn't see the record?

Answer. No; he got a certified copy of the record.

Question. Did you bring back a certified copy of the record?

Answer. No; I only made this minute.

Question. You went away with a blank return and with the intention of making a new return, showing the proper number of the total of votes?

Answer. I did not exactly regard my having that return in my possession—I did not think I was doing anything that was very bad,

because I was chairman of the Committee, as long as it was in my possession and was not sent out by anybody or anything like that—had not gone out of my hands.

Question. What was your intention in taking the blank return, if it was not to make a new return that should have in it the proper number of the total vote ; wasn't that your intention when you took the blank return?

Answer. I had not any full intention of what would be done.

Question. Wasn't it the fact, that, under the practice you had followed in the count, as the total number of the votes didn't agree with the votes as cast, you would have to throw it out?

Answer. I was going as much as anything, to see if the record had that last part on there, that amendment, or whatever it is.

Question. Hadn't you followed, in your examination, the rule that if the whole number of votes did not agree with the number of votes as cast, it had to be thrown out?

Answer. That depended upon whether the number of ballots was more than the number of votes.

Question. In this case it is more?

Answer. No ; it is the other way.

Question. In this case the declaration is six hundred and ten, and, when added up, it is six hundred and two ; the number stated is larger than the votes add up?

Answer. I suppose that is six hundred and two, instead of six hundred and ten. It was as much as anything about that preamble, put on there afterwards.

Question. What did you take the blank return for, if it was not to make out a new return?

Answer. If the record hadn't that on it, I should have.

Question. You proposed to change it?

Answer. Yes ; I don't know as I should have got any of the Selectmen to have signed it, because I didn't know them.

Question. That is what you started out for?

Answer. No, I don't think I did start out with the intention of getting a new return signed by the Selectmen.

Question. What did you take the blank return with you for, when you had the original return?

Answer. I don't really know what reason I could give for it now ; I never thought much about the matter, and haven't thought much about it since, inasmuch as there wasn't anything done.

Question. But you didn't know that till you got down there and found this out in Wiscasset. What was it you took that blank return with you for when you took this original return from the files and carried it into Lincoln county as chairman of the Committee?

Answer. I was on the way to the State's Prison at the same time.

Question. But you stopped at Wiscasset to see about that?

Answer. Yes.

Question. That wasn't State Prison business?

Answer. No.

Question. That was business about the return from Lincoln county; and the Senatorial vote was snug there?

Answer. Yes, I think it was. There is one matter about that tabulation I want to speak about sometime, where I think the Committee have got misled,—in fact, I know they have.

Question. You brought the return back?

Answer. Yes.

Question. And put it on file?

Answer. Yes.

Question. And counted it just as the votes appear there?

Answer. Yes.

Question. You didn't reject it because the number of votes as written in did not agree with the number as added up?

Answer. They do agree; that is evidently made for a "two."

Question. You, yourself, called attention to the fact there was a discrepancy?

Answer. The most I thought about was that addition.

Question. You stated, when you first spoke about it, there was that discrepancy between the number of votes as stated and the number as added up, and you started down and found there was no need of correcting it because you found the returns were for "Andrew R. J." When you came back you returned the paper to the files?

Answer. Yes.

Question. And it was counted, just as the returns are there?

Answer. Yes.

Question. It was not thrown out because there was a discrepancy between the number of votes cast and the number as added up?

Answer. No.

Question. Although Farmington, for the same reason, was thrown out?

Answer. Yes ; I am sure it was.

Question. Then Farmington, where there was a large Republican majority, was thrown out because the whole number of votes as stated does not agree with the vote as added ; but Bristol, where there was a large Greenback majority, was counted, although there is the same feature ?

Answer. There is a difference between a discrepancy of more ballots than votes and where there are more votes than ballots. There can be more ballots than votes but cannot be more votes than ballots.

Question. Farmington was the same as that, the number as written in is larger than they added up ?

Answer. You will find Farmington is the other way.

Question. No ; I will ask you to examine the return from Bristol, and to give me the whole number of ballots as written in at the top ?

Answer. "Six hundred and ten."

Question. Also give me the number of votes thrown for the two candidates ?

Answer. "*Isaac T. Hobson 370, Andrew R. G. Smith, 228. Under protest Isaac T. Hobson 4.*"

Question. How much do the votes aggregate ?

Answer. Six hundred and two.

Question. Including the four protested votes ?

Answer. Yes.

Question. How many without that ?

Answer. Five hundred and ninety-eight.

Question. A Greenback majority of how much ?

Answer. Greenback plurality of one hundred and thirty-eight.

Question. Do you find by the tabulation that the return from Bristol was rejected or counted ?

Answer. Counted.

Question. Examine the Representative return from the town of Farmington, taken from the files of the Council, and state the whole number of votes as written in ?

Answer. "*Eight hundred and forty-two.*"

Question. State the number of votes given for the respective candidates for Representative ?

Answer. "*Cyrus A. Thomas, 437. Lewis Voter, 401.*"

Question. Making an aggregate of how many ?

Answer. Eight hundred and thirty-eight.

Question. A Republican majority of how many?

Answer. Thirty-six.

Question. By reference to the tabulation and returns, do you find that the vote of Farmington was counted in or counted out?

Answer. Counted out.

Question. What further do you find,—that Lewis Voter, Green-back candidate, is counted in upon what vote?

Answer. Perkins Plantation.

Question. What was the vote in that?

Answer. Thirteen for Thomas ; fourteen for Voter.

Question. Electing Mr. Voter by one majority on the vote of Perkins Plantation which threw in all twenty-seven votes?

Answer. Yes.

BY MR. INGALLS :

Question. Did you assist in counting the vote of Brownfield?

Answer. County Officers?

Question. Generally?

Answer. I am sure I don't remember whether I did or not ; I looked over the Oxford county returns with Mr. Bisbee, and a man by the name of Wright, Clerk of Courts ; but in making up Oxford county tabulation, I don't think I made up Oxford county at all.

Question. You knew how it was made up?

Answer. Yes.

Question. Did you make any suggestion about Buckfield or Brownfield.

Answer. In County Officers, I was in favor, right through, of making every correction that could be made by the records.

Question. In regard to other officers,—Legislative?

Answer. I was not.

Question. Do you know anything about the town of Hebron?

Answer. No.

Question. Have you seen the return?

Answer. Yes. [Witness examines return.]

Question. Seen it before?

Answer. I have no recollection of seeing it any other way than it is now ; I never noticed it particularly, as I know of.

BY MR. HALE :

Question. Is it an evident case of alteration, or forgery, on the face?

Answer. I should say it was,—and a very bungling one at that.

By MR. COOK :

Question. You could have done better than that, yourself?

Answer. I do not know ; I never tried.

By MR. INGALLS :

Question. Let me see if I understand about the Bristol return. You say it would make no difference with Mr. Smith. You found there was trouble with the record. Here are two hundred and twenty-eight counted for “Andrew R. G. Smith.” If you had obtained a return according to the record, those would have been counted for “*Andrew R. J. Smith?*”

Answer. Not if we had counted the return.

Question. If you had obtained a copy of the record it would have contradicted this return?

Answer. Yes.

Question. Why wouldn't it have been a good plan to have obtained it?

Answer. It would not do to make “flesh of one and fish of another.”

Question. What did you want to know about the record?

Answer. I wanted to know about this protest—in reference to the four protested votes—more particularly.

Question. Did Mr. Smith know anything about that?

Answer. No ; I don't know that he did.

Question. How did the information of Smith that the record was “Andrew R. J.” change your plan? Didn't you intend to go to Bristol when you left here?

Answer. Yes, because I took the return in my pocket.

Question. How did the information by Smith that it was “Andrew R. J.” change your plan?

Answer. I thought finally those things would be corrected ; that when it got into the Legislature, the Senate would probably give the seat to Mr. Hobson, any way, going according to the record—as it would to-day by the records of Lincoln county.

By MR. HALE :

Question. Suppose they went behind that and counted the votes all for “Andrew R. G.?”

Answer. I suppose under the law of eighteen hundred and seventy-seven you would ascertain it was the intention.

By MR. INGALLS :

Question. Do you know how it happened that Mr. Smith had ascertained about the record of Bristol?

Answer. I don't; I think he was candidate for County Attorney.

Question. Any question about the return from Bristol in his case?

Answer. I don't think there was from Bristol, but there was from one town; I know that I wrote him about it.

Question. Did you write him about Bristol?

Answer. I don't know whether I did or not.

Question. Was there any trouble with the Representative return from Bristol?

Answer. I never saw any return for Representative from Bristol, at all. They said it was lost; or mislaid, or something.

Question. It never was before the Governor and Council, to your knowledge?

Answer. I never saw it in my life.

Question. Was it inquired for?

Answer. I spoke about it, but nobody seemed to know about it,—where it was, whether there had been one sent or mislaid.

Question. Look and see if it was counted?

Answer. It was counted, I guess.

Question. How was it counted if there was no return?

Answer. There was a return, they said, but it got mislaid or lost, or something.

Question. Didn't you open the returns from Lincoln?

Answer. Not for Representatives.

Question. What returns did you open?

Answer. I opened the returns for Representatives from York county, and some from Penobscot county.

Question. Did you open any of the returns from Lincoln county?

Answer. I opened the Senatorial returns, I think.

Question. Feel sure?

Answer. Yes, I am almost sure; I think Mr. Foster and I did.

Question. When those returns were first received by the Secretary of State, what was done with them?

Answer. I suppose they were put in the safe; that is the first I knew about them.

Question. Did you examine the statements sent to the Secretary of State?

Answer. Yes.

Question. As they came in?

Answer. They were all in when I got here.

Question. You made an examination of the Clerk's returns?

Answer. Yes; I didn't all over the State.

Question. Any town where you had any desire to know what the vote was, you went to those open statements?

Answer. Yes.

By MR. HALE:

Question. When were the first returns opened?

Answer. I don't know just what day; I know after the addition was made to the Committee that I went home, and Mr. Foster said to me or words to this effect: "If you can trust us we will go to work."

Question. Those additions were —?

Answer. Foster and Brown.

Question. When were those made?

Answer. I think the thirtieth.

Question. Had any returns been opened up to that time?

Answer. Not to my knowledge.

Question. Had you had any custody of them up to that time?

Answer. No.

Question. After the appointment of that Committee how long were you absent?

Answer. I see, by examining the cash book at the Augusta House, that from October twenty-ninth to the twenty-first of December I was here nine days. From the twenty-ninth or thirtieth I was not here. I left the twenty-ninth of October.

Question. And was absent how long?

Answer. Till the third of November. The thirtieth after I was gone, as it appears, the addition was made to the Committee.

Question. It wasn't made when you were here?

Answer. No; I thought that I was here, but I see by the record of the Council and by the register and cash book I was not.

By MR. INGALLS:

Question. When you came back what did you find?

Answer. I found all hands at work—that is, all the members of the Committee.

Question. What returns were then opened?

Answer. I cannot tell what were opened. I know I went to work with Mr. Foster opening—I think it was the County Officer

returns from Penobscot county. Then the next day, I believe the next morning, we opened the Representative returns from York county.

Question. Did the members of the Council work together or separately?

Answer. Separately; Foster and I worked together most of the time.

Question. What do you mean by working together?

Answer. One read off the names of the town, the persons voted for, and another one put down the figures.

Question. How long were you at work in that way on the returns?

Answer. I don't know as I could tell; I made out a bill and it gives the number of days in it, and it would be on file somewhere; and I should not want to say because it might not agree with that.

Question. What members of the Council assisted in the tabulation, opening and counting?

Answer. Myself, Fogg, Chase, Brown and Foster; they were the Committee.

Question. Monroe have anything to do with it?

Answer. Yes, at the last part of it; if you remember where the Committee make a report and present the tabulation; I believe it is about the seventeenth of November. After that the whole Council had a session; there was a session of the Council begun then, I think; and then the Governor came.

Question. This Committee had been at work in the absence of the Council?

Answer. No; because there was an order which Captain Chase introduced, that Foster and Brown be added to the Committee, and that they begin at once to open and tabulate the returns.

Question. After the seventeenth, those returns were in the hands of any member of the Council that saw fit to take them?

Answer. They were; I considered myself responsible for them till the twenty-first of November, personally.

Question. After that?

Answer. After that the Governor and Council and any member.

Question. Before that hadn't the members of the Council or Committee free access to those returns, the same as you?

Answer. The members of the Committee had, certainly; but I had the key to the safe, or half of it.

Question. Have you any idea when the alteration in the return from Buckfield was made?

Answer. No, I have not; I do not remember about whether that was on; I do not know that there was any alteration made there.

By MR. HALE:

Question. The case of Brownfield you mean; the other was Buckfield, which you do remember?

Answer. No; I do not know whether the "*Buckfield*" was down where the Selectmen's names are, but I remember plainly it was not in the first part of the return.

Question. Whether or not Mr. Bisbee stated, in the presence of yourself, when he was examining the returns, that the names of the county and town did not appear anywhere, excepting on the filing, in the case of Buckfield?

Answer. I remember something about that; I know Mr. Bisbee made a minute of it. I do not know whether I made any minutes when he was examining or not.

By MR. INGALLS:

Question. Whether it was stated by Mr. Bisbee that the name of the town did not appear anywhere excepting on the filing?

Answer. Yes; I think he did.

Question. Whom do you recollect ever saw the returns for County Officers from Oxford county beside him?

Answer. This Clerk of Courts, I think he said; somebody introduced him to me.

Question. Did Mr. Wright examine the county returns?

Answer. I do not know but he did.

Question. Did he examine the Senatorial and Representative returns?

Answer. Yes, because I recollect Norway; isn't that in Oxford?

Question. Yes.

Answer. I sat down with him and got through about half of them; I was called away for something, and Mr. Monroe sat down and finished with him.

Question. Who, besides Mr. Bisbee, saw the county returns?

Answer. It strikes me that Mr. Kimball, the candidate for County Attorney did.

Question. Was that before or after Mr. Bisbee saw them?

Answer. I guess it was afterwards, but I don't know; I cannot remember about that.

By MR. HALE :

Question. Don't you recollect that Mr. Kimball was here, and had access to the returns, and examined them after Mr. Bisbee was here?

Answer. No, I cannot fix that; I have nothing to fix it by.

By MR. INGALLS :

Question. Were you there when Mr. Farrington was looking at them?

Answer. No, I wasn't; at least, I am very sure I was not.

Question. Whether you observed that the names of the town and county were missing,—were not in the return of Brownfield?

Answer. I do not remember anything about Brownfield.

By MR. HALE :

Question. You remember there was one other town besides Buckfield, but do not remember what?

Answer. There was some other town, but I do not remember of its being Brownfield.

By MR. INGALLS :

Question. What was the defect in the other town?

Answer. It strikes me it was about the same defect; no name of the town, or county, I think.

By MR. HALE :

Question. Where were the returns for County Officers kept?

Answer. They were kept in a wooden box, which is marked "County Officers," in the Governor's Room. They were not kept there always. When they came in, they were down in the Secretary of State's office.

Question. Afterwards, during the count?

Answer. I think, during the count, they were—I will not be sure about that—whether I locked them up with the others up to the twenty-first, or not; I do not think we could get that box into the safe. There were not any of them put in, in the box.

By MR. INGALLS :

Question. Did you examine the returns for Representatives, from Gouldsbrough?

Answer. I have; I think it was the Gouldsbrough—the Bragdon return.

Question. Did you notice the erasure at near the bottom of the "P" or "B?"

Answer. No; I don't think there is an erasure there; it looks something like a thumb mark, or something like that; I do not think it has been scratched.

Question. Do you know anything about that?

Answer. Yes; I know something; I do not know who made it, or how it was made.

Question. Ever hear anything said about it, in the Council?

Answer. Some remarks made about it.

Question. What were they? •

Answer. When we were going over, verifying, to see if we had got the Docket made correctly, we followed down closely through and compared to be sure it was right; I then noticed this return; I went in and showed it to the Governor, and called his attention to it; I asked him if he called that a "B" or "P?" or something to that effect. He says, "It is a B; can't you tell a B from a P?" or *vice versa*; I will not be sure which letter came first—B or P—but it was one way or the other.

Question. Hasn't the bottom part of that "B" been evidently erased? have you looked at it with care?

Answer. I don't think that I looked at it through the glass.

BY MR. HALE :

Question. Didn't the Governor spend considerable time on some of these returns himself?

Answer. Yes; he did at the last week or so.

Question. Didn't he spend a good deal of time on Washington county returns?

Answer. That last tabulation or figuring up he made himself, in his room.

Question. Alone, or who was with him?

Answer. He was alone, I guess, a good deal of the time; I think he went through that, every town, very carefully.

Question. Anybody with him?

Answer. No, not when he figured. He had the tabulations from which this one was made and the returns, and he examined and figured himself. He apparently wanted to be sure that everything was right.

BY MR. HARRIS :

Question. Do you know of any changes he made in the tabulations he took?

Answer. No. He might have discovered some errors for aught I know.

Question. You don't know that he did?

Answer. No, not certainly.

Question. Do you think he did?

Answer. No, I don't know that I could say I do. I know that he was very particular about it. In fact, I know I stated so to the editor of the "Boston Globe," and I should not state anything different about it.

BY MR. COOK :

Question. You say in your final going over to verify you took each return?

Answer. Yes, and followed each man's name all through.

Question. Was that before the whole Council or whole Committee, when you took each return up so to verify to see you had your last Docket all correct; did you go through one at a time to be sure everything was all right?

Answer. Each name, yes.

Question. When you came to Bristol and found that mistake, and came to Farmington and found the same mistake, how did you reconcile the two—throw out one and count the other?

Answer. I do not know. That would be rather a hard question.

Question. Nothing said about it at all?

Answer. No, I don't know that I do, anything particular.

BY MR. LORD :

Question. Who went through to make this examination at that time—what members of the Council?

Answer. I don't know what particular ones there were. We sat there together. We put a table inside the circle, between the desks and the Governor's Chair, and had clerks there.

BY MR. HALE :

Question. What time did you go off on the journey to Bristol when you stopped at Wiscasset?

Answer. I do not know. My bill will show when I visited the Prison.

Question. What time do you think it was?

Answer. I guess it must have been about the sixteenth or seventeenth.

Question. November?

Answer. Yes, I think so.

BY MR. INGALLS :

Question. That is about the time the Committee were here?

Answer. I think so ; I should say it was somewhere between the fourteenth and fifteenth.

Question. Didn't you ever hear there was any trouble about the Representative return from Bristol?

Answer. Yes ; I have heard there was.

Question. What was it?

Answer. I never knew it, and never saw it.

Question. You heard there was trouble?

Answer. I heard there was some trouble, but never saw the return in my life.

Question. What efforts were made to correct the return for Representative from Bristol?

Answer. I think there was some made.

Question. Was a blank return sent down?

Answer. I don't think there was any sent down.

Question. What were the efforts made to correct that?

Answer. I do not know what the defect was in the return, for I never saw it in my life.

Question. You simply heard it spoken of as having some trouble about it?

Answer. I heard it hinted there was.

BY MR. LORD :

Question. Ever have any correspondence with anybody in connection with it?

Answer. I don't know that I ever wrote anybody at all ; I am not in the habit of writing about such things. If I had ever seen it I should say so.

Question. What idea have you about obtaining the figures to tabulate Bristol from?

Answer. I think some member of the Committee—I don't know just who—they might have got together on an original tabulation before I got down ; but I do not remember anything about it. It is evident there were some figures.

Question. When were you appointed to the Committee on Elections?

Answer. A few days after the organization of the State government.

Question. When did you receive the returns? when did they come into your hands?

Answer. October thirtieth. I did not receive them then. That was the vote, but they were not carried up stairs.

Question. None of them had been opened at that time?

Answer. I don't suppose they had.

By Mr. HARRIS :

Question. Were any of them open when you received them?

Answer. The others of the Committee took them and went to work after I had gone home. As I said, Mr. Foster said if I could trust them, they would go to work, or to that effect.

By Mr. COOK :

Question. You say you remember, particularly, of going over them the last time and discovering the error in Bragdon. When you came to Bristol, what was said about that? you had no return, and didn't know whether you had it right or wrong?

Answer. It was brought up, and something was said about that the return was gone.

Question. You don't know whether it was right or not?

Answer. No; I never saw the return in my life.

Question. Did you ever have any correspondence with anybody about changing the complexion of the Legislature by the tabulations?

Answer. No.

By Mr. HARRIS :

Question. Did you tabulate Bristol in the other tabulation, when the returns were opened?

Answer. No.

Question. Who did?

Answer. I don't know.

By Mr. HAWES :

Question. You heard Mr. Heath testify last night?

Answer. Yes.

Question. Was it correct, so far as you know?

Answer. Yes.

Question. In all particulars?

Answer. Yes.

Question. You were present in the Council Chamber when he heard the remark made by Governor Garcelon, about the two returns

from Jonesborough, when he made his argument before the Governor?

Answer. I was when he asked him what he would do with two returns, which one he would count, or something like that; I remember that.

BY MR. HALE :

Question. Remember about Governor Garcelon interrupting him when he was discussing the Jonesborough case?

Answer. I don't know as I remember particularly about that part of it, but it was when he was arguing Washington county cases; I don't think he had argued anything excepting Washington.

BY MR. HAWES :

Question. So far as you know, all that testimony was perfectly correct?

Answer. Yes; I heard it all. I was interested to hear what he said, for I always said I thought he would corroborate my statement about that being the paper I wrote; I don't know of anything he said, excepting about the "Jackson look,"—I don't think I should coincide with that.

BY MR. COOK :

Question. Haven't you anything more in this matter you can tell this Committee?

Answer. No; I have the desire to tell the truth. I never was on the stand but once in my life, and that was the Benson matter.

BY MR. HALE :

Question. Have you told us everything we ought to know, and that you ought to tell, in the cause of truth, about this whole matter?

Answer. Yes; I think so.

Question. Is there anything in your mind you think we ought to know, that you have not told, simply because we did not direct your attention? it is a varied field, and we can't touch all the little hillocks and undulations in it?

Answer. I do not think of anything.

BY MR. INGALLS :

Question. You say you do not know of any blank returns being sent to anybody?

Answer. I carried that one; that is all that I know anything about; I don't believe—in fact I know—there is no other member of the Council that knew that, either.

Question. Did you have any talk with the Secretary about sending out any blanks?

Answer. No.

Question. Did you know of his receiving any returns for some considerable time after the election?

Answer. They said there was a return; I did not see it; Mr. Gallagher told me of it; I don't know but he said it came that day—Samuel Gallagher, the Pension Agent.

Question. Was that the only one you ever heard coming to the Secretary's office?

Answer. Yes.

By MR. HARRIS :

Question. Did you see Mr. Drisko here, at any time?

Answer. I don't know him.

Question. Were not introduced to him?

Answer. No.

Question. Don't know that he was here?

Answer. No; I never saw him, that I know of, in my life.

EDWARD C. MOODY, *Feb. 20, 1880.—Evening.*

By MR. STROUT :

Question. I place in your hand paper marked "*Exhibit J, G. D. B., Clerk of Committee,*" and ask you to state what it is, and what office it performed in the counting of votes for Senators and Representatives and County Officers at the late election?

Answer. This is the Report of the Committee of the Council as to who were elected County Officers at the September election.

Question. In whose hand writing is it, if you know, and by whom is it signed?

Answer. It is, I think, Mark Harden's writing, and it is signed by myself as chairman of the Committee.

Question. Was that a paper used in the counting of the votes?

Answer. This is the Report made up from tabulations.

Question. I place in your hand paper marked "*Exhibit K, G. D. B., Clerk of Committee,*" and ask you to state what the paper is, and what it had to do with the return of the votes contained therein?

Answer. This is a Report of the Committee of the Council on Election Returns, showing who appeared to be elected Representatives to the Legislature.

Question. In whose hand writing is it and by whom signed?

Answer. I think it is in Harden's hand writing, and it is signed by myself as chairman.

Question. I ask you the same question in relation to "*Exhibit L, G. D. B., Clerk of Committee,*" now shown you?

Answer. This is an original draft, I should say, of the Report of the Committee on Election Returns, showing who were elected Representatives. It is not an attested paper; it is not signed; it is a paper from which the final report was copied, I should say.

Question. I call your attention to "*Exhibit M, G. D. B., Clerk of Committee,*" now shown you, and ask the same question.

Answer. This appears to be the Report of the Committee on Election Returns, showing who appeared to be elected as Senators.

Question. By whom was it written, and by whom signed?

Answer. I think it is the same writing, of Mr. Harden, and it is signed by myself.

Question. Please examine the papers shown you under the head of "*Exhibit N, G. D. B., Clerk of Committee,*" and state their nature?

Answer. I should want to look this over; I do not remember anything about this. [Witness looks through the papers.] I have not examined them perhaps as freely as I ought to. This is the first time I think I have seen it. It seems to be a setting forth of the reasons why certain results were arrived at; that is what I judge.

Question. By whom is it signed?

Answer. Signed by "S. S. Brown for the chairman."

Question. State whether or not you had the original tabulation of the votes in your possession, and, if you answer in the affirmative, state what has become of it so far as you know?

Answer. I did have them; I carried them home.

Question. State what they were?

Answer. It was made out on just such a blank as the Docket which you have had here to-day.

Question. What did that contain?

Answer. It contained the name of every person voted for, the number of votes that he received, and it showed the reasons why towns were thrown out; it showed the whole—showed everything.

Question. That was the original draft of the tabulation?

Answer. Yes; that was the memorandum, so to speak.

Question. Did you bring that here to Augusta?

Answer. I did.

Question. Where was it?

Answer. In my valise.

Question. In your room?

Answer. Yes.

Question. How many persons had knowledge where it was?

Answer. Only two to my knowledge.

Question. Who were they?

Answer. Colonel Nye and Mr. Benson.

Question. What Benson?

Answer. Young John, called "Colonel."

Question. Were they abstracted from your valise?

Answer. Yes.

Question. You mean Frank Nye, of the Adjutant General's office?

Answer. Yes.

Question. You have never seen them since?

Answer. No.

Question. Whether or not they would afford you assistance in giving information to the Committee in relation to these matters?

Answer. I will say to you, in answer to that, as I said to the Governor in a letter I wrote him, that I wish every man in the State could see them.

Question. You haven't seen them since?

Answer. No.

Question. Examine paper marked "*Exhibit O, G. D. B., Clerk of Committee,*" and state what it is?

Answer. That is a report of Committee on Election Returns in the case of Byron D. Verrill, of Portland.

Question. By whom signed?

Answer. Signed by "*E. C. Moody, F. M. Fogg and Charles H. Chase.*"

MARCH 12, 1880, A. M.

ALONZO GARCELON, *sworn and examined.*

BY MR. HALE:

Question. Residence?

Answer. Lewiston.

Question. You were Governor of Maine during the year eighteen hundred and seventy-nine?

Answer. That is what I believe was generally conceded.

Question. Your term of office commencing?

Answer. The first Wednesday of January, eighteen hundred and seventy-nine; closing the first Wednesday in January, eighteen hundred and eighty; as I understand the Constitution.

Question. During the year, were you more or less, called by the duties of your office, to Augusta?

Answer. I was.

Question. What was your practice with reference to being present at the sessions of the Executive Council?

Answer. Generally, I calculated to be present, but of course there were times when I could not be present, and they had sessions that were held during my absence.

Question. About how often were the sessions of the Council held, generally speaking, through the year?

Answer. They were calculated to be about once a month; I cannot say positive; the record will show.

Question. Do you remember at what time, after the annual September election, eighteen hundred and seventy-nine, the Council first met?

Answer. I do not.

Question. The Council Blotter will show?

Answer. Yes, sir.

Question. Were you present at the first meeting of the Council after the September election?

Answer. I presume so; I cannot say positive.

Question. Do you remember whether or not at that time it had generally been stated in the public press that the Republicans had carried the State?

Answer. I cannot say as to that particular time, although there was talk in the Republican papers, and perhaps in others; I never took much interest, or made much inquiry, in regard to the matter.

Question. Did you not yourself suppose, from what you gathered from the newspapers, as everybody else did, for some days after the election, that the Republicans had carried the Legislature?

Answer. I think that was announced in the telegraph dispatches; but what reliance was to be placed upon them—I have never formed any opinion.

Question. Was it not generally accepted as intelligence at that time, that the Republicans had carried the Legislature?

Answer. I think there was a general impression of that kind; but

I did not take much interest in the matter, because I knew how unreliable the dispatches and statements might be. So far as having any particular interest in the matter, I had not, and therefore did not pay much attention.

Question. You were a candidate at that election?

Answer. Yes, sir.

Question. Of the Democratic party?

Answer. Yes, without any expectation, or hope, or thought, of being elected.

Question. I find by reference to the Council Blotter, that a session of the Council was holden on September ten, eighteen hundred and seventy-nine, and the session continued till Saturday, September thirteenth, when an adjournment was had till October sixth at four o'clock. Do you now recollect whether you were present at this September meeting of the Council?

Answer. I do not remember anything about it.

Question. Is there any way in which you could establish your recollection?

Answer. I presume if I was present my name will be on the Register at the Augusta House.

Question. Do you know whether it was customary to record the presence of the Governor in the minutes of the Council, in the Council Blotter?

Answer. I think so; but still I never looked at that point.

Question. Were you present at the October session?

Answer. What time was that? I should judge I was but am not quite sure.

Question. I find in the Blotter: "October 7, 1879. Council in session. Present: the Governor, Councillors Foster, Chase, Brown, Monroe, Moody and Parker." Do you now recall your being present at that session?

Answer. I do not remember about it, but the record will show exactly.

Question. Do you remember whether or not you continued with the Council through the October session?

Answer. I frequently, after the important business was transacted, left, and left the Council in session; whether I did so at that time I cannot say; I presume the Blotter or Register will show.

Question. The Blotter shows that you continued present till October ninth, when an adjournment took place to October twenty-seventh; is that undoubtedly the fact?

Answer. Yes, sir; and at that meeting I remember distinctly of being present.

Question. At the meeting of October twenty-eighth, eighteen hundred and seventy-nine, you remember distinctly of being present?

Answer. Yes, sir; I remember distinctly, from certain transactions, that I was present at that time.

Question. When are the Committees of the Council made up for the year?

Answer. At the early part of the year; the first or second session of the Council; I think the first session, probably; the record will show that fact,—January or February, sure.

Question. Do you remember who were the original Committee of the Council, on Election Returns, as made up in the early part of the year?

Answer. I do.

Question. State?

Answer. Moody, Chase and Fogg, were the Committee on Election Returns.

Question. Do you remember whether or not any change was made in that Committee at the late October session of the Governor and Council?

Answer. I think it was at that session, there were two gentlemen added to the Committee.

Question. Do you remember who they were?

Answer. Foster and Brown.

Question. Making it then consist of a Committee of five?

Answer. Yes, sir.

Question. The customary Committee being one of three?

Answer. Yes.

Question. Do you know when the Committee on Election Returns first proceeded to examine and tabulate them?

Answer. They were ordered, at that October meeting, to proceed to the duty of tabulating the returns; I do not know what date, but I think not till the latter part; the record will show.

Question. Was that order, whenever it was during the session, approved by you?

Answer. It was; that is, if it was not formally, it was in accordance with my views; and I presume it was so approved.

Question. Was that examination by the Committee on Election Returns, after being ordered and approved by you, in any way open to the public, or was it private?

Answer. I do not know ; I presume in private ; I know nothing of it ; I left Augusta immediately after adjournment—or, perhaps, before adjournment of the Council—and did not return again until the seventeenth of November ; so, I have no knowledge of anything of the kind.

Question. Up to that time, had you examined any of the returns of the election from the different cities, towns and plantations in the State?

Answer. I never had seen even the outside of an envelope, or a return.

Question. Where were they deposited, where kept?

Answer. I suppose in the safe in the Secretary's office, so far as I have any knowledge ; indeed I have no knowledge, personally, of the matter ; it is always understood that was the place of deposit, and I presume they were kept there.

Question. Were you present when the returns were placed before the Committee on Election Returns?

Answer. I was not.

Question. Did you witness the opening of the returns by the Committee on Election Returns, when they proceeded to examine and tabulate?

Answer. I did not.

Question. Was that done after your leaving Augusta, so far as your recollection extends?

Answer. So far as I know ; I know nothing, but presume and have reason to believe, it must have been.

Question. Before the order of the Council increasing the Committee on Election Returns from three to five, had you any knowledge of that movement?

Answer. I had not ; that is, I am rather inclined to think it was my own suggestion.

Question. You think it was at your suggestion that the Committee on Election Returns had two members added to it?

Answer. I think it was.

Question. Do you remember that Mr. Moody, the chairman of the Committee, as then constituted, objected to the unusual change?

Answer. No, sir ; I do not know that he objected to it at all.

Question. What is your recollection?

Answer. I have no recollection ; I simply have an impression.

Question. Give that.

Answer. Simply an impression I got—I do not know as it was justifiable—that the addition was not pleasing to Mr. Moody; I have no knowledge, but got the impression it might be so.

Question. Had you, at that time, examined any return?

Answer. No, sir; I had never seen one.

Question. Did you at that time, know that any one had examined the returns?

Answer. No; I supposed that no person had ever seen them.

Question. So far as you knew, the returns were in the ordinary condition of returns?

Answer. In the ordinary condition.

Question. Then why did you suggest, if you had never examined and had no knowledge or intimation as to the returns, the unusual proceeding of adding two members to the Election Committee?

Answer. It was for the purpose that those returns might be tabulated correctly, and that there should be no mistake about it. You are well aware that the result of the election was very close, and there was a good deal of talk in the papers one way and another, and it was deemed desirable, at least I did, that the thing should be done square and honest and fair; and I thought it would be better to have the Committee enlarged. You understand, when I appointed these Committees I was an utter stranger to these gentlemen; I never had seen but one of them, to my knowledge, in my life, and that one only once prior to my coming into the Council Chamber; and, in making my appointments, I had to do it under the circumstances in which I was surrounded.

Question. Had you ever known before, after any election, of the Committee being increased from the usual number?

Answer. No; I never thought of the thing.

Question. Had you access to the Blotter and proceedings for the previous years?

Answer. I never looked at them.

Question. Had you access to them?

Answer. I presume so; I never asked for them.

Question. You do not know that any preceding year, when the election was very close, and when there were three candidates, as in the year eighteen hundred and seventy nine, that any change was made in the Committee?

Answer. I do not know anything about the matter; I never thought of the matter.

Question. Then what reason had you for believing that the old Committee, consisting of Moody, Chase and Fogg, was not competent to attend to the duties of the Election Returns Committee?

Answer. I did not say they were not competent.

Question. What reason had you then, for adding, in that unusual manner, two gentlemen to the Committee, when, as you have stated, it was your impression that was not agreeable to the chairman?

Answer. I, of course, did not know whether it was agreeable or not, till afterwards, and, indeed, I do not know much now, about that; I only say, that was an impression. The reason was, that the public might have more confidence in a larger Committee, and in men who are better known in the State than the younger members of the Board. Mr. Foster was an old gentleman, had been President of the Senate, and his character was well known by everybody; and Mr. Brown was a lawyer, in reputable standing, and I thought it would be better.

Question. Having no knowledge of the condition of the returns, did you know of any reason why an additional number should be added to the Committee at that time, in order to give the public confidence?

Answer. No, sir; only the general impression that these young men were not as reliable, perhaps.

Question. A general impression that the Committee, as made up, consisting of these young men, was not as reliable and acceptable as older men?

Answer. That is it.

Question. Why was not the proposition made to change the Committee, and substitute other gentlemen, and still leave the Committee the usual number?

Answer. Perhaps it was an error of judgment on my part; I supposed that the five gentlemen could do this work quite as effectually; I did not take into consideration any particular reason in regard to the matter.

Question. You thought, in short, it would be better that five members of the Council out of the seven should constitute that Committee and take the responsibility, rather than three?

Answer. Yes, sir.

Question. Was not that the upshot of it?

Answer. I do not know that I considered that reason in my mind; I have already stated the particular reason which caused me to make the suggestion, and it was adopted.

Question. Didn't you really feel that the work and burden and responsibility that was to fall upon that Committee in their examination, had better be borne by five members of the Council than three?

Answer. I do not think that ever entered my mind, as to any responsibility about it.

Question. Had there been any indication of any incompleteness or incapacity on the part of the gentlemen first composing that Committee?

Answer. No, sir.

Question. They were bright, capable, competent men?

Answer. Precisely.

Question. Then, what reason was there, if you can give it in looking back into your memory, why, with the qualifications they possessed, two more men should have been added?

Answer. I have already stated that in my judgment it would be more satisfactory to the public, and inspire more confidence to the public.

Question. You had not seen a return at that time?

Answer. No, sir.

Question. Knew of nobody that had?

Answer. No, sir.

Question. Did Mr. Moody make considerable expostulation?

Answer. Not at all; I do not know but the impression I had, was entirely erroneous.

Question. How long were you here after that change was made in the Committee?

Answer. I cannot say; I do not recollect at what time in the session that change was made; the record will show.

Question. The next meeting was when?

Answer. November seventeenth.

Question. From the time of the adjournment of the late October meeting, on the day when this addition was made to the Committee, up to the meeting of November seventeenth, where were you?

Answer. At home, in Lewiston.

Question. In what engaged?

Answer. In changing my residence, and moving my office from my private residence to a new office.

Question. During that time, the Committee on Election Returns were engaged in examining and tabulating the returns—getting ready for report?

Answer. I supposed so ; I knew nothing about it.

Question. The object of the addition to the Committee was that they should at once proceed to work in examining and tabulating the returns ?

Answer. That was the object.

Question. The expectation was that they would report at the next meeting of the Council, or soon after ?

Answer. Yes, sir.

Question. As is customary ?

Answer. Yes.

Question. During that time you were at home, in Lewiston ?

Answer. I was.

Question. What communication had you with any members of the Council during that time ?

Answer. None at all.

Question. Had you any correspondence with them ?

Answer. None at all, to my recollection.

Question. Had you any letters, or dispatches ?

Answer. None that I know of, or remember.

Question. Did you make any communication to them ?

Answer. None at all.

Question. You, of course, were in the habit, during that time, of reading newspapers ?

Answer. Not much ; I was very busy ; I hardly took a newspaper in my hand.

Question. Did you not know that, during that time, considerable feeling was getting up throughout the State, over reports that members, who claimed to be elected, were to be counted out ?

Answer. I never heard of such a thing.

Question. Did you not learn that, from October thirty-first to November seventeenth ?

Answer. No, not till the morning of the seventeenth of November.

Question. Do you say that, up to November seventeenth, you had no knowledge or information of any public interest growing out of the fears that men were to be counted out ?

Answer. I never heard of such a thought or thing from anybody, so far as I know ; that is, so far as I have any recollection, and I believe that to be the fact.

Question. Up to the seventeenth of November, you state ?

Answer. I do.

Question. Do you remember of being at the meeting of the Fair of the State Agricultural Society?

Answer. Yes, sir.

Question. And of visiting the Reform School?

Answer. Yes.

Question. Was not that previous to November seventeenth?

Answer. I do not remember what time it was.

Question. Think a moment, and see if you do not recollect it must have been previous to November seventeenth?

Answer. I cannot say; I have no means of recollecting it as I know of; I remember the fact of being at the Reform School during the fall; I think I was not at the State Fair till some time afterwards.

Question. Were you present at the State Fair?

Answer. I think so, one day.

Question. That was in October?

Answer. Yes.

Question. Do you not remember, that at one or both of those visits the question was considerably talked, and fears expressed that the Council were going to count out men?

Answer. No; I do not remember any such thing. If I heard any such thing, it was like the idle wind, that went into one ear and out of the other; I did not believe or entertain such a thought.

Question. Do you know Wildes P. Walker?

Answer. I do.

Question. Recall to mind and see if you do not remember you had a talk with him about this very matter of the danger of the Council's counting out elected Members and Senators?

Answer. No, sir.

Question. Do you declare you did not?

Answer. I have no remembrance of anything of the kind; no remembrance of any such conversation with anybody; I am very sure if anybody had made such a suggestion to me it was entirely contrary to anything I knew or believed.

Question. The question now is, whether you had any information as to the matter being one of public interest; that there was public solicitude upon the subject before you went down to Augusta on November seventeenth?

Answer. I knew there was some talk about this, that and the other, in the papers, but I paid no attention to it and made no minute of it; at least took no cognizance of it.

Question. Then you do remember, from public and private talk, and from the newspapers about "this, that and the other," that there was solicitude about this question?

Answer. I know there was some talk of that kind, but nothing definite, or that I had anything to do with one way or the other; I hardly looked into the newspapers during this time, from the fact I was so exceedingly busy about private affairs.

Question. Don't you remember that Mr. Walker told you of any conversation he had with a man who claimed he had been elected to the Legislature?

Answer. No, sir.

Question. Or any talk he had had with a prominent man in the Fusion party?

Answer. No.

Question. In which Mr. Walker had stated what he believed your position would be in the matter?

Answer. I have no recollection of any conversation with Mr. Walker, of the kind.

Question. Of any conversation you had with Mr. Walker at any time on the subject?

Answer. No, sir.

Question. If you had, it has slipped from your memory?

Answer. Entirely.

Question. Up to November seventeenth, you have stated you had no information of any public solicitude about the action of the Council as to counting out Senators and Members?

Answer. No, I had not.

Question. So you went to Augusta on the seventeenth day of November, having no knowledge or belief that anything of the kind, of counting out, was either intended or was feared by the public?

Answer. I did; I state that positive and unequivocally.

Question. You were present at the meeting of the Council, November seventeenth?

Answer. I was.

Question. When was the subject of the tabulation of election returns taken up at that session?

Answer. I have not any positive remembrance as to the precise day; the matter was talked about as matter of necessity on that evening—not as to any particular returns, but generally.

Question. Whom did you talk with about it on the evening of that first day?

Answer. In the Council Chamber, if anything was said. I suppose you are well aware of the circumstances on which we met at that time.

Question. At what time did you get here on that day?

Answer. When the train arrived; I think about half-past three.

Question. Was the Council then in session?

Answer. No, sir.

Question. When did the Council first meet?

Answer. Some time between four and five o'clock, at the Council Chamber.

Question. Were you present then?

Answer. I was.

Question. Was the subject matter of the tabulation and examination of the election returns taken up at once in the Council? did you confer upon it?

Answer. My impression is, that the question as to when they should be formally opened, was decided upon that evening,—that session; the records will show.

Question. Up to that time had any examination been permitted, to your knowledge, outside of the Committee on Election Returns?

Answer. Not at all.

Question. Had any candidate or any person claiming to be elected, been allowed, at that time, to see the returns?

Answer. Not to my knowledge.

Question. Had there been requests previous to that time?

Answer. Not to my knowledge.

Question. Were you at that time informed by any of the Council, or elsewhere, that parties interested in the election had requested the privilege of examining—seeing—the returns?

Answer. No, sir.

Question. You were not informed that anybody had requested the privilege of looking at the returns?

Answer. I was not informed of any such thing.

Question. Were you informed that anybody had appeared and requested that privilege?

Answer. The statement was made by Mr. Dingley, as a member of the Committee which called on me, that such was the fact.

Question. But you were not informed by the Council, or any member of it, or any member of the Committee on Election Returns, that anybody, up to that time, had sought access to the returns?

Answer. I was not informed of any such transaction.

Question. You did not know?

Answer. No, sir.

Question. Was it on that evening that the decision was reached with reference to the question of submitting any or all of the returns to the inspection of persons interested in them?

Answer. I cannot say; I do not remember.

Question. Do you remember at that session of November seventeenth, that the Committee on Election Returns did report that they had examined the returns, and that they then submitted the tabulations of the same?

Answer. Sometime during that session, but I do not know whether the seventeenth, or eighteenth, or nineteenth.

Question. Do you or not, remember that it was on the seventeenth day of November, the first day of the session, after the Council met about four o'clock, that the Committee on Election Returns reported that they had proceeded to open the election returns and tabulate them, and that they then submitted the tabulations of said returns?

Answer. I cannot remember, but I think very probable it was. The record will show.

Question. I find that record on the Council Blotter. Have you any doubt it was so?

Answer. No; I have no doubt the record was kept perfectly.

Question. At that time before you left that evening, before the Council broke up, the Committee on Election Returns had reported, and the tabulations and results were in the hands of the whole Council?

Answer. I suppose so.

Question. So, that so far as the Committee on Election Returns were concerned, their work had been gone over?

Answer. Yes, sir.

Question. Was there a meeting on the next day?

Answer. I think so.

Question. On what day did the committee of gentlemen in the interest of parties who were concerned in the election as candidates, come to you with a request to be allowed to see the returns?

Answer. I do not remember. What committee have you reference to?

Question. Consisting of Ex-Governor Dingley, Mr. Lindsey and Mr. Emery.

Answer. That was on the afternoon of the seventeenth of November, prior to the meeting of the Council.

Question. At what time?

Answer. Between half past three and four.

Question. Where did that Committee, consisting of Messrs. Dingley, Lindsey and Emery, see you and make the request?

Answer. In the Governor's Private Room adjoining the Council Chamber.

Question. What was the request made by those gentlemen?

Answer. To have access to the returns.

Question. For what purpose?

Answer. I cannot say.

Question. Did they not state there was a great deal of public solicitude and fear that the returns might not be properly counted, and that there was a desire, on the part of persons who were candidates, to examine the returns and see if there were any defects that could be legally corrected, under the statutes, by the records of the towns?

Answer. And alleging that other parties had been admitted to the returns?—Yes, such a statement was made.

Question. They also stated, in connection with that, that they had heard, and believed, that other parties had been allowed to see the returns?

Answer. Precisely.

Question. Was not the request made by those gentlemen, well known in the State, in a courteous and fair manner?

Answer. No objection to that.

Question. There was nothing in their appearance, or manner, that was intimidating?

Answer. I did not feel very much intimidated; I thought it was a very singular proceeding.

Question. Was there anything in their manner, excepting what was courteous and fair?

Answer. I have no particular fault to find with the gentlemen.

Question. Your communication was with them?

Answer. Yes, sir.

Question. Did you not understand they represented a larger gathering of gentlemen from different parts of the State, who were interested in the election returns?

Answer. All I knew and understood, a messenger came in and said there was a Committee of sixteen waiting, who desired to see the Governor and Council.

Question. Did any Committee of sixteen appear before you?

Answer. No, sir; I said to the messenger: "Say to the Committee, that the Governor and Council are not in session; the hour has not yet arrived at which they were to meet."

Question. That was before the three gentlemen appeared?

Answer. That was the reply which I ordered the messenger to give to the Committee. He immediately came back and stated they desired an audience with the Governor. I said to him: "Tell the Committee to walk in."

Question. No Committee of sixteen appeared?

Answer. No.

Question. These three modest gentlemen appeared?

Answer. Yes, sir.

Question. Did not they demean themselves properly?

Answer. I have no fault to find with them.

Question. You did not see the Committee of sixteen?

Answer. No.

Question. There was no attempt on the part of anybody else to enforce your attention?

Answer. No, sir.

Question. So it was really nothing but a request, of the kind that has been brought out, proffered by those three gentlemen alone that you were submitted to?

Answer. Yes, sir.

Question. Was there anything in that, that should have aroused any vexation?

Answer. Only the unusual fact that they came in and demanded the returns before I, or—as I understood—the Council—had seen them.

Question. Did they demand the returns?

Answer. That was the form in which they desired to see them. You may call it a request or a demand.

Question. Think of it carefully, and see whether you are prepared to swear that they came to you and demanded to see the returns, or did they request to see them?

Answer. It was a request accompanied with a claim that they had a right.

Question. Did you not know, that customarily parties interested in the election as candidates, and as their counsel and friends, had been permitted to examine the returns for years past?

Answer. No; I never knew anything of the kind.

Question. Did you ever know anything to the contrary?

Answer. No.

Question. At that time, when they appeared, you did not know that any parties had ever been refused access?

Answer. I knew this fact, that the law required a copy of the returns to be placed in the hands of the Secretary of State for the inspection of the public; that was the place for the people to go.

Question. How did you know that?

Answer. By the law and my general information.

Question. Had you been looking up the law?

Answer. No; but I never saw the returns in my life.

Question. How had you occasion to know there was a copy or statement left with the Secretary of State for inspection?

Answer. I do not know as I can go back to the time when I was not posted as to what the law required; I always understood, and had seen those returns from year to year long before the Governor and Council had seen the others.

Question. Between October twenty-eighth and November seventeenth, you had not had any discussion of the matter with any of your Council?

Answer. No, sir.

Question. Had you seen any of your Council?

Answer. No.

Question. Did you not know that the meeting of the Council on that day was for the purpose of receiving the report of the Committee on Election Returns?

Answer. Not especially; I expected that would be the result before the meeting got through,—that they would bring the matter up; I did not know whether they were prepared to report.

Question. Nothing unpleasant took place in the colloquy between you and those three gentlemen, on either side?

Answer. No, sir.

Question. Did you, when they first appeared and proffered their request, see any reason why it should not be granted?

Answer. Yes, sir.

Question. Did you not intimate, or state to them, that at some near subsequent time their request would be granted?

Answer. Yes; my opinion, my individual opinion, my judgment; I saw no objection to any reasonable request.

Question. You saw, then, no objection to their request being complied with, for an examination of the returns, and so told them?

Answer. Yes.

Question. Was it not then your individual judgment and belief that they should be allowed, in a reasonable manner, access to the returns?

Answer. Yes, the candidates, as they appeared.

Question. You thought that was fair?

Answer. Yes, always.

Question. There was nothing in the circumstances or facts surrounding the case on that day that rendered it objectionable that the candidates and their counsel should be permitted access to the returns?

Answer. No, sir.

Question. You so stated to the Committee?

Answer. Yes, sir.

Question. Did that not appear to be entirely satisfactory to the Committee?

Answer. I so understood it.

Question. When they left, did they not give you the impression that they were entirely satisfied with the interview?

Answer. I had that impression.

Question. You supposed the candidates and counsel would be permitted access to the returns?

Answer. I had that impression.

Question. How soon after they left you, before the meeting of the Council was held in the Council Room?

Answer. Immediately ; I do not know how long.

Question. The same afternoon?

Answer. A few minutes.

Question. When these three gentlemen left you, did you not go into the Council immediately and open the session?

Answer. Yes, sir.

Question. Was not this matter of the returns and of the report of the Election Committee brought up?

Answer. Yes ; and the request which they made that they have a time fixed when the returns should be formally opened, as it was termed ; it was for that reason that a vote was taken, which I think you will find on the record, that the parties be allowed twenty days from that time.

Question. The subject matter of returns was brought up in the meeting?

Answer. Yes, sir.

Question. Then the Committee on Election Returns reported, as is found in the Blotter, that they had proceeded to open and tabulate them and that they then submitted the tabulations of said returns?

Answer. Something of that kind; the object was to have it understood that the returns were opened.

Question. Did you then state, or had you before, to the Council, the request that had been made to you by Messrs. Dingley, Lindsey and Emery?

Answer. I presume I did; I cannot state positive; I did at that meeting, probably.

Question. Did you state to them what grounds you had taken, what encouragement you had given?

Answer. I presume I did.

Question. The talk you had with these three gentlemen was general,—about the election returns?

Answer. That was the subject.

Question. No distinction about the particular kinds of returns?

Answer. No.

Question. Only a general talk about the returns?

Answer. That was it.

Question. You supposed it applied to that?

Answer. Yes, sir.

Question. Did you find at once opposition on the part of the gentlemen of the Committee of the Council?

Answer. I do not know that there was any opposition, otherwise than it was an unusual thing; and, when the Governor and Council had opportunity to examine the returns, the parties should have an opportunity to compare them.

Question. Was there anything done by the Council to carry out the suggestion, made by you to the gentlemen who had just left you, that they should be allowed access?

Answer. I think there was a vote passed that there would be twenty days allowed.

Question. Did you not understand, when these gentlemen came to you, that what was wanted was immediate access to the returns?

Answer. No, sir.

Question. Was anything said between you and those gentlemen, when they proffered their request to you, about a delay of twenty days,—or any number of days?

Answer. No.

Question. Did you not understand that what they desired was, that the parties interested in the election should be permitted then, or very soon, to see the returns?

Answer. I did not understand, particularly. All they wanted was a fair opportunity of examining the returns; that is all the understanding I had.

Question. Was it not, when those gentlemen left you, your intention to very soon give them opportunity of examining the returns?

Answer. I was not very particular.

Question. What I am seeking to get at is this: was not the idea of the twenty days' postponement suggested in the Council, and not by you?

Answer. There was no such thing as twenty days delay, as I understood it, at all. It was to have twenty days, during which time they could have access.

Question. Was not the suggestion, of there being any postponement of the privilege of examining the returns by candidates and their counsel, made in the Council rather than by you?

Answer. I do not know as that was made at all; I do not remember that it was. The question was, whether the parties should have access to those returns.

Question. What was determined by the Council on the question, that had been submitted to you by the three gentlemen?

Answer. The determination, so far as I understand was, that any gentleman who came and desired to see the returns, if he would bring the record of the town with him, would have the opportunity of comparing. That was the result of the deliberation so far as my recollection goes.

Question. Do you remember of any order that was passed?

Answer. No, sir.

Question. Was it considered of importance enough to make an order?

Answer. I do not think it was.

Question. State what the conclusion was, that was reached when this matter of the permitting candidates or their counsel to examine the returns, was discussed in the Council?

Answer. As far as my remembrance goes, the question first came up, what was the object of these gentlemen coming here, demanding or requesting—or whatever term you please—to see these returns or have access to them, when there was, in the Secretary's office, a copy of them. And the impression was strongly conveyed that it was for the purpose of getting the returns and going to the record, and if they did not compare, to have those altered. Hence there was a feeling, in order to have these matters properly attended to, in accordance with the Constitution, it was proper for these gentlemen to bring their record with them, and then, if there was any misunderstanding about it, there they were without any collusion.

Question. What was the result reached?

Answer. I believe that was about the result of the matter, that that course was decided upon.

Question. That parties would be allowed what?

Answer. To examine the returns or to have a copy* of the record.

Question. Was it decided that parties should have access to the returns that were then before the Council, or access to the statement of the returns in the Secretary of State's office?

Answer. It was my impression—I do not think there was any definite vote taken—that any party, where there was any claim of any discrepancy between the returns and the record, should have an opportunity to examine.

Question. Should have an opportunity to examine the election returns, themselves, that were before the Governor and Council?

Answer. Yes, sir.

Question. The returns had then been all gone through with and tabulations made by the Committee?

Answer. I did not know that.

Question. The report shows?

Answer. That was the report made at the time, but that report was hastened or made in order to satisfy this outside pressure. It was made, as I understood the Committee, before they had finally completed the tabulation. Mr. Dingley and the other gentlemen were anxious that a time should be fixed when the twenty days should commence; that is, before the final make up of the tabulation or issuing of the certificates.

Question. They wished that a time should be fixed when the twenty days should begin to run?

Answer. That was the point.

Question. The twenty days had to run before the final result was announced?

Answer. Yes, sir.

Question. Was there any conclusion reached at that meeting of the Council as to when that twenty days should run?

Answer. As I understood the matter it was to begin to run from that time. That was the object of passing that order as I understand.

Question. Did you see those gentlemen again?

Answer. No, sir.

Question. Did you see any of them again?

Answer. I think not; I might have met one or two of the gentlemen at the hotel; I do not remember.

Question. Did you see any other Committee representing the same interest these gentlemen did?

Answer. No. In the first place Mr. Dingley came in alone as chairman of the Committee, then went out and reported to the Committee, and then he came back with Mr. Lindsey and Mr. Emery; that is all the Committee I saw. It was all done in a half hour or less.

Question. Did you then see, yourself, any of the returns?

Answer. No, sir.

Question. Do you still state it was on November seventeenth, when you first met together at that session, that the Council Committee concluded that parties should be permitted to see the returns only when they presented copies of the records?

Answer. I do not think it was at that meeting. I think it was probably a few sessions subsequently, but I cannot say definitely, but the matter was talked over and that conclusion was arrived at.

Question. Then did you come to any conclusion on the seventeenth day when these gentlemen were there waiting the result, or was the whole thing hung up for several days?

Answer. I should think likely the whole thing was hung up; I cannot remember positive. The matter was in abeyance?

Question. You do not think anything was done at that time about allowing parties access to the returns, either with or without public records?

Answer. I have a very clear impression that the understanding was that when an opportunity had been given the Governor and

Council, at least when they had had time to inspect the returns, parties should have ample time to look at them.

Question. Is it not a fact that, in the deliberations of the Council on that evening and afternoon after the gentlemen had been to see you, there was a great deal of talk made about there being an attempt made to force and intimidate, and bulldoze them, and that they finally did nothing about it, and you did not report to those gentlemen afterwards?

Answer. I presume that was substantially the fact about it. Conversation occurred, and the motive these men had in coming was discussed?

Question. Nothing was done?

Answer. Don't the record show that the vote was taken that the twenty days should be reckoned from that time? I do not put my memory against the record.

Question. It appears by the record that not till eight days afterwards, the twenty-fifth, the Committee on Election Returns reported and the order was passed reciting that :

“Whereas, Herbert M. Heath, Esq., claiming to be attorney for certain persons who claim to be elected to county office in Cumberland County, having requested permission to examine the official returns of votes for County officers in said county: Therefore, ordered that he be requested to present to the Council certified copies of the town records of such town or towns with which he believes the official returns do not compare, and that the Committee on Elections be and they are hereby authorized to compare such returns and records, and the said attorney shall allege what corrections he desires to make, and give reasonable notice to the person or persons to be affected by such correction. that he or they may appear and be heard in the matter.”

Do you say that, previous to the twenty-fifth of November, any action or order had been made by the Council settling that question of the method in which the returns might be examined?

Answer. I do not know as there was any order. If there was it appears in the record; but that understanding was distinctly come to at an earlier date than that; that is my impression.

Question. If that had been the order or understanding of the Council, what necessity would there have been for passing the order on the twenty-fifth?

Answer. I cannot say. It was for the purpose of putting the thing in form, probably.

Question. Do you know that it had been put in any form till the twenty-fifth?

Answer. I do not know.

Question. Do you know, up to the twenty-fifth of November, of any candidate being permitted in any way access to or examination of the returns that were before the Governor and Council?

Answer. I do not know anything about it.

Question. You do not know that any candidate had been so permitted?

Answer. No; or that they had not been.

Question. Have you any knowledge of any action of the Council excepting what appears on the Blotter, which is their record?

Answer. No, sir.

Question. You continued with the council during those days, along through November?

Answer. There were several days I was here.

Question. Whether or not during that time the Council were engaged in making up the final report upon the election returns?

Answer. I think so.

Question. Was not that the work that mainly engaged the Council?

Answer. Between that time and the fifteenth of December, I think it was, or the sixteenth, at which time the returns were to be completed, at least so far as Senators and Representatives were concerned.

Question. Do you remember any action, during those days of the Council which postponed any examination of the returns by candidates and their counsel, to December first?

Answer. I do not remember of any such transaction. Do you find any record of the kind?

Question. Do you remember any vote of the Council, approved by yourself, postponing the examination of official returns, the privilege of being present and examining them to candidates and their counsel to December first?

Answer. Certain cases I presume were fixed. Applications came in, and different days were fixed for certain parties.

Question. Do you remember this order which I find on the Blotter?

“Ordered that the Secretary give public notice that the Governor and Council will be in session from Dec. 1st to 13th, for the purpose of examining the official returns of votes for candidates for Senators, Representatives and County Officers. Candidates claiming irregularities or other causes presumed to vitiate their election, will have reasonable opportunity to be heard either personally or by duly authorized counsel.”

That was approved by the Governor?

Answer. Yes, sir.

Question. Was it not then and there determined that nobody, whether candidate, or friend, or counsel, should be permitted to see those returns or examine them till December first?

Answer. No; I do not know that it was.

Question. Do you not recollect the order?

Answer. I do. It was in order to satisfy the public when we were overslaughed by men rushing in, giving us no time to look after these matters; I think that order was drawn for the purpose of giving the public notice when we would be able to attend to them.

Question. What did you need to look after so much as the correction of any errors, as the Council Committee had reported on November seventeenth that they had got through with the examination and tabulation of the returns?

Answer. I do not think that was the fact in regard to the Report; I did not so understand it.

Question. The language of the Report is, that—"They proceeded to open the same and tabulate them, and now submit the tabulation of said returns?"

Answer. Yes. The Governor and Council desired to examine that tabulation to see it was made correct. That is all the reason I could give; I thought it was highly proper that they should examine and see if the Committee had done it properly.

Question. So that this vote which postponed any examination on the part of the public till December first was five days after the Council had met?

Answer. Yes, sir. There was other business to attend to, and the Council had not had opportunity to examine.

Question. There does not appear, by the records, to have been any great amount of business done during that time?

Answer. There was a great deal of business to be done oftentimes that was not matter of record.

Question. Was it not important, after they appeared and made that request, and you had intimated to them that their request should be granted, that an examination of that tabulation should be proceed with at once?

Answer. There was ample time prior to making up the list. Parties in various parts of the State could not get here under several days.

Question. Were you not, during this time, applied to by many,

and did not the public solicitude increase from day to day, and the desire to examine those returns, as shown by repeated requests made to you?

Answer. My impression is, there were a very few except a certain number of attorneys, who were constantly pressing upon the attention of the Council, coming in with what proved to be fictitious statements, that they were appointed the legal attorneys. Quite a number of parties came in and stated to me, personally, and to others, as I understood, that they never employed those gentlemen to appear as counsel for them.

Question. Do you refer to gentlemen of the bar?

Answer. Yes, sir.

Question. Such as ——?

Answer. Gentlemen Bakers.

Question. In Augusta?

Answer. Yes, sir.

Question. Whom else?

Answer. Mr. Heath was one of the gentlemen who came in, although I must give him the credit of being very gentlemanly, and he had every facility afforded.

Question. He was not allowed to see the returns?

Answer. I think so.

Question. Was he allowed privileges that no other man was?

Answer. I think he had an opportunity of seeing the returns, soon.

Question. Had he privileges that were not given to other parties?

Answer. Yes, sir.

Question. Why?

Answer. For the reason that he was gentlemanly and was not insulting to the Governor and Council.

Question. You made the decision, of whether or not candidates should be allowed to see the returns and see what their rights were, depend upon the gentlemanly conduct of the men who represented them?

Answer. When attorneys came in with false statements, pretending they were attorneys for gentlemen and those gentlemen came to us and assured us they never had employed them,—attorneys came in with a list of names extending the whole length of the table—containing some men they never had seen and could not by any possibility have seen,—we had reason to suppose there was a good deal of bogus transaction about it, and therefore did not feel to comply.

Question. What harm could come from those gentlemen being given the same privileges that were given Mr. Heath?

Answer. I have my reasons. It is not necessary, perhaps, I should state them.

Question. Did you allow anybody the privilege you did Mr. Heath?

Answer. I think other gentlemen had—or other candidates.

Question. Previous to December first?

Answer. No; I think not, but after; I did not suppose it was the duty of the Governor and Council to give parties access to those returns till we had an opportunity of seeing them ourselves.

Question. Do you think you needed all the time from November seventeenth to December first to look at those returns, before the public should be allowed to see them?

Answer. I think that was a short time—some fifteen hundred or two thousand; I do not know how many; but a large number—to look over and see they were correct and tabulated correctly, and my impression is the tabulation had not been made up in such form as we could examine it in. We had a rough Blotter or something of that kind, but the Clerk had not made the tabulation.

Question. A tabulation had been made, such as it was?

Answer. Whatever the Committee had reported upon, and that Report, as I understood at the time and now believe, was made for the purpose of satisfying the gentlemen who came as a Committee that an opportunity would be given them, prior to the final decision, of examining and seeing that those returns were correct.

Question. Having read to you this order postponing any privilege of seeing the returns till December first and limiting it to the 13th, giving twelve days, I now ask: Do you remember that the Council passed that order at that time?

Answer. I see it is on the book; I have no doubt about it.

Question. What were you engaged in doing with the Council on those election returns between November seventeenth, when the Committee reported the tabulation of them to the whole Council, and December first?

Answer. There were a great number of bills to be attended to and examined, and all that sort of thing. We had a large number of general bills to settle up,—and accounts.

Question. What were you doing upon the returns?

Answer. My impression is, they were in the hands of the Clerk, to make up a formal tabulation, to see how they stood.

Question. Had clerks any right to alter them?

Answer. No, sir; but when they were in the hands of the Clerk, they could not be in the hands of the Governor and Council.

Question. How many tabulations are there?

Answer. Tabulations for Senators, and for Representatives, and for County Officers, but the tabulations for Senators and Representatives were the principal ones.

Question. If a tabulation was made and reported on November seventeenth to the Council, could the clerks who were employed do anything more than copy that tabulation? could they change it?

Answer. I presume not.

Question. Is it your idea that a clerk could vary that, in a single figure?

Answer. No, sir.

Question. Could he do anything more than to copy it?

Answer. I think not.

Question. That would not be a long matter?

Answer. I think it would be considerable of a job; only one man could work on it.

Question. One man could work on the Senatorial tabulation?

Answer. Yes.

Question. Another one on the Representative?

Answer. Excepting we lacked clerical force.

Question. Did you lack clerical force?

Answer. Yes, sir.

Question. Whom did you have in attendance from the Secretary's office?

Answer. Pishon.

Question. From the Secretary of State's office?

Answer. Mr. Sawyer was Assistant Secretary.

Question. Was Mr. Gove there at all?

Answer. Not when Sawyer was.

Question. Who else was there from the Secretary's office, excepting Sawyer, at your disposal?

Answer. Not anybody but Pishon; I think Pishon made the entire tabulation, so far as I know.

Question. Do you remember of calling in Mr. Harden, and of his being engaged in clerical work with them?

Answer. He was Messenger.

Question. Do you remember that Mr. Harden, Messenger to the

Governor and Council, was called in, and that he did clerical work at that time, for which the Council drew, under your approval, reports and warrants in payment, outside of his salary?

Answer. I have no doubt he did, for he did a great deal of clerical work, a large portion of what was done by the Governor and Council.

Question. You had Sawyer?

Answer. Sawyer was Clerk of the Council, and could do no other work than to attend to those duties; Harden was Messenger and attended to the wants of the Governor and Council; Pishon was tabulating the votes.

Question. So, if you desired to hurry, you had Sawyer to do whatever he could and Harden to do whatever he could, and Pishon?

Answer. We had them and they had other work to do.

Question. When did you first see those tabulations?

Answer. I cannot say; I think not till very near the close of the time when they were to be made up.

Question. Do you remember of examining those tabulations between November seventeenth and December first?

Answer. No, sir. Possibly occasionally a return might have been shown to me, but I have no distinct remembrance about it.

Question. What part or parcel did you have in the work of completing and perfecting those tabulations, if any?

Answer. I had none, excepting when any question of error came up. A gentleman whom I have seen here, Mr. Powers, came into my room one day and said there had been a mistake made in the tabulating of a certain name and called my attention to it, and I got the record and saw that the mistake was made and had it corrected, and so of several others when gentlemen called my attention to it.

Question. Do you refer to this instance as taking place between November seventeenth and December first?

Answer. I cannot tell when it was.

Question. I am trying to confine your mind to what occurred between November seventeenth and December first?

Answer. I cannot tell; I do not have any distinct remembrance.

Question. You have no recollection that anybody during that time was allowed to examine the returns?

Answer. No, sir.

Question. You have no idea they were?

Answer. No.

Question. During that time was your attention called, by any member of the Council or by any person, up to December first, to changes that needed to be made in those tabulations?

Answer. No; I never so regarded; no I think not; I have no remembrance of anything of the kind.

Question. If changes were made during that time in those tabulations were they made without your knowledge or participation?

Answer. Yes, without my knowledge if any were made.

Question. Or participation?

Answer. Yes.

Question. Do you know that many and repeated changes were made in those tabulations, from the time when they were first made up till the final Report and issuing of the certificates to candidates?

Answer. No; I do not know of any such thing.

Question. Have you examined those tabulations, either during their making up or at the time of the final Report, or since?

Answer. I have looked over the tabulations near when or after the tabulations were completed, looked them over as my attention was called to some doubtful cases.

Question. Do you know that, besides the tabulations, a list is made up accompanying the Report of the Committee on Election Returns, which list purports to contain the names of Senators who have been elected as reported by that Committee?

Answer. I know that the law requires that to be made up by the Secretary of State.

Question. Not that. Do you know that a list is made up first by the Committee on Election Returns, which list purports to contain the names of men who have been elected as Senators, and another list which purports to contain the names of men who have been elected as Representatives?

Answer. No, sir.

Question. Do you not know that such a list is made up by the Committee on Election Returns, and reported to the Council, and acted upon by it with the approval of the Governor?

Answer. Yes.

Question. Who is this list made up by, as reported to the Governor and Council?

Answer. I am not sure whether made up by the Committee or the Secretary of State.

Question. Is it not a fact, that it is made up by the Committee

on Election Returns, and after finally completed and approved by the Council, it then goes to the Secretary of State for him to make his list?

Answer. I think that is it.

Question. Do you remember that a list was made up by the Committee on Election Returns, reported to the Council, by the Council examined and by you approved, as containing a list of the names of men who appeared to be elected Representatives and Senators?

Answer. I remember that an incomplete list was made up, with the exception of two or three doubtful cases; that is my remembrance of the matter, and they did not make a final report till one or two or three days afterwards.

Question. Do you remember that several lists were made up before any could be fixed and agreed on?

Answer. No, sir; I never heard of such a thing.

Question. Did you not so know?

Answer. No, sir.

Question. Did you not know that a list was first made up and submitted to the Council, containing the names of Representatives appearing to be elected, and that that list contained the names of Republicans enough to constitute a majority?

Answer. No, sir.

Question. Did you not hear of that?

Answer. I never heard of such a thing.

Question. Did you never see that list?

Answer. I never saw it.

Question. Did you ever know of but one list and one Report made up by the Committee?

Answer. No, sir.

Question. You swear here that you never saw or heard of but one list of elected members or Senators, made up by the Committee on Election Returns?

Answer. Not to my knowledge; I have no remembrance of seeing but a single list.

Question. Did you never inspect but one list?

Answer. I am very sure I have no remembrance of ever seeing or hearing of any other.

Question. Do you remember the number of Representatives on the list finally approved by you who were reckoned Democrats or Greenbackers?

Answer. No; I do not know anything about the political status of either party, in regard to the matter.

Question. Had you any doubt when you finally approved the list, as made out and sent to the Secretary of State for him to make up his list from, as to the political complexion of the men on that list?

Answer. I knew nothing about the character of the men on that list.

Question. Did you not know that that comprehended, as you supposed, seventy-eight names of Democrats or Greenbackers?

Answer. I did not know anything about the political standing of any of the parties. They were all strangers to me; I never inquired into it.

Question. Do you state that, when that list was finally constituted and sent to the Secretary of State, approved by you, you did not know under that list which party had a majority?

Answer. I do state that, positive.

Question. You had never, yourself, made any reckoning?

Answer. No, sir.

Question. Was it a surprise to you, when it came out seventy-eight Democrats and Greenbackers?

Answer. I did not so understand.

Question. What was your understanding?

Answer. All the understanding was, the talk I heard, that there were seventy-six or seventy-seven; I do not know anything about the political status of the parties.

Question. Did you not know, at that time, when the final list was sent to the Secretary of State, approved by you, that it contained a majority who were Democrats, or Greenbackers?

Answer. I presume such was the case, from the fact there were twelve Representatives from the cities who were known to be Republicans,—Lewiston, Portland, Rockland, Bath and Saco,—who did not receive their certificates.

Question. Did you not know that, independent of everybody thrown out, that list which you sent to the Secretary of State, contained a majority of Democrats and Greenbackers?

Answer. I did not know that from personal inspection—only general information—what I saw in the papers. As to the complexion of the parties, I knew nothing about their standing.

Question. Was not the matter in your mind and, with members of the Council, canvassed, as to the politics of each man who appeared upon that roll?

Answer. No, not so far as I am concerned, or know.

Question. Did you not know, from the conversations there, and from the general information furnished by newspapers as to particular cases, what were the politics of each man on that list?

Answer. No, sir.

Question. I ask you again : Are you willing to swear here, and do you swear, that when you made up your list, or it was approved by you, and sent to the Secretary of State, for him to make his list of Representatives from, that you did not then believe and know that it contained upon it a majority—more than half of the whole House of Representatives—of Democrats and Greenbackers?

Answer. I did not know the fact.

Question. Did you not believe that to be the fact?

Answer. I had the impression from what I saw in the newspapers, but as matter of fact I did not know.

Question. How could the newspapers know what your list was?

Answer. I do not know as they could.

Question. How could you get any information from the newspapers as to what your list was?

Answer. I do not know as I did. When that matter was decided or examined by me, I did not know the character of the gentlemen who were elected, and I do not know to-day.

Question. Did you not know, when you issued the certificates based upon that list, to members elect, under the action of the Governor and Council, that you were issuing certificates to Democrats and Greenbackers enough to cover a majority of the House,—to make a quorum?

Answer. No, sir ; I did not know the character of those gentlemen at all ; I did not inquire into it and did not desire to.

Question. When you issued a certificate to a member you did not know his politics?

Answer. Exactly.

Question. After the certificates were issued and after the result had become public, was it then you first knew you had issued a majority of the certificates to Democrats and Greenbackers?

Answer. So far as my knowledge goes.

Question. You were acting, up to the time of the issuing of them, entirely ignorant of any such purpose?

Answer. I was acting purely on the ground of constitutional law in regard to those cases, regardless of what the facts were as to their politics.

Question. Did you not know under your construction of Constitutional law when a Republican was counted out or a Democrat or Greenbacker counted in?

Answer. No ; I did not ask anything about the politics of a man, and I do not know to-day quite a number.

ALONZO GARCELON, *resumed, March 12, P. M.*

Question. When we went to dinner I was examining you with reference to the final lists of Senators and Members. From what list did you act in making out certificates for the Senate and House?

Answer. No other than the returns themselves.

Question. Did you, yourself, examine each return and all the tabulations, or did you make out your certificates from a list.

Answer. Of course I did not examine all the returns myself, only those there was any question about.

Question. From what list did you make out the certificates?

Answer. No other than the returns themselves, as they were tabulated.

Question. How did you get at the result?

Answer. With the list that the Committee made out.

Question. From the Reports of the Committee on Elections, who made a final list that you acted from?

Answer. Yes, sir.

Question. And which was sent to the Secretary of State, for him to make up his list from?

Answer. Yes, sir.

Question. Did you, in any way, help to make up that list?

Answer. No, sir.

Question. That list was made up, was it not, in a Report from the Committee on Election Returns, as the final result of their examination?

Answer. I understand so. But the report, as made at first, was not made in full, and perhaps the answer I gave, that I did not assist in making up the list, might properly be modified, in that several cases were referred to me, as to what my judgment was, as to the correct determination. That is the modification.

Question. Do you remember what some of those cases were?

Answer. I remember one case in particular—that of Dr. Smith, Senator elect from Lincoln—in regard to the initials.

Question. What other case?

Answer. My recollection is, that Mr. Powers called my attention to one case, where I saw that the name "Alford," or "Alfard," was not so tabulated, but was tabulated the same as "Alfred." I caused that to be corrected afterwards. With a few of those corrections, the answer is correct.

Question. Do you recollect any other?

Answer. I think the question of the Hills, in the Exeter case, and a few questions of that kind, where there was any question.

Question. The final list, or lists, covering Senators and Members, after being submitted to you, was approved by you, was it not?

Answer. Yes, sir.

Question. And that was the list upon which you acted in giving the certificates, and upon which the Secretary of State acted in making out his roll?

Answer. I suppose so; I have no knowledge of anything to the contrary.

Question. I pass to you paper marked "*Exhibit L, G. D. B., Clerk of Committee,*" dated, "*In Council Dec. 13, 1879,*" with the following heading:

"The Committee on Election Returns, to which was referred the returns of votes given in on the eighth day of September, 1879, in the several cities, towns and plantations, in the State, for Representatives to the fifty-ninth Legislature, having carefully examined the same report in part that the following named persons appear to have received a plurality of votes cast in their respective districts, and are elected Representatives thereof, viz:—"

Examine that and see if you ever have seen it before, or examined it, or had any part in its make up?

Answer. [Witness examines paper.] I cannot tell you.

Question. You have looked at the paper since I handed it to you, have you?

Answer. I have.

Question. Do you recognize that as a paper you have ever seen before?

Answer. I do not remember that I ever examined it particularly; I presume the Report was made in Council, accepted and approved and it passed directly to the hands of the Secretary as was usually the case.

Question. Do you recognize the hand writing in which the body of the Report is made?

Answer. I should judge that to be Mr. Pishon's hand writing, but

I cannot say. He was the man who made the tabulations. I am not sufficiently familiar with the hand writing to swear, but it looks like his.

Question. You have no doubt that is an official document?

Answer. I presume that to be, so far as I have any knowledge.

Question. Did you notice, in looking this over, that in several cases this Report has been changed, the names of persons first written in as Representatives have been erased or crossed out with an ink line, and other names written in instead?

Answer. I noticed one name.

Question. Look at the county of Androscoggin, and state what name you find that had first been written in and erased, and what name written in instead?

Answer. The name of "*William H. Thomas*" was first written in, and then "*Leonard H. Beal*."

Question. The name of "*William H. Thomas*" was first carried out, and then stricken out?

Answer. Yes, and the name of "*Leonard H. Beal*" written in, in pencil.

Question. Was the certificate in that case given to Mr. Beal?

Answer. I think so. That was one of the cases that the final decision was not made till a day or two before or almost up to the time.

Question. Look at the next county, Aroostook?

Answer. The name of "*John Burnham*," in the Sherman District, is erased, and "*Alfred Cushman*" is written instead.

Question. To whom was the certificate given by you, in that case?

Answer. I think to Cushman. That was the case to which my attention was called; I think Mr. Powers stated to me that the tabulation was wrong; I looked, and found he was right as regards "*Alfred*" and "*Alford*." He further stated to me, that Burnham would be elected, but on looking at the tabulation I found that was not the fact, even changing the Alfred.

Question. The next is Franklin?

Answer. "*John R. Eaton*" is struck out, and "*James O. White*" written in.

Question. Who received the certificate in that case?

Answer. White.

Question. Pass to the next, Hancock county?

Answer. "*Oliver P. Bragdon*" stricken out and "*James Flye*" substituted.

Question. Who received the certificate there?

Answer. I do not know ; I have no remembrance.

Question. Don't you remember whom you gave it to?

Answer. No ; I don't remember the case ; I remember something about Oliver P. Bragdon but nothing about the opposing candidate or the one to whom certificate was given.

Question. You did not know what Bragdon's politics were?

Answer. No, sir.

Question. And don't to-day?

Answer. No, sir.

Question. Did not know Flye's politics?

Answer. No, sir.

Question. Don't to-day?

Answer. I never heard.

Question. What's the next?

Answer. The next is Embden. "*Amos W. Hilton*" is stricken out and "*Amos Hilton*" written in.

Question. Any recollection about that?

Answer. No, sir.

Question. Don't remember who had the certificate?

Answer. No, sir. That is all there are, I believe.

Question. As you go along, do you notice, on the left hand margin of the page, letters opposite certain names?

Answer. I notice the letter "*G.*"

Question. Opposite the names?

Answer. Opposite certain names.

Question. Do you know what was the significance of that letter "*G.*" as marked opposite those names?

Answer. No ; I presume, but I have no knowledge ; I never saw them there before.

Question. What do you suppose?

Answer. I presume it means "Greenbacker."

Question. But you knew nothing of anything of the kind at the time?

Answer. Nothing.

Question. Do you know whether you made out your certificates to Representatives from this, or from another one, made up later?

Answer. I cannot tell you.

Question. You have no knowledge?

Answer. No ; only that the certificates were brought to me and I presumed they were in accordance with the list.

Question. This list, or which ever was the list finally adopted, must have been accepted by the whole Council and approved by the Governor before it would have official force?

Answer. I presume so ; that was the understanding.

Question. Have you any recollection whether you approved this list or not ?

Answer. I have a recollection that I approved the Report that was made at the time. There were three or four cases at the time the Report was made, that were deferred, and subsequently acted upon separately.

Question. Whatever list you finally approved, making it the act of the Governor and Council as a basis for you to act upon in issuing certificates, you approved with a knowledge of what it contained?

Answer. I so understand it.

Question. Did I understand you correctly, before dinner, to state that, when that list was completed, approved by you and became of official force, and was the basis of your action in granting certificates, you did not know what were the politics of the different gentlemen whose names were found upon the list, and to whom you gave certificates?

Answer. I so state ; excepting in a very few instances.

Question. Did you not know that you were issuing certificates to seventy-eight Democrats and Greenbackers, and sixty-one Republicans, and had thrown out twelve other members from different cities and towns?

Answer. No, sir ; I knew we had not given certificates to other members ; I cannot say how many ; I only knew of each individual case being decided upon its merits.

Question. Did you not know you were issuing certificates to seventy-eight Democrats and Greenbackers and sixty-one Republicans?

Answer. I did not know that, and do not know it to-day.

Question. That matter was not discussed in your presence, as to the number you were making up of Fusionists?

Answer. I do not think I ever heard the matter discussed.

Question. Or the number of Republicans you were giving certificates to?

Answer. I do not remember.

Question. You do not remember?

Answer. No.

Question. Was not the question discussed, whether or not you were issuing certificates enough to make a quorum of Democrats and Greenbackers?

Answer. Not to my knowledge, in the Council.

Question. Was it anywhere else?

Answer. I heard some general talk about it in the street, or in the house, or about the premises, but no definite knowledge.

Question. With whom did you talk more or less upon that subject outside of the Council?

Answer. I cannot tell you. The matter was referred to incidentally by several parties; I cannot recall the names of anybody now.

Question. You did not know, when you issued the certificates, that you were giving seventy-eight to one party and sixty-one to the other, and throwing out twelve cities and towns?

Answer. No, sir.

Question. You swear to that now, as before dinner?

Answer. Yes, I do.

Question. When did you first learn that you had happened to issue certificates to seventy-eight Greenbackers and Democrats and sixty-one Republicans?

Answer. I cannot tell you exactly when; I saw it in the papers, probably.

Question. Learned from the papers?

Answer. Yes, sir.

Question. But before that you did not know, from your own knowledge, or from general repute, or from discussion in the Council?

Answer. No, sir. The first intimation I ever had, that called my attention at all to it, was on a slip of paper I picked up in the Council Chamber, I think several days after the issuing of the certificates, on which, if my recollection serves me, was a rough sketch—that there would be about seventy and seventy-one, I think, or seventy and seventy-two on either side. That was the only thing. There was no name to it, and I put no reliance on that.

Question. You found afterwards, on the table of the Council, a memorandum of figuring of the political result, that showed seventy on one side and seventy-one on the other?

Answer. I think, something like that; I will not be positive to the number, but nearly balanced.

Question. When you found that, did you not know that was

entirely different from the political complexion of the House as made by your certificates?

Answer. No, sir; I did not know anything about it.

Question. When you found that memorandum, stating it was about evenly divided, some time after you issued the certificates, you did not know but that memorandum was a true statement of the facts?

Answer. I did not know whether true or false; I saw it was figuring on a sheet of paper, by somebody; I did not know how it came there.

Question. When did you first learn there were seventy-eight Democrats and Greenbackers and sixty-one Republicans?

Answer. I cannot tell you.

Question. Was it a surprise to you when you learned it?

Answer. I was a little surprised; rather a pleasing one, too. The real fact about it was, I cared but little about it.

Question. So, that really all your action in that had no view whatever as to the political complexion of the houses and you did not know what that political complexion was till after the result was announced?

Answer. I swear to that.

Question. So that, if there was any object, on the part of any gentlemen there who were instrumental in making up this list, to secure a result you knew nothing about it?

Answer. I knew nothing of it and had no hand or part other than to decide each individual case by the merits of the case, as I understood the Constitution and law.

Question. You endeavored in each case to do it?

Answer. I did endeavor to do it and believe I did do it.

Question. The marks of "G" along on the margin of this list were not made by you?

Answer. No; nor any other mark on any other tabulation or list that can be produced.

Question. If anybody did that for the purpose of getting information it was without your knowledge?

Answer. Yes, sir.

Question. You were in complete ignorance of that feature?

Answer. I was entirely.

Question. I understood you to state that your only object in completing this examination and arriving at the results upon which you were to issue certificates, was to carry out the Constitution and the laws?

Answer. Yes, sir.

Question. You have so stated have you not, in many places since that time, both in private and public?

Answer. I have.

Question. You still adhere to that now?

Answer. I do still adhere to that statement.

Question. Is it your belief that it was possible for you, in a matter of this importance, to have arrived at a result based upon the Constitution and laws, without understanding the merits of each contested case?

Answer. I suppose such a thing might be possible, providing the facts were not produced before me, but, as they appeared on the returns, I think not.

Question. It was your endeavor in each case, where any question arose, to examine, yourself, into the merits of each case and the points upon which it was decided?

Answer. In regard to cases that came to my knowledge, where I understood there was any dispute.

Question. You were called upon to issue every certificate?

Answer. Yes, sir.

Question. Did you feel justified in doing that without knowing the grounds upon which every man who was counted out, was counted out?

Answer. I do not understand that anybody was counted out. The returns came in; there was the case of one town and another; the question was what were those returns? did they correspond with the Constitution and laws? and an examination of those indicated to my mind, so far as it was possible to obtain any knowledge in them, what I regarded as the correct decision.

Question. Whether you were able to intelligently arrive at that conclusion, that you were carrying out the Constitution and laws, unless you knew what the points were in the case and how the law applied?

Answer. I think I was doing perfectly right, because the law does not make the Governor and Council the judges as to the party who is actually elected, but simply upon the legality of the returns.

Question. Confining yourself to the legality of the returns, were you able to carry out the Constitution and laws in any given case unless you knew about that case? for instance, was it safe for you to depend upon the Council without looking into it yourself?

Answer. I presumed the Council were honorable men, and honest, and reported the tabulation of the returns correctly. In a great majority of cases where there was no question, as I understood, I did not personally look into the matter; but where there was a case of doubt I looked into the matter and decided as I thought best, so far as my own judgment went, in regard to this, that or the other particular case.

Question. Did you believe, either by the confidence which you had in the Council or by your own examination, that in every case where a certificate was issued you were based upon the Constitution and laws?

Answer. That was my judgment and belief.

Question. You believed you were acting not only honestly but intelligently?

Answer. I have been called a natural born fool in some papers, and perhaps I was not capable of exercising any intelligence, but, so far as the honesty is concerned, I did that which I believed to be perfectly legitimate.

Question. You did not believe you were proceeding in a blind way?

Answer. I did not think so.

Question. You believed you were acting honestly and intelligently?

Answer. That was my judgment.

Question. By the time the final list was made out, you knew there had been a good deal of controversy about different cases?

Answer. Yes, sir.

Question. And about what law could be invoked to reject a return or admit it?

Answer. Yes, sir.

Question. And all of the various questions that had come up by that time had been fully discussed by the public in the State of Maine, and elsewhere?

Answer. I think so.

Question. And also by the members of the Council, and yourself?

Answer. Yes, sir.

Question. In arriving at the result upon which you acted, were certain rules laid down and certain principles adopted under which you acted in certificating men for the Senate and House?

Answer. There were.

Question. Do you remember that there was a promulgation through

the Committee on Election Returns, of the propositions upon which they had acted in completing the list?

Answer. I do not know to what you refer.

Question. Do you not remember, that near the end of this controversy a Report from the Committee on Election Returns of the reasons upon which they had acted, appeared from them?

Answer. Yes, sir.

Question. Was that Report, and the announcement of the propositions contained in it, made without consultation with you?

Answer. I think not; I think the matter was discussed.

Question. Was it made, then, after consultation with you, in conformity with your views, or did you, or do you take issue with the views presented there?

Answer. So far as I remember, there is no issue to be taken; so far as I understand.

Question. So far as you understand, the propositions contained in that Report embody not only the Council's views of the law, but your own?

Answer. Yes, sir.

Question. You so believe now?

Answer. I do.

Question. Was it your endeavor, and your course of action, to make application of the same principles of law which governed you to both sides, politically?

Answer. Precisely, in every instance.

Question. So that, wherever a rule was laid down you made it cut clear through?

Answer. That was the design. I believe it was carried out, so far as I know.

Question. Do you remember a single instance where a Republican or Democrat was allowed to correct the roll, as to the name of the candidate?

Answer. Not an instance.

Question. What was the rule adopted by the Committee where the returns showed a difference in the name of a candidate; two names appearing nearly similar but actually different; did you count them for one or each?

Answer. I counted them for each, under the rule of the Supreme Court.

Question. You made that an invariable rule?

Answer. So far as I know ; I never have known of any instance to the contrary and never heard of any.

Question. Do you recollect the case of the Washington County Candidate for Senator on the Fusion ticket, John T. Wallace, Jr.?

Answer. I do.

Question. In that case some of the returns were for "John T. Wallace"?

Answer. Yes, sir.

Question. How were they counted?

Answer. John T. Wallace, as I supposed.

Question. Not for John T. Wallace, Jr.

Answer. No.

Question. Was it on the principle you had applied in certain Republican cases that you acted in that case?

Answer. Precisely, as I understand the matter. There was some discussion upon this question of "Jr." I understood it was an affix which applied to a different person from John T. Wallace. For instance, there is Nelson Dingley and a Nelson Dingley, Jr., two gentlemen living in my place ; one of them, Nelson Dingley, Jr., has been voted for for Governor and elected, and the other, quite as respectable and worthy, is named, Nelson Dingley. There is no possible way of counting those votes as one. I agreed with the Opinion of the Court that there was no possible way of coming to a conclusion without so deciding. I am very positive I saw the tabulation of "John T. Wallace, Jr.," in a separate column.

Question. Of these Washington county returns, did you make a special examination, yourself?

Answer. Only in two or three cases, where there was a question.

Question. And where this question of name came up?

Answer. Yes, sir.

Question. That was one of the propositions laid down and acted upon by you and the Council?

Answer. I so understood. That was a proposition laid down, and I supposed it to have been acted upon in every instance ; it was, so far as I know.

Question. I find in the Report, and I call your attention to it, that another proposition laid down was, that each of the Selectmen or municipal officers signing, must sign themselves?

Answer. Yes, sir.

Question. And that where it appeared that the signatures were evidently in one hand writing, the return was thrown out?

Answer. Yes, sir.

Question. Was that another rule adopted?

Answer. Yes, sir.

Question. And insisted upon, religiously?

Answer. Yes.

Question. On both sides?

Answer. I so understand it.

Question. I find, also, and call your attention to it, that the Council adopted a rule that the whole number of ballots must be correctly stated. Was that rule adopted and followed out?

Answer. Correctly stated?

Question. That the whole number of ballots in the return must appear.

Answer. "Must appear;" yes, that was the rule.

Question. Was that rule followed?

Answer. Yes, sir. In one instance or two, I guess, for instance in the city of Augusta, there was evidently a clerical error in making the return of the whole number of ballots the same as the persons voted for, where it was evident that the number of votes were counted as ballots, and the case was admitted.

Question. But if there was an error in the actual number of votes cast for the candidate, which did not agree with the whole number as given?

Answer. If it did not explain itself. There was considerable discussion on the question whether the city of Augusta ought to come under that rule.

Question. If you found, for instance, there was a mistake in reckoning up for Senators all the votes for each one of four, thus doubling or quadrupling the number of votes, and that mistake appeared to correct itself you did not throw out?

Answer. No, sir.

Question. But in any case where the whole number of ballots was stated and gave the number of votes for the candidates, and they did not add up that way, you threw out?

Answer. Yes, we rejected.

Question. All the way through?

Answer. I so understand.

Question. Applied to both?

Answer. I understand so.

Question. You so understood and do now?

Answer. Yes.

Question. For instance, if the whole number of ballots was stated to be five hundred, and the votes for the different candidates amounted to four hundred and eighty, it was thrown out?

Answer. Yes ; rejected, because there was a discrepancy, and you could not tell. That was the principle upon which the decision was made.

Question. Of course, if no whole number of ballots was stated at all it was thrown out?

Answer. Yes, sir, rejected.

Question. That was a fatal error?

Answer. We so regarded.

Question. Was it another rule adopted that where it did not appear that the returns were made up and sealed up in open town meeting they were rejected?

Answer. Yes, sir.

Question. That rule cut clear through on both sides?

Answer. Yes ; I believe there is only one case that occurred ; that is my remembrance.

Question. What case was that?

Answer. A town on the Penobscot ; I forget it now ; was it Stockton?

Question. You do not remember any other that was affected by that fact?

Answer. Not that I remember of ; I examined what was alleged to be the return, or the envelope, and it was perfectly clear to my mind it never had been sealed or attempted to be sealed.

Question. Do you mean that your point was that the returns were not *made up* or were not *sealed up* in open town meeting?

Answer. That they were not *sealed up*.

Question. Was one proposition that you went on, that the return must be made up in open town meeting?

Answer. Yes, sir.

Question. Do you remember whether that affected any case?

Answer. I do not.

Question. Did you make another rule, that where no number of votes appeared opposite the name of the candidate, the return was rejected?

Answer. Yes, sir.

Question. Did you follow that rule?

Answer. I so understand it.

Question. Equally applicable to both parties?

Answer. I so understand it.

Question. What course in reference to questions coming up under these different rules, which you made for both sides, did the Governor and Council pursue as to allowing corrections under the statute of eighteen hundred and seventy-seven?

Answer. By the record.

Question. Did you allow corrections to be made by the record?

Answer. We did; where there was any correction to be made, so far as I know. I do not remember where the record was brought in that there was any disagreement between the record and the return.

Question. Do you remember any case where the errors appearing on the face of the returns were corrected by the record?

Answer. I do not.

Question. Do you think there was any case on either side where that was permitted?

Answer. I think not; I cannot recollect any.

Question. Was that course applied equally to Republicans as well as Democrats and Greenbackers?

Answer. I understand so; intended to be.

Question. No correction was made by reason of the record appearing to be different from the returns?

Answer. Not so far as I know; I heard of no case.

Question. You would feel you ought to know about it, to have ecided it?

Answer. Yes, sir.

Question. You would have taken pains to examine into it?

Answer. I think I did; that was my understanding.

Question. The responsibility rested upon you to issue the certificates?

Answer. Yes, sir. No case was presented to me but the record agreed; for instance, in the city of Portland, and town of Danforth, and several other towns that I do not remember particularly now.

Question. Where the name was spelled differently, what was your rule, to count it for the two, or one?

Answer. My rule was, to count it as it was written.

Question. Not for the one man?

Answer. For both.

Question. It would, of course, deprive the candidate of a certain number of votes?

Answer. It might, and might not.

Question. That was applied to both sides?

Answer. It was designed to so apply in both instances.

Question. I go back to your statement of the rule adopted in the instance of John T. Wallace, Jr., and also your statement that no correction was made by the record, and ask you to examine the Senatorial return from Robbinston, in Washington county, and from that read to me the candidates' names as they appear, and the number of votes opposite each?

Answer. "Austin Harris, 95; Alden radford, 97; James R. Talbot, 63; John T. Wallace, 65."

Question. That is clearly "John T. Wallace?"

Answer. Yes; no doubt about it; isn't it so tabulated?

Question. I ask you to look at the Senatorial tabulation of Robbinston, and see to whom the sixty-five votes, under this rule which you established for both sides, are tabulated and given?

Answer. "John T. Wallace, Jr."

Question. He received the benefit of the sixty-five votes?

Answer. He did.

Question. Which, by the return, were given to "John T. Wallace?"

Answer. Yes; but in another place here is "John T. Wallace," in town of Talmage.

Question. But how does Robbinston read?

Answer. That seems to be a mistake in tabulating, or a design; I cannot say which.

Question. Did you know anything about that?

Answer. No; I looked at the tabulation of John T. Wallace — the number of votes, and found he was not elected, any how, so that did not make any difference; so I did not look at all the returns.

Question. But, in making up the tabulation this rule was not followed?

Answer. It seems it was not in that case.

Question. So there is an instance where it did not apply?

Answer. Yes, so far as that town was concerned.

Question. Did you know what were the politics of John T. Wallace, Jr.?

Answer. No, sir.

Question. Did not know but he was a Republican?

Answer. I do not know to-day but he is a Republican.

Question. Look at the return from the town of Deblois and see for whom the vote is thrown there, "John T. Wallace" or "John T. Wallace, Jr.?"

Answer. "John T. Wallace."

Question. Look at the tabulation and see for whom it is counted?

Answer. It is put down for "John T. Wallace, Jr."

Question. Did you know that?

Answer. No, sir.

Question. That then was against this rule of yours?

Answer. Yes; but after looking at the tabulation and seeing the votes returned for "John T. Wallace," I looked at the result and saw it made no sort of difference, and I did not look any further.

Question. But when those tabulations were made up from time to time nobody could tell the result?

Answer. No, sir; that was wrongly tabulated.

Question. Against the rule which you adopted?

Answer. Yes, sir.

Question. That was in the interest of John T. Wallace, Jr.

Answer. Yes, sir.

Question. By the Robbinston return sixty-five votes were added to John T. Wallace, Jr.'s list wrongfully?

Answer. Yes, sir.

Question. And by Deblois seventeen more?

Answer. Yes; and the presumption is that that tabulation was made by the Committee before the rule was adopted.

Question. That was not a thing you examined into?

Answer. That tabulation, as to comparison, no, I never compared the returns.

Question. You do not know the ground on which that Robbinston vote was thrown out or tabulated for "John T. Wallace, Jr.?"

Answer. No.

Question. If that was done by the Council on any ground, you were not informed of it?

Answer. No, sir.

Question. If you had been informed of it, you would have had that tabulation taken away from "John T. Wallace, Jr.?"

Answer. Most assuredly.

Question. Did you ever hear of this affidavit, marked "Exhibit 9, G. D. B., Clerk of Committee," the affidavit of Hiram Hunt? [Mr. HALE reads affidavit of Hiram Hunt.] And there are, following that, to the same effect, the affidavits of S. O'Brien and J. W. Cox, affidavits taken by E. K. Smart; do you know him personally?

Answer. He was at my place one day, I think, last week or week before last,—the first time I ever saw him.

Question. From Pembroke?

Answer. He said he was.

Question. You never had know him at the time he took those affidavits?

Answer. No, sir.

Question. There is an affidavit made by three voters out of sixty-five, that, although they voted for John T. Wallace, they intended to vote for John T. Wallace, Jr., and that all of the rest of the sixty-five intended to vote for John T. Wallace, Jr., and put upon the files with papers of the Governor and Council. Should you consider that authority for correcting the return and counting it for John T. Wallace, Jr.?

Answer. No, sir.

Question. Do you or not, hold that to have been a rank violation of law and the principles on which you were acting?

Answer. I do.

Question. Do you deny you took any part in that?

Answer. Yes, sir.

Question. And denounce it as having been opposed to your rule of action?

Answer. Yes, sir.

Question. Had you known of that would you have rejected this affidavit at once and tabulated it for John T. Wallace?

Answer. I should have paid no attention to the affidavit and tabulated it for John T. Wallace.

Question. Did you know anything of the doings of this man Smart, in going about getting affidavits upon which returns were to be corrected?

Answer. Not till within the last few days.

Question. Had you ever heard of this affidavit till I presented it to you now?

Answer. No; I never heard of such a thing.

Question. While these things, such as I have just called your attention to, were being done by the Committee of the Council, where were they holding their sessions?

Answer. I presume in the Council Room; I have no knowledge of any other session.

Question. Where was the Governor's room in relation to the room of the Council?

Answer. The adjoining room.

Question. With a door opening between?

Answer. Yes, sir.

Question. And constant communication, is there not, between the two?

Answer. There might be.

Question. Is not that the common course of business?

Answer. Yes, sir; when any necessity; frequently that is the case.

Question. The door is open much of the time?

Answer. Not but very little when I was there.

Question. Has it not been your habit to run in and out, spending part of the time in the Governor's Room and part of the time in the room of the Council?

Answer. Very seldom, excepting when in session.

Question. Were not the Council in the habit of running in and out of your room and conferring with you about matters?

Answer. It might be said to be a habit, but not very frequent.

Question. I find by the Council Blotter, that during this time you were present during almost every day of the meeting of the Council?

Answer. Yes.

Question. Where was your time usually spent?

Answer. In the Executive Chamber, looking after matters pertaining to my own duties.

Question. During the time they were tabulating these returns?

Answer. Yes, sir.

Question. Would it not have been natural, after you had adopted certain propositions that were to be carried straight through and equally applied to both sides, that they should confer with you when a case came up?

Answer. I have no doubt they did.

Question. Yet you say this Robbinston matter never was brought to your attention?

Answer. It never was. The blank tabulation was made between the last of October and the seventeenth of November, and I cannot say how much of this was copied from that; but the probabilities are that, in copying, a mistake of this kind might have occurred.

Question. This is the final tabulation?

Answer. Yes; but in copying, undoubtedly, the clerk copied from the original tabulation.

By MR. STRICKLAND :

Question. This is not the original tabulation?

Answer. No ; I presume this to be the final tabulation.

By MR. HALE :

Question. There appear, in this final tabulation, no erasures?

Answer. No ; I think there are in the copy.

Question. Would he copy erasures?

Answer. No ; the probability is, he copied the tabulation as it stood, and corrections were made after the first tabulation.

Question. But this is the final tabulation, which gives the final result?

Answer. Yes, sir.

Question. Upon this tabulation, which is the final result, the vote of Robbinston is counted for John T. Wallace, Jr.?

Answer. Yes, sir.

Question. And upon this affidavit?

Answer. I do not know as it had anything to do with the affidavit ; the probability is that the vote was so counted ; I recollect very distinctly ; I cannot tell the particular time the matter was brought up, that the question came up as to whether the tabulation—take the case of Wallace, a vote returned for John T. Wallace—should be the same as one for John T. Wallace, Jr. ; I know several members of the Council were of the opinion it should be counted for the same man, and they cited authorities—I do not know but some of the Judges.

Question. What was the rule finally adopted?

Answer. That it should be counted as returned.

Question. For the two?

Answer. Yes, sir.

Question. Then why does it not appear on this final tabulation?

Answer. I suppose it was overlooked ; I do not undertake to explain it ; I do not know anything about it.

Question. That is a case you knew nothing about?

Answer. No. In looking over that final tabulation I saw that there were not votes enough to elect John T. Wallace, Jr., anyhow, because there are quite a number of those towns that are tabulated for John T. Wallace ; as he could not be elected, anyhow, I did not believe it was necessary to look into any details any further than that ; I did not know of this fact ; if I had, I should have insisted on the tabulation of the names.

Question. Whatever was done by the Council in this tabulation or any other, in that respect, was done without your knowledge?

Answer. Yes, sir; or consent.

Question. I come now to the rule which you adopted and which is stated in the Report of the Committee, that the names of the municipal officers must each be signed in person?

Answer. Yes, sir.

Question. That where a return appeared to be signed all by one man it is rejected?

Answer. Where it was written in one hand writing we rejected.

Question. That was a rule that applied both ways?

Answer. Yes.

Question. Upon this question of names I ask you to look at the return of the town of Kossuth, marked "*Exhibit 4, G. D. B., Clerk of Committee,*" and see how it appears by the return—the first candidate voted for?

Answer. That is little difficult to tell.

Question. How does it read to you as you look at it?

Answer. I think it reads very much like "great A little A r o n"; "*James R. Talbart.*"

Question. Under your rule, how would that be tabulated?

Answer. That is one of the rules I should have some considerable doubt about.

Question. What does it appear there, as "*Talbart?*"

Answer. Yes. That is one of those cases where I can see that a man might decide it either way without any great violation of principle.

Question. Which way do you think that was decided?

Answer. I do not know.

Question. Look at the town of Kossuth, and see to whom the nineteen votes which in the return are for "*James R. Talbart,*" are tabulated?

Answer. It seems to be tabulated for "*James R. Talbot.*"

Question. He was the Democratic candidate?

Answer. He was so understood to be, I believe.

Question. He received a certificate?

Answer. Yes, sir.

Question. You think that is a case that might be decided either way?

Answer. If I was tabulating that myself, I should put that in a separate column.

Question. Did you know this was put in the column of "James R. Talbot?"

Answer. No, sir.

Question. That was a case where the result was very close and would be affected by a few votes, why did you not examine that?

Answer. I presume my attention was not called to the fact.

Question. How could you know and determine in a very close case of a Senator, whether you were following out the Constitution and laws and giving the certificate to the right man, unless you examined it?

Answer. I could determine nothing about the result till after the tabulation was all completed; I must necessarily rely on the Committee as regards the correctness of the tabulation, to a very great extent.

Question. You had the tabulation before you?

Answer. Yes; but I presumed that to be correct, and acted upon that presumption.

Question. Who received the certificate in that case?

Answer. James R. Talbot. I looked at the footing of the votes as tabulated and supposed it was tabulated correctly.

Question. Look at that return again, where the two candidates stated are "James R. Talbart" and "John T. Wallace, Jr." and state whether the number of votes cast appears opposite either name?

Answer. No; it does not.

Question. Then you would not have tabulated that at all?

Answer. No; I should not.

Question. That was a wrong tabulation?

Answer. That is my judgment.

Question. On double grounds?

Answer. Yes, sir.

Question. The act of the Council in that case was to count the vote for Mr. Talbot, the first candidate on the Fusion ticket, and for Mr. Harris the first candidate on the Republican ticket.

Answer. That seems to be the tabulation?

Question. Look at the Senatorial return from Staceyville, county of Penobscot, and see if you find just such a case, where the number of votes is not carried out opposite each name but in the center of the names?

Answer. Yes, with a bracket. There is more reason for counting the votes here than in the other.

Question. How would you tabulate that?

Answer. My own judgment would be that would be fair, although not strictly Constitutional.

Question. Under your rule, which obliged those numbers to appear opposite the name of the candidate, could either of them be tabulated?

Answer. No, sir.

Question. In Kossuth, where we have just looked at the return, the votes are tabulated and given only to the first candidates, but in Staceyville they are counted for all?

Answer. Yes, sir.

Question. Did you know anything about that difference of application?

Answer. No, sir. I never knew anything about that.

Question. Then that was a thing going on in the Council, in the next room to you, tabulations being made up, and the final tabulation which I have here, made up—a tabulation upon which you were to act—but which you knew nothing about?

Answer. That would seem to be the fact.

Question. If you had known of that different application of the rule, would you have allowed it?

Answer. My own judgment would be that, under that rule, that ought not to have been allowed.

Question. Look at the Senatorial return from the plantation of Lincoln; see what the name of the third candidate is?

Answer. Charles Rankin.

Question. How spelled?

Answer. R a n k i n.

Question. For whom should that have been tabulated?

Answer. Charles Rankin.

Question. Look at the return under Lincoln plantation and see for whom it is tabulated?

Answer. Charles Rankin.

Question. Rankin?

Answer. It has an "s" on the end of it.

Question. What would you call that?

Answer. I should say that would be doubtful.

Question. In a case of that kind you would count it because they sound very much alike?

Answer. Yes; I never heard of Rankin and Rankins being two different names.

Question. It is simply the addition of a letter to the end?

Answer. Yes sir.

Question. Do you not remember that in certain cases of Republicans the vote was thrown out where "e" was added to a name?

Answer. I do not remember any such case.

Question. Now, I will show you from the town of Hanover, same county, a return, and ask you for whom the votes were thrown on the third name in the list?

Answer. Francis W. Redlond, Thirty-five."

Question. How spelled?

Answer. R e d l o n d.

Question. Look at the tabulation of the town of Hanover and see who was the regular Republican candidate, how he spelled his name and how that is tabulated?

Answer. Which do you call the Republican?

Question. Redlon.

Answer. "Redlon."

Question. How is it spelled?

Answer. R e d l o n.

Question. Following the column down, the most of the Republican votes are tabulated for "Francis W. Redlon?"

Answer. Yes.

Question. Look at the return from Hanover and see what the tabulation is?

Answer. It is given to "Francis W. Redlond."

Question. So that Francis W. Redlon lost thirty-five votes there?

Answer. Yes; it would seem so.

Question. It was given to Francis W. Redlond?

Answer. Yes; so tabulated.

Question. Redlon being the Republican candidate?

Answer. I do not know anything about that.

Question. In the same county, in the case of Charles Rankin, although there was an "s" added, the votes were tabulated for the regular candidate?

Answer. Yes. It was a tie vote, so I do not see as it made any difference.

Question. If one of them had been thrown out the other candidate

would have gained so many. It doesn't throw the return out because the name is spelled wrong?

Answer. No.

Question. In the two cases I have shown you in the same county, one where the return is for "Charles Rankin" and the name of the Democratic candidate is "Rankins," you find the vote is tabulated for "Rankins?"

Answer. Yes, sir.

Question. Who was the regular candidate?

Answer. Yes, sir.

Question. But when it comes to a Republican, in the case of Hanover in the same county, and the vote was thrown for "Francis W. Redlond" you find it not given to Redlon, the regular candidate, but carried out in a column by itself?

Answer. That seems to be the fact.

Question. Would you have done a thing of that kind?

Answer. I think not. You must call upon the Committee for a matter of that kind; I never knew that before; I never heard of it or dreamed of it.

Question. Are these matters, which I have called to your attention, of the different applications of the same rule, entirely new to you?

Answer. I never heard of that case before.

Question. Would you have believed it existed there, unless I had shown it to you?

Answer. No; I do not know that I should.

Question. When you have made the statement that every return—every case—was decided according to the Constitution and the laws—that nothing but justice had been done, and you had followed the rule religiously,—you did not know of these cases?

Answer. No; I did not know of that case, and two or three other cases.

Question. In this case do you remember which one was certified?

Answer. I do not.

Question. It is a matter of common repute and knowledge, that Rankins was and is now a member of the Senate,—a Fusionist?

Answer. I do not know.

Question. Do you not know the politics of Rankins?

Answer. No, sir.

Question. Or Redlon?

Answer. No; I never knew the politics before.

Question. Don't you think that the men who made up this tabulation knew?

Answer. I do not know; I cannot say what they knew.

Question. I find in the Senatorial district of Cumberland, that in the town of New Gloucester one hundred and seventy-nine votes are returned for "Isaac F. Quinby," and in Raymond two hundred and one votes are returned for Isaac F. Quimby. Under your rule to whom would those votes be tabulated?

Answer. I never have heard of any other name than "Quimby." I think it would have been perfectly fair to have tabulated that for "Quimby," if that was the name of the candidate; still, a strict construction would have carried it different.

Question. Those returns were tabulated for Isaac F. Quimby, who was the Fusion candidate?

Answer. Yes; I think likely that would have been proper enough where there was no knowledge of any other name. That is one of the cases where there would be a fair difference of opinion.

Question. I called your attention to the return in the Burnham case, where the vote was for "John Burnam," and the regular candidate was Burnham?

Answer. Yes, sir.

Question. How should that have been tabulated?

Answer. That is one of the cases where I know different families who spell their names differently, and that is one of the cases where it would be fair to tabulate them different.

Question. Then in that case you would tabulate them for the two men?

Answer. That would be a fair interpretation. In the absence of all knowledge of any names of that kind it would be fair to let the sound carry the name.

Question. Is there any difference in the sound of *Burnham* and *Burnam*?

Answer. As ordinarily pronounced there is not.

Question. Where is there the most difference, between *Burnham* and *Burnam*, or between *Quimby* and *Quinby*?

Answer. There is not much difference, so far as the sound is concerned.

Question. In which case do you think the sound is nearest alike?

Answer. That is mere matter of opinion. The only question that would determine me in deciding, is the fact that different families spell their names differently.

Question. Don't you know of families spelling their name "Quinby?"

Answer. No, sir.

Question. Don't you know that is the common way?

Answer. No.

Question. Don't you know that is the original name, and the other is a corruption?

Answer. No, sir. All the families I have known have spelled the other way.

Question. Do you know Dr. Quinby, in this city?

Answer. No, sir.

Question. You know there is such a gentleman?

Answer. No, I never heard of him. You mean the Universalist minister?

Question. Yes.

Answer. The Spiritual Doctor.

Question. Do you know how he spells his name?

Answer. No, sir.

Question. Can you see any reason, excepting that in one case it was a Democrat and all counted, and in the other a Republican and he was deprived of a part, why a distinction should be made?

Answer. I cannot tell you anything about it; I do not propose to make any decision in regard to the matter, in that respect.

Question. Supposing those two cases had been presented to you without any knowledge of the politics, would you not have rejected both, or counted both?

Answer. I think so.

Question. You would not have made one rule apply to *Quimby* and *Quinby*, and another to *Burnham* and *Burnam*?

Answer. I should not.

Question. You notice the Council did?

Answer. I notice it is tabulated that way.

Question. That was not done with any knowledge of yours?

Answer. No, sir. It was not, so far as the *Quimby*; the *Burnham* case I knew about.

Question. Were you consulted about the *Burnham* case?

Answer. Yes, sir.

Question. And looked it over?

Answer. Yes.

Question. And decided with the Council not to count the "Burnham" with the "h," and without for the same man?

Answer. Yes, sir.

Question. Do you not remember that the vote of that town, where that difference appeared, made a difference in the majority outside?

Answer. I do not know anything about it.

Question. Look at the tabulation, at the town of Ashland, where the return was made for "John Burnam," without the "h," and state the vote for the two candidates in that town, and how it was tabulated?

Answer. "Alfred Cushman, 37; John Burnam, 47."

Question. How is "Burnham" spelled?

Answer. B u r n a m.

Question. Is that carried out by itself?

Answer. Yes, sir.

Question. John Burnham, with an "h," is the candidate who receives the regular Republican vote in that district?

Answer. Yes, sir.

Question. Carry your eye down and see on that tabulation who that forty-seven was carried out for, "Burnam" or "Burnham," and state what are the figures for the two candidates?

Answer. "Alfred Cushman received 258, John Burnham 242."

Question. Making a majority for Alfred Cushman of how many?

Answer. Sixteen.

Question. So if they had all been counted, or all thrown out, it would have elected John Burnham by thirty-one?

Answer. Yes, sir.

Question. Who received the certificate there?

Answer. Mr. Cushman.

Question. How do you cipher that out?

Answer. Cushman got the most votes.

Question. In order to get that other Representative it was necessary to count the vote of Ashland for "Burnham" separate from "Burnam?"

Answer. Yes. That would be the result. Whether that was a matter that influenced the tabulating that way is another question.

Question. You have referred to the decision of the Courts under which you claimed to be acting. Did you or not know of any decis-

ion where the Court had decided that if the name was *idem sonans*, the same sound, that they were counted for one man?

Answer. I alluded to that fact.

Question. Did you consider that the case of Burnham, with and without the "h," was outside of that decision?

Answer. Yes, sir.

Question. And that they did not sound alike?

Answer. No; but on the other principle that different families spell their names differently, a matter within my own knowledge.

Question. The Court gives a decision based upon the *idem sonans* theory?

Answer. I think so.

Question. Nothing is said about there being different families spelling their names in different ways?

Answer. I do not know as the Court is infallible in these matters.

Question. You referred to the Courts, yourself?

Answer. Yes; and that is a correct rule, I should say, as a general fact.

Question. Can you see, aside from the distinction you draw about families, any merit in throwing out the Burnham case and counting the Quimby case?

Answer. No. If I had been tabulating that, and my attention was called to that, I should have tabulated them separately.

Question. The "Quimby" and the "Quinby" separate?

Answer. Yes; that would have been my rule of action.

Question. Did you know about this Quimby case at all?

Answer. No, sir.

Question. Then that was another case that was done by those gentlemen in the next room, which you knew nothing about?

Answer. The tabulation was; of course I could not look over all.

Question. Whom do you think was the leading spirit in this performance?

Answer. I do not know as there was any leading spirit about it. In tabulating, I presume the member of the district took the principal charge.

Question. These towns to which I have called your attention are in different districts?

Answer. Yes.

Question. So it must have been a concord of action?

Answer. I do not know.

Question. Of how many members did the Committee consist?

Answer. Five.

Question. Were not the contested cases, where there was a difference of opinion, reported to you?

Answer. Yes, sir; so I understood.

Question. So these cases that have been shown to you must have been settled by all of them?

Answer. Yes; unless in the tabulating of those names the gentleman who had charge of the particular return did not observe; I cannot tell what influence operated on them. My impression is that Mr. Foster had charge of the Aroostook and Penobscot returns, especially.

Question. The addition of "s" to a name is just as likely to be discovered as the addition of a "d"?

Answer. I think so.

Question. Could you account for that on the theory that one was overlooked and the other observed?

Answer. No; if it has not been altered or changed since tabulated.

Question. You do not discover anything in this tabulation of that kind?

Answer. No, sir.

Question. I would be glad to have you call the attention of the Committee if you think there have been any changes or alterations; I now ask you to look at the returns from the Newcastle and Nobleborough District, and see for whom the votes are returned from Newcastle and Alna—the last name of the Representative candidate?

Answer. I should say "James W. Clark."

Question. In both?

Answer. Yes.

Question. Look at the other two towns, Nobleborough and Somerville, and see how they are returned there?

Answer. "James W. Clarke."

Question. Haven't you known families that spelled their names differently,—Clark without "e," and Clarke with "e"?

Answer. I do not remember that I ever have.

Question. Have you not seen certain families spelling the name with "e," and other families without the "e"?

Answer. Yes.

Question. Under your rule, and with that knowledge, would you have counted those for one man or for two?

Answer. Under a strict construction they would have been counted for two; still, that is one of those doubtful cases.

Question. The tabulation shows they were all counted for one. Was that matter discussed by you?

Answer. No; I have no remembrance of that being discussed.

Question. No remembrance of being consulted?

Answer. No, sir.

Question. Applying the strict rule that was applied to "Burnham," it would be counted for two men instead of one?

Answer. I presume so.

Question. Clark was a Fusion candidate?

Answer. I so learned after election; Mr. Clark called on me; I did not know till after the assembling of the Legislature.

Question. You know now that he was the Fusion candidate and received his certificate?

Answer. Yes.

Question. In the same district the votes for "E. K. Hall" and "Edward K. Hall"—were they counted for the same man, or two?

Answer. One was counted for "Hall" and one for "Hale."

Question. How does the return read that you say was counted for Hale?

Answer. "Hale."

Question. I call your attention now to the principle laid down by you, in which I believe there was no exception, as you understand, that the names of the municipal officers signing must be all in their original hand writing.

Answer. Yes.

Question. If not, they were thrown out?

Answer. That was the design.

Question. Do you recollect any instance where it was so thrown out?

Answer. I do not recollect the instances, but I know there were two or three towns thrown out on that ground,—one in Aroostook or Penobscot county, and two or three other towns,—where there seemed to be not the least doubt about it.

Question. Under the rule that the signatures of the Selectmen must be their individual signatures, the statement is made in the report of the Committee on Election Returns that the New Sharon return has been rejected by them. Will you examine the New Sharon return and see if it is apparent that more than one signature was made by the same man?

Answer. I should be unwilling to decide that case on my own judgment.

Question. It seems to have been decided by the Committee of the Council that they were not all individual signatures?

Answer. My impression is there were parties who claimed to be familiar with their hand writing that were clearly of that opinion; I do not recollect clearly about it; but that was the decision of the Council, I know.

Question. What is the general appearance of the return? is it not that they were made by one man?

Answer. That is the general appearance, but I would not undertake to decide it.

Question. In the report the Committee say "*By this rule laid down by the Court, the New Sharon and Hersey returns has been by us rejected. This rejection affects the election of two Representatives.*"

Answer. Yes. That was the vote or decision of the majority of the Board, if my recollection serves me right; I think that is one case where there was a difference of opinion.

Question. In that case a Representative was gained by the Fusionists?

Answer. I do not know; I do not remember what the report is.

Question. The report does not state the politics?

Answer. Then I do not know.

Question. You do not know whether that gave a Fusionist or a Republican a seat?

Answer. No.

Question. I suppose it is generally admitted it gave a Fusionist a seat. Look at the Senatorial return from Somerville and see if upon that, it is clearly evident that the last three names were signed by the same man?

Answer. I should not have any doubt about that.

Question. So that ought to have been thrown out, too?

Answer. Yes, sir.

Question. Under your rule you adopted for throwing out where returns were made and signed by one man, you would have no doubt that return should have been thrown out?

Answer. No, sir; I have no doubt that return is made up by one man.

Question. Under your rule that should have been rejected?

Answer. If it was before the Board, I should. I have my doubts about that.

Question. That is a return found with the Governor and Council, and the tabulation is made in accordance with that?

Answer. There is no doubt that is put in by one man; that is, I have no doubt.

Question. State in that return, as you read it, for whom the Senatorial votes are cast?

Answer. “*Andrew A. R. Smith, seventy-two, 72; Isaac T. Hobson, sixty-one, 61.*”

Question. Look at the tabulation for Somerville in Lincoln Senatorial District, and see how that is tabulated?

Answer. “*Isaac T. Hobson, 61; Andrew A. R. Smith, 72.*”

Question. The same name found in that return is tabulated seventy-two votes?

Answer. Yes, sir.

Question. Who do you find by that tabulation received the regular Republican vote of the district?

Answer. There is “*Andrew R. G. Smith.*”

Question. Is not this town of Somerville in the tabulation carried out for “*Andrew A. R. Smith?*”

Answer. Yes, sir.

Question. And does not the return show it is for “*Andrew A. R. Smith?*”

Answer. Yes.

Question. In that case, the vote for “*Isaac Hobson*” is not rejected in this return, but is counted—“*Isaac T. Hobson?*”

Answer. Yes; “*Isaac T. Hobson;*” that is the way the vote is.

Question. If it had been thrown out entirely, neither would have been counted?

Answer. No, sir.

Question. Not throwing out that return and giving Isaac T. Hobson sixty-one votes elected him?

Answer. I presume so; I have not looked at the footing up.

Question. In that case you did know the politics of the gentlemen?

Answer. Yes; I knew Mr. Smith’s politics.

Question. He is a Republican?

Answer. Yes, sir; and personally I was desirous he should be elected.

Question. But, by counting the Somerville return that elected Hobson?

Answer. Yes, sir.

Question. He got his certificate?

Answer. Yes, sir.

Question. And came, and, for a while, served as Senator?

Answer. Yes, and I called Dr. Smith's attention to it, and stated I was sorry he could not receive the certificate. The first time I ever heard of the town of Somerville he remarked it was singular that they, knowing him well, should not have got it correctly. Whether that is the return from which that was tabulated I do not know.

Question. Look at the tabulation under the town of Somerville and see if any change or erasure has taken place?

Answer. There is an appearance of figures being made there and put into the place.

Question. Does it not look as if it had been first tabulated for "Andrew R. G. Smith?"

Answer. I cannot say about that—whether first or last.

Question. Is not the name "Andrew R. G. Smith" there?

Answer. Yes; but whether the figures were put into that table before or after it is utterly impossible to tell.

Question. Has the footing been changed?

Answer. Yes.

Question. Does it appear on the tabulation?

Answer. Yes. It has the appearance of once having been added up and slightly or partially erased; but the "72" is likewise erased in the same column of "Andrew A. R. Smith." I should not have any doubt there had been an interference with the tabulation.

Question. You knew nothing about that?

Answer. No, sir.

Question. Had no hand in it?

Answer. No.

Question. Were not consulted?

Answer. No.

Question. If there was anything of the kind done that changed the result it was without your knowledge?

Answer. Yes. The first intimation I had came from the "Chicago Tribune" by a gentleman in Illinois.

Question. Do you remember of having an interview with Dr. Smith in relation to this return?

Answer. We were standing at the counter in the Augusta House. I said to him: "Doctor, I am sorry we shall be under the necessity of giving the certificate of your county to your competitor."

Question. Don't you remember of having another interview with him in your room, and of your showing him this particular return, and you and he talking about it?

Answer. No, sir.

Question. Do you remember nothing of the kind?

Answer. I do not.

Question. Don't you remember of taking that return and showing it to Dr. Smith, and talking with him about it, and hearing his explanation and complaint about it?

Answer. No; I do not remember the circumstance. In my room? where?

Question. The only place you remember of anything of this kind was at the Augusta House?

Answer. Yes.

Question. You do not remember of seeing the return in company with him?

Answer. No, sir.

Question. Did you have the return with you at the Augusta House?

Answer. No, sir.

Question. If the circumstance occurred it must have been at the Executive Room?

Answer. Yes; but it has escaped my mind if it is so; I have not the slightest remembrance of it; I do remember distinctly of standing at the counter at the Augusta House and speaking to him in regard to the matter. Something may recall the other circumstance, if it occurred.

Question. Did you know anything about the substitution of a second return in this case?

Answer. No; I never heard any such thing intimated till I observed it in the "Chicago Tribune," under date of March first.

Question. Look at the return for Representatives from Stowe, Oxford county, and see for whom the sixty-three votes were cast, giving the spelling of the name?

Answer. Standley.

Question. Look at the tabulation, and see for whom the sixty-three votes in Stowe were tabulated and counted, and how spelled?

Answer. Stanley.

Question. What is the difference between the tabulation and the return?

Answer. There is a "d" in the return, but not in the tabulation.

Question. He was a Fusionist and elected?

Answer. That is what I do not know.

Question. He received the certificate?

Answer. He would be elected anyhow.

Question. It was tabulated and counted?

Answer. Yes.

Question. It was not thrown out on account of the addition of the "d" as in the Redlund case?

Answer. No.

Question. Supposing it had been shown to you?

Answer. I should have thrown it out.

Question. Did you know of that case?

Answer. No, sir.

Question. That was done without your knowledge or consent?

Answer. Yes. It did not affect the result, and there were a good many cases, I suppose, that did not affect the result; still the principle should have been applied.

Question. Look at the return of Representative in Denmark, and see for whom one hundred and sixty-two votes were thrown?

Answer. "James E. Hutchings."

Question. Spelled how?

Answer. H u t c h i n g s.

Question. Look at the tabulation and see for whom they are tabulated and counted?

Answer. "James E. Hulchins" or "Hutchens."

Question. No "g" in it?

Answer. No.

Question. It is tabulated for Hutchins without the "g," return is for "Hutchings" with the "g?"

Answer. Yes, sir.

Question. Look at the footings, and see if he could have got along without the one hundred and sixty-two votes?

Answer. No; the other man would have been elected.

Question. Can you see any reason why a vote should be thrown out for a "d" in a Republican case but should not be thrown out for a "g" in the Fusion case?

Answer. If that is the reason that influenced the gentlemen who tabulated it, it was wrong.

Question. Did you know of that case by which a Fusion Representative was gained?

Answer. No, I was not consulted; I asked the question frequently whether these tabulations were made correctly.

Question. You supposed this rule was cutting clean through on both sides?

Answer. Yes, sir.

Question. Supposing you had found out the rule was not enforced, the same as we have been showing, should you have consented to it?

Answer. No; I should have had it tabulated as it is in the return,—the same as I did when Mr. Powers called my attention to the matter I have referred to.

Question. Take up the rule in relation to the whole number of ballots. Where the votes for each of four Senators were all added together, making an apparent error, you counted that?

Answer. Where it was apparent that the matter could be explained by a clerical error or misunderstanding.

Question. Where it was apparent that the way they were counted would agree with the whole number as written in, you counted it?

Answer. That was the understanding.

Question. Is that return from Burlington an instance of that? There the error is apparent?

Answer. Yes. In that case it was deemed fair to allow it.

Question. But if the error had occurred in the number of votes, and they did not add up the same?

Answer. It would be rejected.

Question. I ask you, under this rule, to examine the return from East Machias for Senators, and see what would be the operation of your rule there?

Answer. I cannot explain the precise operation there.

Question. Under that rule, would that return be admitted or excluded?

Answer. My rule would be, that it should be excluded.

Question. I understand clearly that by the rule laid down by the Report and yourself, it would be excluded?

Answer. It is possible by a combination of votes that might be corrected, but I cannot see how it turns out.

Question. Look and see whether the return of the votes for Sena-

tors from East Machias is thrown out, or whether counted, in the tabulation?

Answer. The whole number of votes is given—is not thrown out but all counted.

Question. Who is the Democratic candidate?

Answer. “James R. Talbot.”

Question. What is the majority?

Answer. James R. Talbot received two hundred and twenty, Austin Harris one hundred and sixty. That was discussed, and they decided that that could be explained on that vote.

Question. Do you see any way, under the rule by which the number of ballots as cast, in any way can be made to agree with the whole number of ballots given?

Answer. By adding the whole number of ballots together and dividing by two, a gentleman sitting here by me, says, will bring the result.

Question. Did you ever know that rule to be adopted by a Governor and Council?

Answer. Yes; in the case of Augusta. My rule would be to reject the vote.

Question. You do not understand that that process, adding the votes all up and dividing by two would be according to the Constitution and the laws?

Answer. No.

Question. Under your rule East Machias would be thrown out?

Answer. That would be my decision, unless there could be a reasonable explanation of the combination of votes.

Question. That would have lost Talbot about sixty majority?

Answer. I cannot say. The figures will tell. It would be necessary for the votes for these men to be counted. There might have been some votes on the Democratic ticket for some Republicans and *vice versa*.

Question. That should appear in the return?

Answer. When they counted the ballots there may have been so many ballots; and when they counted the votes there may have been so many for this man and so many for that.

Question. That is no reason why you should not have followed the rule?

Answer. There is no rule without some exception.

Question. Your rule was, unless they did agree, unless there was some patent explanation, to throw it out?

Answer. Yes, sir.

Question. In reckoning the Senatorial votes, as to the whole number of ballots to be given agreeing with the votes as cast, how did you count the votes, the two highest or the highest on one side and the lowest on the other?

Answer. I do not know as there was any special rule about it. The question was whether you could explain the number of votes, as given, by the combination.

Question. In counting up the list of votes as given for the separate candidates to see whether it agreed with the whole number of ballots as given, what did you first look at to satisfy you?

Answer. It is not always necessary to decide that case positively, because in voting it is very frequently the case that a man, throwing the Democratic ticket for instance, is of the impression that one of the Republican candidates is a better man, and he scratches out one and puts on another, and *vice versa*. I think in the returns from Washington county, Mr. Harris got a number of votes more than his regular ticket, and Mr. Talbot.

Question. That would appear in the return?

Answer. Not necessarily. The whole number of ballots might not correspond.

Question. The whole vote received by each candidate on whatever ticket would appear?

Answer. As I understand, the whole number of ballots must be returned. You cannot always determine with certainty that the number of votes for the different men corresponds with that number, because sometimes one name is cut off of one ticket, sometimes they are altered, and consequently it does not affect the number of ballots, while at the same time the number of votes would be different.

Question. If the two did not agree how did you apply the rule?

Answer. When the ballots were not returned or if there was a discrepancy which was inexplicable, there was probably more discussion about that matter, whether it should be thrown out or counted, than on any other point.

Question. In looking at the question whether it was inexplicable, what was the first way of adding up the votes to see if they agreed, did you add up the two highest or two lowest, or highest and lowest?

Answer. The highest and the lowest would probably be the proper

way. I think there is a chance for a good deal of difference of opinion about that.

Question. Look at the vote for Senators in Hampden, Penobscot county, and see if you can make the number of votes agree with the whole number of ballots?

Answer. There is a discrepancy of one vote.

Question. You cannot see any way by which that vote could be counted under your rule?

Answer. There is a slight discrepancy.

Question. In applying a principle of law to a vote, if there is a discrepancy of one vote that is in principle as great as a discrepancy of ten?

Answer. Yes.

Question. The rule, if applied religiously, should be applied straight through?

Answer. Yes, sir.

Question. Do you see any way by your rule, as you understand it, the vote of Hampden could be counted?

Answer. I do not see the exact explanation of the loss of that vote.

Question. It is evidently written out one vote too many?

Answer. Yes.

Question. Should have been written, "*five hundred fifty-eight.*"

Answer. Unless there was an additional vote for one man put upon the return.

Question. That ought to appear here, had it not?

Answer. No, not if thrown for one of the other men.

Question. In that case the highest Republican vote is two hundred fifty-seven, and the lowest Democratic vote is two hundred ninety-eight, a Democratic majority of forty-one. So that, under the rule as you understand it, a Fusion candidate would have lost forty-one votes?

Answer. I did not make the examination.

Question. Under these figures that would be the case?

Answer. Yes, sir.

Question. I ask you to look at this Representative return [passing return to witness] and see if the whole number of votes there agrees with the whole number of ballots thrown, as stated in the return?

Answer. I do not see any discrepancy.

Question. Do you discover any peculiarity in the words written in,

at the top, or towards the top of the sheet, which state the whole number of ballots given?

Answer. It seems to have been erased there and written in; that is, it looks as though there had been a mistake some way or other.

Question. Does it not show there has been a change, and that the word "thirty," making the whole number "five hundred thirty," has been written in, in different ink from the original?

Answer. I do not know about that.

Question. What is the appearance?

Answer. When you erase a word and write on the portion that is erased, the ink will spread a little more and look a little heavier.

Question. Besides that, does it look to you as if it was the same hand writing making the change?

Answer. I do not see anything that would be particularly noticeable. It looks a little heavier. That is one of the cases where I suppose experts would differ.

Question. There has been an alteration?

Answer. Evidently; and an erasure and writing in.

Question. Look, under this rule, to the return from the town of Farmington, in Franklin county, for Representative, and state what the whole number of ballots is given, and the number of votes for each candidate?

Answer. Eight hundred forty-two. It is four hundred thirty-seven and four hundred and one. There is a discrepancy of four votes.

Question. Between the whole number of ballots written in and the number of votes given?

Answer. Yes.

Question. You see no explanation for that?

Answer. No, sir.

Question. Was that return counted or rejected?

Answer. I do not remember.

Question. Farmington?

Answer. I do not remember.

Question. Don't you remember?

Answer. Is this for Representative?

Question. Yes.

Answer. It was rejected.

Question. Was it rejected on the ground of the discrepancy?

Answer. No, I think not; I do not remember positive about it. Does not the report state?

Question. I call for your recollection?

Answer. My recollection is it was not rejected on that ground.

Question. What is your recollection of the ground?

Answer. That the report was not made up in open town meeting, no record made up, or something of that kind; that is the impression I have.

Question. I read the report as to Farmington:

“Several protests, accompanied with affidavits to support them, against the counting of the returns specified therein have been considered by us. These protests allege that said returns should not be counted because they were not made up in open town meeting, but were made after the meeting was closed, in some private office or store, when no one but a portion of the municipal officers were present, and in some cases only the Clerk. This condition of things in several cases has been proven to our entire satisfaction, and we have rejected the returns thus defective, in our tabulations. In the case of the town of Stoneham an affidavit signed by two of the Selectmen establishes the fact that they signed the returns in blank and the Town Clerk took them home and filled them up, and the Selectmen have no knowledge of what the returns contain. For the foregoing reasons we have rejected in our tabulations the Representative returns from the town of Jay, Stoneham, Lisbon, Webster and Farmington.”

Is your recollection, after reading this, that Farmington was finally rejected because the returns were not made up in open town meeting?

Answer. Yes, sir.

Question. Did that knowledge come to you from an examination of the returns, or from the affidavit?

Answer. I presume from the affidavit.

Question. Was there not considerable interest called to the Farmington case?

Answer. That is my recollection.

Question. Do you not remember that in the discussions at or about the time of the certificates being issued that the Farmington case was frequently alluded to and explained upon the side of the Governor and Council, and do you not remember of referring to the Farmington case in one or more of the speeches you made?

Answer. I think likely I did.

Question. And explained that it was rejected on the ground that the return was not made up in open town meeting?

Answer. I took the ground of the report. I do not remember particularly now about any allusion in public.

Question. You would not have attempted to make an explanation of a case of that kind, or any, with any circumstantiality, unless you had examined the papers and the facts?

Answer. I think not.

Question. Do you remember there was any affidavit in that case?

Answer. Yes, sir.

Question. Was it from the town authorities?

Answer. I believe there were some admissions from the town authorities.

Question. That the return was not made up in open town meeting?

Answer. Or from the Clerk.

Question. I pass to you the affidavit with the papers of the Governor and Council with the label of the Council. "*In Council, Nov. 17, 1879. Referred to Committee on Elections. P. A. Sawyer, Deputy Secretary of State.*" In a printed label, that was customary?

Answer. I presume so.

Question. You have seen them in that way?

Answer. I do not remember that I have seen anything of the kind.

Question. It is an affidavit signed by two of the Selectmen and subscribed and sworn to before B. Emery Pratt. I pass it to you to read and see if you believe it was upon that affidavit that the action was taken?

Answer. That is one of the papers that I have reason to believe was in the case.

Question. Do you remember that any other affidavit, aside from that of the town officers, was received?

Answer. I do not remember. There were quite a number of papers in regard to matters which came into the hands of the Council.

Question. Have you any doubt that counting in Voter and throwing out Thomas was based upon the affidavit of the Selectmen?

Answer. I should judge not. My remembrance is that the affidavit of the Selectmen was conclusive.

Question. You consider this affidavit conclusive?

Answer. I should so consider it.

Question. I will read the affidavit which you consider conclusive:

"We hereby declare and say that we are Selectmen of Farmington in the county of Franklin and State of Maine, that we were present and attended to our duties at election held Nov. 8th, 1879, in said Farmington, and we further state that the record of the meeting was not recorded in the record book in our presence or in open town-meeting, to our knowledge, and we have never seen the record and do not know that any has been made. Dated and signed at said Farmington, Nov. 15, 1879.

C. B. RUSSELL,

W. B. GILMAN.

State of Maine. Franklin, ss.

Subscribed and sworn to before me at Farmington, November 15th, 1879.
B. EMERY PRATT, *Notary Public.*"

Tell me what there is in that affidavit that in any way bears upon the principle which you have stated; and, as laid down in the Report of the Committee on Elections, that towns should be rejected because the returns were not made up in open town meeting?

Answer. The return and the record, because if there was no record made there could be no certainty as regards the correctness of the return.

Question. Did your Council lay down the rule that the record of the meeting should be made in open town meeting?

Answer. I so understood.

Question. Do you know that it is never done?

Answer. I know it is always done wherever the law is complied with.

Question. Does the Report of the Committee of the Council as a promulgation of the ground on which they threw out Farmington, make any suggestion about a record?

Answer. I cannot say in regard to that; but that is certainly one of the grounds on which the town was rejected; as well as Lisbon.

Question. Do you mean to say that if it was not shown that the record in the record book was not made in open town meeting, you rejected the return?

Answer. That is the principle, I think, if I recollect the discussion in regard to the matter. The Constitution expressly declares that the record shall be made up in open town meeting.

Question. The record in the record book?

Answer. Yes; that the record shall be made, as I understand the Constitution.

Question. I do not refer to the statement or record sent to the Secretary of State, but I refer to what is stated in this affidavit?

Answer. That the record shall be made up in open town meeting,

and that a list, of which this a copy, shall be forwarded to the Governor and Council.

Question. You made the rule not only that the return should be made and the statement sent to the Secretary of State, but that the record in the Town Clerk's record book should be made up in open town meeting?

Answer. That is what we understood.

Question. And, if that was not done, that a town was thrown out?

Answer. Where there was evidence to that effect, we threw it out.

Question. You required evidence, not only that the return was made up in open town meeting, but that the record in the record book was made up in open town meeting?

Answer. Yes; as in the Lisbon case.

Question. You established the principle, and acted upon it, that not only the return of the votes to the Secretary of State, sealed up, and the statement of the return sent to the Secretary of State, but the record of the meeting in the Town Clerk's record book must all be made in open town meeting?

Answer. That the record should be.

Question. That the record in the record book should be made up in open town meeting?

Answer. Yes, sir.

Question. Did you apply that rule, religiously, straight through?

Answer. In every case, so far as I know; I cannot speak beyond my knowledge.

Question. Was that the rule applied in the case of Lisbon and Durham?

Answer. Yes, sir.

Question. That the record book was not made up in open town meeting?

Answer. Yes, sir. No record was made of the town meeting till some three months afterwards; no means of making the returns. The question came up in regard to the signatures.

Question. Did you reject Addison on that account?

Answer. I do not know that any question was raised in regard to Addison.

Question. How did it come to be raised in the Farmington case?

Answer. By affidavit.

Question. How did the affidavit happen to be sent in?

Answer. I do not know.

Question. Was it necessary that a town should be rejected as late as November fifteenth, in order that the Republicans should not have a majority of the candidates?

Answer. I do not know ; but on November fifteenth, so far as I know, the result was not known.

Question. The Committee of the Council had been at work?

Answer. If you will look at all the affidavits in that case, I think you will find that, as early as October, long before the returns were placed in the hands of the Committee, there were affidavits in regard to this matter.

Question. In regard to making up the records, or as to the number of votes?

Answer. In regard to making up the record.

Question. Was not the first ground taken in the Farmington case, that it was thrown out because there was a discrepancy between the whole number of ballots written and the ballots as given?

Answer. No ; I have no recollection of it.

Question. Was it not so announced in the public newspapers?

Answer. I do not know. There were a great many announcements made that were not facts.

Question. Was there not a vote of the Committee of the Council, or a partial report made by them, that Farmington was excluded because the whole number of ballots as written in did not agree with the number of votes given?

Answer. I cannot say.

Question. According to your rule that would be fatal?

Answer. That would be one of the reasons.

Question. Is not that a case, where there are only two candidates and the whole number of ballots as written in does not agree with the number of votes given, that is inexplicable?

Answer. Yes.

Question. That would be as clear a case under your rule as you could find?

Answer. Yes ; but the other reasons might not have been stated.

Question. Do you not know that the Committee voted that on that ground, of error as to the whole number of ballots, it was rejected?

Answer. I do not know.

Question. If that was the rule, why should they not fix that as the application?

Answer. I do not know.

Question. You do not know the reason why Farmington was thrown out?

Answer. The report makes the statement. There might have been other grounds. The report does not show all the grounds in every case.

Question. What was the operation in the Farmington District of throwing out the vote of Farmington, which was eight hundred and thirty-eight, and which gave Cyrus A. Thomas thirty-six majority?

Answer. The operation was to give him thirty-six majority.

Question. That he lost it?

Answer. Yes, if that was the way the vote stood.

Question. Do you know what plantation or town was classed with that?

Answer. No, sir.

Question. Look at the Representative tabulation from Franklin County, Farmington District, and see what was the result of throwing out Farmington?

Answer. The result was that Perkins Plantation elected.

Question. That is, there was one vote in favor of Voter, and by rejecting Farmington it threw the election upon Perkins Plantation?

Answer. Yes.

Question. What was the whole number of votes thrown there?

Answer. Twenty-seven. That plantation should have been rejected; there is no whole number of votes given.

Question. It was not rejected?

Answer. No, sir.

Question. What was the vote as thrown?

Answer. Thirteen for Thomas; fourteen for Voter.

Question. Giving one majority for Voter?

Answer. Yes.

Question. And on that plantation the certificate was issued to Voter?

Answer. Yes, it so appears.

Question. So that the eight hundred and thirty-eight votes of Farmington were thrown out?

Answer. They should both of them have been thrown out.

Question. If both of them had been thrown out nobody would have received a certificate?

Answer. No. That is a matter I never saw before.

Question. The return does state the number of votes ; in that case Perkins should have been counted?

Answer. Yes.

Question. And that gave twenty-seven ; thirteen for the Republican candidate ; fourteen for the Fusion candidate?

Answer. Yes.

Question. Throwing out Farmington, a certificate was given to the Fusion candidate, Mr. Voter?

Answer. Yes, sir.

Question. Was that a thing you understood fully about?

Answer. Yes.

Question. You agreed to that?

Answer. Yes, sir ; on the principle I have stated.

Question. You believed that the principles of the Constitution and the laws would reject Farmington?

Answer. For the time being.

Question. Enough to give a certificate to Voter?

Answer. Yes, sir.

Question. On the ground that the record on the town book was not made up in open town meeting?

Answer. The record and the return.

Question. The affidavit said nothing about the return?

Answer. If there is no record there could be no legal return.

Question. Supposing that the return appeared all regular before you, regularly sealed up and no testimony about it, you would count it?

Answer. Yes.

Question. Although it might have been that no record was made up?

Answer. Yes, sir.

Question. There could be such a thing as a record without a return?

Answer. Yes, but that fact might not come before us. If there is an affidavit before us to the effect that there is no record, I hold that to be sufficient, if the affidavit is reliable.

Question. That the record in the record book must be made up in open town meeting?

Answer. I regarded that as *sine qua non*.

Question. What do you think it refers to?

Answer. The town record.

Question. That that must be made in open town meeting?

Answer. I think so.

Question. And that was acted upon in rejecting the Farmington vote?

Answer. As I understood it. So far as my knowledge goes, Clerks of towns and cities, where the records are properly kept, make up their record, that is, make up their outline, and fill it up in open town meeting, as they ought to do and are required to do, in order there should be no collusion or fraud practiced.

Question. Did you have any communication with Voter, the Fusion candidate, in this case?

Answer. I think I dropped Mr. Voter a line that his friends desired to have him come down here. That is all the communication I think I ever had with any member; I did that at the request of somebody.

Question. Do you remember who made that request?

Answer. No, sir.

Question. If you were acting in this strictly impartial atmosphere and cared little about the result, and felt you had no interest, why, if you had not been earnestly requested, should you have written for any man?

Answer. I wrote that after the certificates were issued. The question became a matter of public interest and excitement. Somebody, a few days before the session of the Legislature, requested me to drop Mr. Voter a line, which I did.

Question. Why should you have written Mr. Voter, if it was a clear case?

Answer. I should not excepting at the request of some person,— I cannot say now whom.

Question. Was it somebody on the Council?

Answer. I think not.

Question. Some person in Augusta?

Answer. It might have been Mr. Sawyer.

Question. Was it Mr. Pillsbury?

Answer. I think not.

Question. Did you not, during this time, and during the weeks preceding the issuing of the certificates, consult considerably with Eben F. Pillsbury?

Answer. Prior to issuing the certificates, I saw but very little of Mr. Pillsbury, and I will give him the credit of having but very little

to say ; or, so far as I know, to do with the matter. He was scarcely at my room at all, and I doubt if he was at the Council Room ; I did not see him. After the certificates were issued he was frequently in the room.

Question. Why should he have been there after, more than before ?

Answer. I cannot tell you ; I have no means of knowing.

Question. What was he there for ?

Answer. Sometimes he was acting as counsel, as I understood, for some parties, and there were some matters of business he had,— something to do about the printing business.

Question. If he had been acting as counsel for parties in the election, would he not have appeared before the issuing of the certificates ?

Answer. After the certificates were issued, I saw him more frequently than before.

Question. Had you not talked this whole matter over with him before the certificates were issued ?

Answer. I think not ; I have no remembrance of it.

Question. Had you not visited him in his office ?

Answer. No.

Question. Are you sure ?

Answer. I am sure I was not in Mr. Pillsbury's office ; I might have stepped in there twice or three times ; I was down once or twice to the daguerrian rooms, in the same building ; I had to pass up the stairs ; it was very seldom I was in there ; I never was in there more than half a dozen times during the year.

Question. What were you bent on in the way of business when you visited there ?

Answer. I do not know as any particular business ; being there I went in.

Question. What did you talk with him about ?

Answer. I cannot say, sometimes one thing and sometimes another.

Question. Have you not talked with him about the matter of election returns and the counting, as applied to Senators and Representatives ?

Answer. I think likely the matter has been mentioned a few times.

Question. Did he not give you advice and counsel and suggestions as to how to proceed ?

Answer. I have no remembrance.

Question. Did you not see him frequently in the Council Room, talking with them?

Answer. Not very.

Question. Occasionally?

Answer. Yes, but very seldom; I think he was a gentleman who was there about as little as most any one.

Question. Did he not frequently go to the Council Chamber once or twice a day, driving down and stopping, and then driving back?

Answer. I cannot say.

Question. Did you not frequently, or occasionally, drive to or from there with Mr. Pillsbury?

Answer. I should think likely; perhaps two or three times in the course of the fall when he was there with his horse, I might have ridden down.

Question. What was he there for?

Answer. I cannot tell you.

Question. Don't you know that he had a very keen interest and exercised a great deal of care and supervision over the whole matter of returns?

Answer. I do not think he had any supervision; I have no doubt he had a great interest.

Question. Did he not make that interest known in the presence of the Council?

Answer. I do not know; I can hardly recollect the occasion when he was in the Council Room till after the issuing of the certificates, and there was a great deal of excitement and threats.

Question. With what persons throughout the State during this whole time, up to the issuing of the certificates, did you have any correspondence in relation to any returns?

Answer. In what respect?

Question. In relation to any returns, correspondence by writing?

Answer. I had some correspondence with Mr. Gould, Mr. Bradbury, and perhaps several other lawyers in the State.

Question. Did you have any communication with the chairman of the Aroostook Democratic County Committee, Mr. Torrey?

Answer. No, sir.

Question. Did you have any interview with him?

Answer. No. I know Mr. Torrey of Bath.

Question. Did you have any communication with him?

Answer. Not to my knowledge.

Question. During the whole matter?

Answer. I do not remember.

Question. Think of it?

Answer. It is possible I might have written a note to Mr. Torrey about some matter to which my attention was called.

Question. What about?

Answer. I do not remember. I do not recollect that I wrote him, but it is possible I might have dropped him a line about something or other. Let me see; my impression is that the allegation was made that the Senator from Sagadahoc county was not an eligible candidate, and I have the impression, although I am not positive, that I might have dropped Mr. Torrey a letter of inquiry.

Question. Did you propose to go into a question of that kind?

Answer. If a man was ineligible we proposed to ascertain that fact.

Question. Under what provision of the law?

Answer. The Constitution says a man shall not be eligible who is an alien.

Question. If the return from a town appeared all right, and the Constitution declares that the certificate shall be given to the Representative who has a plurality of the votes, under what provision of the Constitution or laws could the Governor and Council go outside and take testimony as to the eligibility of a candidate?

Answer. I do not know as to the testimony. If there is proof that the man is an alien and is not eligible under the Constitution, I think it is the duty of the Governor and Council to take cognizance.

Question. If the return indicates nothing of the kind, but on the face of the return the man appears to be elected, and nothing appears on the face of the return respecting his alienage, what right have the Governor and Council to raise that question, and not count that man in?

Answer. I think they have the same right as they have to take cognizance of any infringement of the law.

Question. What provision of the Constitution do you refer to?

Answer. That provision which declares that no man shall be eligible who is an alien.

Question. What provision of the Constitution or law authorizes the Governor and Council to raise that question when the return is correct?

Answer. That very provision, and that the Governor and Council shall see that the laws are faithfully executed. If the law says that an alien shall not be eligible, we should take cognizance of it.

Question. It was your belief that you, as Governor and Council, had a right to go outside of the return, and take testimony upon the question whether or not a candidate was an alien?

Answer. If that fact appeared, I should hold it was not the duty of the Governor and Council to issue the certificate.

Question. You hold that if that fact appeared outside of the return you had a right to act upon it?

Answer. Of course it would not appear in the return. If Queen Victoria was returned as Senator from Sagadahoc county should we not take cognizance?

Question. I think the return is what you have got to act upon. But in the case of Thomas Smith, about whom there is no public repute as there is about a Sovereign, if he is elected a Representative from Bath, or Auburn, or Ellsworth, what right have the Governor and Council, in your judgment, under any provision of the Constitution or law, to go into the question of alienage?

Answer. I have stated, I think they have a right.

Question. Does not the law expressly, and in terms, and the Constitution, provide that the certificates shall be given to the party who, upon the face of the return, appears to be elected, has a plurality of the votes?

Answer. That is the general provision.

Question. Is not that the mandate of the law?

Answer. Yes, sir; and it is equally as mandatory that an alien is not an eligible candidate.

Question. That is a matter the body itself must treat with afterwards. Has the Governor anything to do under the law with anything excepting the returns as they appear?

Answer. The law provides that certain men are not eligible, and I think it is the duty of the Governor and Council to inquire into that where the fact comes to them.

Question. The law is precisely the opposite, that is, the Governor shall not consider it or any other question outside the return. Has it not been so settled?

Answer. The Court has settled those cases I believe generally in that way.

Question. Is there any decision indicating any other rule?

Answer. I am no lawyer, but I take a common sense view, that, where the Constitution provides that a man is not eligible to an office, his election to that office does not give him any rights.

Question. You hold that the Governor and Council can inquire into it although the return is complete?

Answer. If the knowledge of the fact is indisputable. I think I wrote to Mr. Torrey to know the fact. That does not follow I proposed to act upon it.

Question. It was in reference to facts entirely outside of the return?

Answer. I do not know.

Question. You had the return before you?

Answer. I do not know as to that matter.

ALONZO GARCELON, *continued.* March 13th, P. M.

Question. When the Committee adjourned yesterday, you had just stated your proposition as to the right of the Governor and Council to consider the question of the eligibility of a candidate appearing on the returns, and you had stated very directly your belief in that right?

Answer. Yes, sir.

Question. Calling your attention to that now, do you reaffirm that statement of yesterday?

Answer. That is not a practical question; it is not a matter of practical consideration, because it is not a case that came before us. I have that opinion however.

Question. Was there not one or more cases before the Council where the decision in reference to the count was based upon that question, in reference to the eligibility of either the candidate or one of the Town Officers?

Answer. Not of the candidate.

Question. Was there any case in which testimony was received with reference to the eligibility of any Town Officer whose name appeared on the record?

Answer. There was.

Question. What case was that?

Answer. The Cherryfield case.

Question. In that case do you remember by the face of the returns whether the Republican or Fusion candidate received the majority?

Answer. I do not.

Question. You stated in the early part of your examination that you had been for some time familiar with the general law applicable to the counting of returns. Are you familiar with the provisions of chapter two hundred and twelve of the Public Laws of eighteen hundred and seventy-seven, and of chapter two of the Public Laws of eighteen hundred and seventy-eight, amendatory of the act of eighteen hundred and seventy-seven, relating to elections?

Answer. I remember something about the statute of eighteen hundred and seventy-seven permitting the returns to be amended by the record. I do not remember particularly what there is about the statute of eighteen hundred and seventy-eight, by adding to it the following proviso: "*Provided, however, that nothing contained in this section shall be construed to give the Governor and Council any authority to determine questions of eligibility in case of Senators and Representatives in the Legislature.*" That point I do not remember having my attention specially directed to.

Question. Do you remember in the decision of the Cherryfield case whether your attention was called to the amendment in that statute of eighteen hundred and seventy-eight, which I have just read to you?

Answer. I do not think that applies at all to the statute of eighteen hundred and seventy-eight.

Question. Do you remember your attention was called to it at all?

Answer. I do not remember the fact about it.

Question. Do you remember to have, in any way, been governed by the statute of eighteen hundred and seventy-eight, or to have had your attention called to it in any case before you?

Answer. I have stated there was no case of the eligibility of a candidate which came before us, to my remembrance. The question was upon the legality of the return which is involved in the Cherryfield case.

Question. Did not the question of the legality of the return, as the Council considered it, involve the eligibility to office of one of the Selectmen of that town?

Answer. Precisely.

Question. So it was a question of eligibility?

Answer. Eligibility of the officer or the legality of the town meeting, not of the candidate.

Question. The decision in that case rested upon the question of the eligibility of one of the municipal officers?

Answer. Precisely ; as to the legality of the return ?

Question. You do not think the statute of eighteen hundred and seventy-eight applies ?

Answer. That was my judgment, and is, in regard to it.

Question. Do you remember in the Cherryfield case whether there was anything upon the face of the returns that raised the question of the eligibility of one of the officers of the town meeting ?

Answer. I do not remember there was.

Question. How is it your recollection that the Council were enlightened or informed upon that subject ?

Answer. The only knowledge I have of the matter is a statement, or rather a certificate of the Clerk of Courts, showing the time when one of these officers was naturalized.

Question. How did the Clerk of Courts, who sent that certificate as to the naturalization of one of the Cherryfield Selectmen, become aware that that question had been raised ?

Answer. I cannot tell you anything about that. I knew nothing of the matter, only I saw the certificate among certain papers which I supposed to be affidavits ; I never examined anything excepting that certificate of the Clerk of Courts, which I thought was conclusive.

Question. Was it or not, the practice of your Council, while considering the question of returns, to send out to different parts of the State to parties in sympathy with them politically, giving directions as to returns that needed to be corrected ?

Answer. I knew nothing of the kind.

Question. Was there anything of that kind ever proposed to you ?

Answer. No ; I never heard the proposition made.

Question. You were acting at that time upon the theory that nobody was allowed to see the returns. Did that apply to both,—Fusionists as well as Republicans ?

Answer. Precisely ; so far as my knowledge goes.

Question. Did you allow any information to go out from the Council with your knowledge and consent, to members of either party, as to the condition of the returns ?

Answer. Not with my knowledge or consent.

Question. Do you believe that any such information did go out to parties outside, stimulating them to get things corrected ?

Answer. I have no reason to believe so.

Question. Upon your theory upon which you were acting how

could the Clerk of Courts, whom you say sent to you a copy of the naturalization paper of one of the Selectmen of Cherryfield, have known that question was coming up?

Answer. I cannot tell you ; I know nothing about it.

Question. How can you from your knowledge of the circumstances, account for the fact he did send that?

Answer. I have no knowledge of the circumstances. I can account very readily for the fact from the general anxiety there was to have all matters pertaining to the election fully investigated. There had been a good deal of matter published in the papers in regard to the matter. If I am permitted to allude to a case which you alluded to yesterday, the case of Mr. Pratt ; I have seen the question asked in the papers how it happened that Pratt did so and so. I saw a statement in the paper that as early as October sixth he was investigating certain matters ; I knew nothing of the circumstance, only what I saw in the paper a day or two ago. I can only account for it on the general principle that the people were interested in this matter, and took measures, as they understood the matter, to lay before the Governor and Council all the information in their possession.

Question. Was it not the fact, that there was a self-constituted bureau, if I may so call it, of gentlemen in Augusta in sympathy politically with you and the Council, who took upon themselves, after communication with the Council, to get up these affidavits, and when they were forwarded, that they were forwarded to those gentlemen and by them filed with the Council?

Answer. I cannot give any information in regard to a matter of that kind ; I never heard of such a thing.

Question. Do you believe that such was not the case?

Answer. I do.

Question. Was it not a fact that Eben F. Pillsbury was early and late engaged in getting up or sending out intimations and information about defects in returns that would operate against Republicans and receiving affidavits and filing them with the Council?

Answer. I cannot say in regard to that ; I do not know anything of the kind.

Question. Was he not the medium through which this was furnished?

Answer. I cannot say that was the fact ; I am not aware that it was.

Question. Do you know that it was not so?

Answer. So far as anything that came to my knowledge, I know.

Question. Would you be able upon your oath, to the best of your knowledge and belief and information on the subject, to contradict that statement?

Answer. So far as I know; I have no knowledge.

Question. If it was done, was it done without your knowledge and belief?

Answer. It was done without my knowledge any further than this:—I have always considered Mr. Pillsbury to be very much interested in political matters, but I have no knowledge or belief that he was any more interested than a great many other men; I have no knowledge of his having any complicity or connection with any member of the Council.

Question. Do you know that he was the go-between?

Answer. No, sir.

Question. I ask you to examine the tabulation for the Cherryfield District, in Washington county, and state what towns comprised that district?

Answer. Steuben, Milbridge, Beddington, Deblois, and some plantation.

Question. State who, by the tabulation, appear to be the candidates?

Answer. Lincoln H. Leighton and Henry C. Baker for Representative.

Question. In the tabulation is the vote of Cherryfield counted at all, or rejected—leaving blanks?

Answer. It is left blank.

Question. Not counted?

Answer. No.

Question. So that the vote of Cherryfield was thrown out?

Answer. Yes.

Question. Carry your eye down the column and state what the aggregate vote is received from the other towns, of the two candidates?

Answer. Five hundred eighty-five, three hundred twenty-one, and two hundred sixty-four.

Question. Who receives three hundred twenty-one?

Answer. Leighton.

Question. Who two hundred sixty-four?

Answer. Baker.

Question. Who is carried out on the right of the page as the candidate receiving the certificate?

Answer. "Lincoln H. Leighton."

Question. He received the certificate?

Answer. I do not know, but I presume he did; I have no remembrance of it.

Question. You have no doubt about it?

Answer. No. He has the majority.

Question. Don't you know that Leighton was the Fusion candidate against Baker, who was the Republican candidate?

Answer. No; I do not know the politics of either gentleman.

Question. I ask you to examine the Representative return from Cherryfield, of which we have just been speaking, and to give me the vote as thrown by that return?

Answer. By this paper it is three hundred fourteen for Henry C. Baker; ninety-eight for Lincoln H. Leighton.

Question. Making a majority of two hundred sixteen for Baker?

Answer. I presume so; I have not reckoned it.

Question. Or, if the whole district was counted, one hundred fifty-nine majority for Henry C. Baker?

Answer. I suppose so.

Question. It was by throwing out the vote of Cherryfield that Baker failed to receive the certificate and Leighton received it?

Answer. Undoubtedly.

Question. That was thrown out upon the affidavit with a copy of the naturalization papers of Samuel Ray of Cherryfield, in county of Washington, dated: "*Supreme Judicial Court, Penobscot Co., August Term, 1879,*" and certified to, with seal of the Court accompanying, on the fourteenth day of November, eighteen hundred and seventy-nine, by Charles T. Sweet, Deputy Clerk. See if that is the certificate you referred to?

Answer. I presume so; I have no doubt about it; I do not know; it was a certificate; I cannot remember anything about the date.

Question. I find on the back of the paper the memorandum "*In Council Dec. 8, 1879. Election Returns. E. H. Gove, Secretary of State,*" which indicates that is a paper coming from the Governor and Council?

Answer. I presume so.

Question. You do not know who furnished that?

Answer. No, sir.

Question. Did you know that upon the back of this certificate of the naturalization of Rowe on which this town was thrown out, is the filing: "*Bro. Pillsbury The case cited is Bouvier, p 11. Probably Bouvier's Institutes. Truly, Charles N. Hersey.*"

Answer. I have no remembrance of seeing any such indorsement on the paper.

Question. Now that I have read that to you, have you any doubt that paper was furnished to Mr. Pillsbury, of this city, by Charles N. Hersey, a well-known Democratic politician in Penobscot county, and furnished to you or your Council by Mr. Pillsbury as the go-between?

Answer. I do not know anything to the contrary; and I do not see any objection to that even if it were so.

Question. Have you any doubt it was so furnished?

Answer. I think very likely, if it so appears; I never saw that indorsement.

Question. That is how one Republican Representative lost his seat?

Answer. Yes, on the fact that the meeting was regarded as an illegal meeting, and on the principle that no legal return can come from an illegal meeting, under the decision of the Court. That is the view we took of the case. If we were wrong there was a proper way of its being righted.

Question. Do you remember the case of the town of Fairfield?

Answer. I do.

Question. Upon that the Council in their report say:—

"Two sets of returns were sent into the Secretary of State from the town of Fairfield, each of which contradicted the other; and it was impossible, from the contradictory character of the returns, to determine the result of the election in that town. We have therefore rejected the returns from that town in our tabulation. This rejection affects the election of one Representative."

I ask you to examine the tabulations in the Fairfield District, county of Somerset, and state what towns comprise that district?

Answer. Smithfield, Mercer and Fairfield.

Question. Is the vote of Fairfield tabulated or counted in that tabulation?

Answer. No, sir.

Question. What is the aggregate vote for each candidate?

Answer. One hundred and eighty-one, one hundred and fifty-seven, and sixteen.

Question. One hundred and eighty-one is for whom?

Answer. Harper Allen.

Question. One hundred and fifty-seven for——?

Answer. Andrew B. Cole; sixteen for John M. Thompson.

Question. Carrying your eye to the right of the page, who received the certificate?

Answer. Harper Allen.

Question. Do you know whether he was Republican or Fusionist?

Answer. No; I do not know the politics of either.

Question. You never knew?

Answer. No; I have heard, but no personal knowledge.

Question. Do you know what the vote of Fairfield was?

Answer. No, sir.

Question. You say you had heard the politics?

Answer. I heard it stated that it was a Republican who did not receive the certificate, but so far as I have any knowledge I know nothing of either of the gentlemen; I never saw either.

Question. Look at the return from the town of Fairfield, and give me the Representative vote there for Allen and for Cole?

Answer. Andrew B. Cole, three hundred ninety-seven; Albert B. Cole, one; Harper Allen, three hundred and five.

Question. A plurality for Mr. Cole over Harper of ninety-two?

Answer. Ninety-two.

Question. Would not that, if it had been counted, more than overcome the majority against Cole in the other towns?

Answer. Yes, sir.

Question. If Fairfield had been counted, Mr. Cole would have received his certificate?

Answer. Yes.

Question. And there would have been one more Republican?

Answer. Yes.

Question. Whether you helped examine and decide this case so far as arriving at the result, and the reason upon which it was placed?

Answer. The reasons upon which it was placed were, there were two returns certifying to the same fact, each differing from the other materially, and it was not possible to tell from anything that appeared upon the returns which was the correct one.

Question. If you had been able, from anything, to tell which was the first return, you would have taken that?

Answer. Yes.

Question. As the Council say, in their report, "It was impossible from the contradictory character of the returns, to determine the result of the election in that town," and therefore they rejected the returns from that town in their tabulation; there was no method of deciding which was the original return?

Answer. None to our knowledge, unless by sending for persons and papers, or going to the town and ascertaining what the facts were in regard to the case.

Question. You would not hold, would you, that where a complete return in a formal manner had been sent in from a town, that a subsequent return would throw that town out, if you knew which was the first return?

Answer. No.

Question. And the difficulty here was, when you went to examine, to find which was the first return?

Answer. That seemed to be the fact about it, so far as any knowledge came to me or any member of the Council so far as I know; or so far as I understood.

Question. Did you discover in your examination anything that would give any light upon the question of which was the original return?

Answer. I never heard there was any possible way, by the returns, of finding out or determining which was the first or second.

Question. So that with that lack of evidence of what was the first return, and they contradicting each other, you threw them both out?

Answer. That was the result.

Question. Did you examine the returns yourself?

Answer. No; I took the statement of the Council, and they voted upon it.

Question. Examine the other set of returns from Fairfield, found in the files of the Governor and Council. First is the Governor's return which you had nothing to do with?

Answer. No.

Question. Look at the other return. It is the same hand writing as the first and the same signatures?

Answer. Without inspecting it very closely, I should say they were the same; I should suppose so; I should have no doubt about it.

Question. So that the two make out the two sets of returns upon which the town was rejected; do they not?

Answer. That would seem to be the fact about it.

Question. Now, I ask you what returns you and the Council were examining?

Answer. Senators and Representatives, I suppose.

Question. And County Officers?

Answer. No. The County Officers were not taken up.

Question. Did you examine or have anything to do with opening the returns from towns for Governor?

Answer. No, never.

Question. Because those went directly to the Legislature?

Answer. Yes.

Question. Examine the first return found on that set?

Answer. This is the County Officers' return.

Question. That you did not examine?

Answer. No, sir, not at that time, and I never examined or saw it.

Question. Had that been examined up to the time the Council made its final report?

Answer. No, sir.

Question. Open that County Officer return again, and tell me what you find annexed to that return, and read?

WITNESS reads:—

“Fairfield, Sept. 25, 1879.

To the Secretary of State, Augusta, Me.:

Sir:—Herewith please find amended report of the town of Fairfield, made in consequence of an error which occurred in the counting of the votes on the evening of the election, which we have made after a careful count of the votes, which were carefully preserved.

F. M. TOTMAN,	}	Selectmen of Fairfield.
H. C. BURLEIGH,		
C. J. GREENE.		

Attest: F. E. MCFADDEN, Town Clerk of Fairfield.”

Question. That you find with the return for County Officers?

Answer. Yes, sir.

Question. If you had had that, or anything corresponding to that, with the other returns that would have shown which was the second set, would it not?

Answer. I presume so. It would have shown this was an amended return.

Question. Then there would have been no objection to taking the first or second?

Answer. That is a question I am not prepared to answer now.

Question. Did you know that anything did accompany it?

Answer. No. This is the first intimation I ever had that there was any certificate or any paper connected in any way with the returns

Question. In addition to what you have just read as a letter from the Selectmen, what else do you find pasted upon that left hand margin?

Answer. I find—"Amended return of the Town of Fairfield, Sept. 25, 1879."

Question. You find that on a slip of paper stuck on to the return?

Answer. Yes, sir.

Question. That you did not have with the other return?

Answer. I never saw or heard of anything of the kind till now.

Question. In what manner is that memorandum you have just read, attached?

Answer. I should presume it was attached with some gum.

Question. Or mucilage?

Answer. I should suppose so.

Question. It has that appearance?

Answer. Yes, sir.

Question. I want you to take the Senatorial and Representative returns following that, and look on the left hand corner of the Senatorial return, and see if you do not find clearly, now that your attention is called to to it, where a memorandum either is found now or has been torn, by somebody, from its place?

Answer. There seems to be the appearance of there having something, at sometime on other, been attached on the corner of the return.

Question. Is it not in the same place, correspondingly, that you find the memorandum which you read, on the County Officers' return?

Answer. It is on the corner; yes.

Question. Look at it closely, again, and then look at the paper on which that little memorandum is written, and see if you do not find on that corner where the memorandum was evidently torn, with shreds of the same kind of paper, marked with the same sort of blue line. I leave that to your observation and intelligence?

Answer. There is certainly a mark of a blue line, or the commencement of one.

Question. Comparing it with the other paper on the County Offi-

cer's return, the color, etc., have you any doubt it is a remnant of the same kind of paper?

Answer. I have no means of knowing that matter, but it looks very like it.

Question. Have you any doubt now that that return did contain, at some time, a memorandum on that kind of paper, or some kind, that has been torn away by somebody?

Answer. It certainly has that appearance.

Question. Then, if the same kind of memorandum had been found on the Senatorial and Representative returns as that found upon the County Officers' return, declaring which was the second or amended return, there would have been no difficulty in settling which was the first return?

Answer. No; not if the certificate was reliable; and if it was not reliable it could have been very easily corrected by the record.

Question. In the County Officers' return, which was not opened by you, that memorandum is still found?

Answer. Yes, sir.

Question. And remained on there till opened?

Answer. If it was there it must have remained there till opened.

Question. Have you got the Governor's return?

Answer. Yes; they are all attached together here.

Question. Does the Governor's return, which was not opened by you, also contain the same kind of a memorandum, on the same kind of paper?

Answer. Yes.

Question. What does that say?

Answer. "*Amended return of Town of Fairfield, Sept. 25, 1879,*" and I should have no doubt of its being in the same hand writing.

Question. But the Representative return that was thrown out has nothing excepting the shreds of the paper which remain on the mucilage?

Answer. That seems to be it.

Question. Have you any doubt in your own mind that that paper had the same kind of a memorandum on it?

Answer. I say, if that was the paper returned in that way as a Representative return, that it looks as though that was the fact.

Question. Looks as though it had been torn off?

Answer. Evidently been torn off by somebody, or a very peculiar piece of paper attached.

Question. Did you know anything about that performance?

Answer. I never heard, or saw, or dreamed of anything of that sort.

Question. Would you have sanctioned such a mutilation in the return?

Question. No, sir.

Question. What kind of a performance do you think it was?

Answer. If it was done by any member of the Council, it was a very gross violation of right.

Question. You do not think that is following the Constitution and laws?

Answer. No, not by any means. If there is any evidence of anything like fraud or improper proceedings, I am not here to justify it, or anywhere else.

Question. Yet you say you examined these returns?

Answer. No; I never examined one of these returns.

Question. I am mistaken. You did not so state. But you remembered the case?

Answer. Yes; I remember the case, and the alleged statement that there was nothing about the returns to distinguish them in any possible way.

Question. You or the Council had all these returns before them for Senators and Representatives, from Fairfield; they would not have thrown them out if they had not?

Answer. No.

Question. Was not the basis of their report to you that they had examined both sets?

Answer. Yes.

Question. And that nothing could be found to show which was the second one?

Answer. Yes.

Question. In that confusion you rejected them?

Answer. Yes.

Question. Did you have anything more to do with it than helping to settle the conclusion as matter of law, what you would do when the facts were reported to you?

Answer. That is all.

Question. Did you in any deliberation of the Council or in any examination of the Committee on Election Returns, have any knowledge of the tearing of that memorandum from the Representative return?

Answer. Never.

Question. Or did you in any way sanction it?

Answer. No possible way.

Question. Do you now, in any way, pretend to excuse or justify it?

Answer. Not at all. This is the first intimation, this moment, that there was any attachment made to any one of the returns in any possible way; and, if that was the fact, of course it is an unjustifiable act; that is my judgment.

Question. Do you think, as the decision finally rested upon you and everything had to be approved by you, when the report and list were reported to you, on a case where your attention was called and you were asked to help make up the decision as matter of law, and did help make it up, that you were carefully considering the Constitution and the laws in not, yourself, examining these papers, instead of taking the report?

Answer. We do a great many things on the testimony of men whom we implicitly rely upon, and I never had a breath of suspicion cross my mind that there was anything that was not perfectly square in regard to those returns; and the gentlemen who were more immediately connected with them made the statement there was nothing about them incorrect; I must confess I was guilty of a little neglect in not looking into it personally myself, but of course relying as I did on the statements made to me, I did not so examine.

Question. In the statements you have made constantly since that time, in public and private, that the law was carried out and that the Constitution was observed, and that there were no frauds, no corrections and no tamperings, have you, as in this case, relied upon the good faith of the men about you in the Council, who had the examination and tabulation of those returns?

Answer. Most assuredly; I most assuredly so relied in every case where my own observation was not called. In a good many cases I did examine. This happened to be one of the cases I did not.

Question. Do you remember which member of your Council presented this case to you?

Answer. No; I do not, but I presume Mr. Brown did; I cannot testify as to that fact.

Question. Had you a member of the Council who was also a member of the Committee on Election Returns, who was a prominent citizen and resident of Fairfield?

Answer. Yes ; Mr. Brown.

Question. S. S. Brown?

Answer. Yes, sir.

Question. A lawyer.

Answer. Yes.

Question. He was one of the gentlemen who, when the Committee on Election Returns was re-cast, and two added to it in October, eighteen hundred and seventy-nine, was put on additionally?

Answer. Precisely.

Question. How far does he live from here?

Answer. About twenty miles, I think.

Question. Easy and convenient communication between this city and that town?

Answer. Yes, sir.

Question. Railroad between here and there?

Answer. Yes, sir.

Question. Was he not in the habit of coming down to attend sessions, and sometimes going back at night and returning here in the morning?

Answer. I should think not ; I do not know.

Question. That was an easy thing to do?

Answer. Not as the trains run. The communication back and forth to the East is very unfavorable.

Question. There are two or three trains a day between here and there?

Answer. No ; there is only one train a day that is practical. You can go at four in the afternoon and come back at ten the next day.

Question. There are night trains?

Answer. Yes, sir.

Question. It was so near that there was no difficulty in Brown, as a member of the Committee on Election Returns, whom you presume presented this case to you, sending up to his neighbors and getting testimony?

Answer. I should judge not.

Question. Was it ever proposed that, to settle this question, which was the original return, either of the Selectmen should be brought in?

Answer. No.

Question. In the case of Farmington, which we examined yesterday, you did admit the affidavit of the Selectmen, and decided the

case upon it; can you conceive any reason why that should not have been done in the Fairfield case?

Answer. Yes.

Question. Why?

Answer. Probably they wanted to get a Representative of the right stamp.

Question. I believe you stated that the rule in regard to initials was, that if only the initials or different initials appeared, they were counted for two persons?

Answer. That was the rule as adopted; I wish to explain:—You remember that the tabulations of these tables were made before this rule, or before this matter was decided upon, and the question investigated.

Question. The first tabulation?

Answer. Yes.

Question. But we are looking here at the final tabulation from which the list was made up?

Answer. Yes, sir.

Question. That was made after the rule was adopted?

Answer. Yes.

Question. You do not wish to take any point there?

Answer. No.

Question. I ask you to examine the return from a town near by you, where you are well known, and have, no doubt, been a great many times in your profession,—East Livermore,—the return for County Officers, and state for whom the votes are given for County Commissioner?

Answer. Hiram Briggs and George T. Piper.

Question. Look at the tabulations for County Officers, East Livermore, and see for whom the vote of Hiram Briggs is tabulated and counted?

Answer. Carried out for Hiram Briggs.

Question. As is shown by the other towns in the county, who was the Republican candidate and received the vote of the party?

Answer. Hiram W. Briggs.

Question. But the return shows it to have been “Hiram Briggs,” without the middle initial?

Answer. Yes, and so tabulated.

Question. And you believe correctly?

Answer. Certainly.

Question. Because where an initial was omitted or used instead of the full name you counted it for the two men?

Answer. That was the rule.

Question. So you hold that tabulation was correct?

Answer. Yes.

Question. Do you know that in that case Messrs. Wing and Savage appeared with an affidavit stating that the record showed that the votes were thrown for Hiram W. Briggs, and that the votes themselves were for Hiram W. Briggs, but that the return, by mistake left out the "W"?

Answer. I do not remember distinctly; I know there was something about it, and I decided that Hiram W. Briggs should have the certificate.

Question. But not upon the tabulation?

Answer. No.

Question. It was tabulated for "Hiram Briggs," there?

Answer. Yes. It was amended under the law of eighteen hundred and seventy-seven; that was my decision. There was quite a contest, and I decided it should be corrected.

Question. Did you decide that the return of this town should be corrected, or did you decide upon the majority aside from this?

Answer. No; I decided that should be corrected, that the vote should be counted, because there was no question about the County Officers.

Question. If your rule was that they should be counted for the two men, why should you change the decision?

Answer. Because it was corrected by the record so far as County Officers were concerned.

Question. Without that you would not have changed it?

Answer. No.

Question. Who got the certificate in that case for County Commissioner?

Answer. Briggs, I think.

MR. COOK: Piper got it?

WITNESS. It was contrary to my direction then. If you will look at the law you will see the Governor is not required to sign those certificates. The matter of county returns I never myself examined and never signed any certificate.

Question. Piper received the certificate and your Council overruled you?

Answer. Yes.

Question. The tabulation shows no correction?

Answer. No.

Question. So it must have finally been counted for "Hiram Briggs," and Piper received the certificate?

Answer. Yes.

Question. Piper is a Democrat and Briggs a Republican?

Answer. I do not know, but suppose it to be so if he received his certificate under those circumstances; I am not acquainted with the politics of either.

Question. Look at the county returns from the town of Lincoln for County Attorney and read the vote as you find it?

Answer. Whole number of votes three hundred and seventy-eight.

Question. Who are they thrown for?

Answer. B. H. Mace two hundred and eight; Peregrine G. White six; Jasper Hutchins one hundred and sixty-four.

Question. Look at the tabulations of Lincoln, in Penobscot county, and see for whom the vote, which in the return is given to B. H. Mace, is tabulated?

Answer. "Benjamin H. Mace."

Question. Do you know of any rule by which votes returned for "B. H. Mace" should be tabulated for "Benjamin H. Mace?"

Answer. No.

Question. What would have been your rule in that case?

Answer. To tabulate for "B. H. Mace."

Question. And Benjamin H. Mace would have lost it under your rule?

Answer. He would have lost the vote of that town.

Question. Do you approve of that tabulation?

Answer. That is evidently wrong under the rule we adopted.

Question. Did you know of the violation of the rule in that case?

Answer. No; I never examined any of the county returns, personally, excepting the county return from the town of Livermore, because that was a matter left with them.

Question. Which is the Fusionist and which the Republican in this return?

Answer. I suppose that Mace is the Fusionist from what I have learned since election.

Question. Who received the certificate?

Answer. I do not know.

Question. Don't you know by public repute, as it appeared in the newspapers, that Mace received the certificate?

Answer. Yes.

Question. Do you remember the fatality of the ditto marks, by which a good deal of public and private talk was made?

Answer. I remember there were such cases. I do not remember anything of the particular cases.

Question. Do you remember that the rule adopted was, to throw out the returns for the candidate against whose name the ditto marks appear?

Answer. That was the rule.

Question. Was that, in your judgment, a proper rule?

Answer. I thought so, then; I think so now.

Question. I call your attention to the vote for Senator from the town of Andover, Oxford county, and ask you to state how the return reads, as to the votes cast?

Answer. "*Francis W. Redlon, one hundred sixteen, 116; William W. Wait, 116,*"—in figures, and under the "*one hundred sixteen*" ditto marks. Likewise for Gilbert Barrett the figures "95" and ditto marks under the words "*ninety-five.*"

Question. Under the rule the votes for the two second candidates would not be counted?

Answer. I am not quite so clear. That is one of the cases where the figures are made plainly and unmistakably, and I would hesitate about giving an opinion. I do not remember whether the Constitution says it shall be carried out both in words and figures.

Question. Look and see whether it is tabulated for all four candidates?

Answer. It is.

Question. Each of the four candidates gets the benefit of the votes as cast?

Answer. Yes.

Question. The ditto marks were not regarded, it was not thrown out on that account?

Answer. No.

Question. Look at the Senatorial return from the town of Westbrook?

Answer. That is a very different return. The figures are not carried out.

Question. How does that read?

Answer. "For Joseph Locke of Portland three hundred sixty," and figures "360;" but under the three other candidates nothing but dots, neither figures or words against them.

Question. Is it the same for Fusion candidates following?

Answer. The Fusion candidates are all carried out in words and figures.

Question. Do you remember whether in that case all of the votes for the candidates aside from the first two were thrown out on account of the ditto marks?

Answer. I do not.

Question. Look at the tabulation and see how Westbrook is tabulated?

Answer. There are five candidates for whom the vote is carried out and three omitted.

Question. The three opposite whom the ditto marks are placed are not tabulated and counted?

Answer. No.

Question. The majority in that case was on which side?

Answer. I do not know.

Question. Three on the Republican side were thrown out?

Answer. It seems they were not tabulated.

Question. Did not that change the result in Cumberland county?

Answer. I do not know; I supposed the vote of Portland changed the result; I do not know how that was; I should regard the rejection of the vote, under the Constitution, perfectly correct.

Question. You would make the distinction that in one case figures were carried out and in the other case they were not?

Answer. That would render the case a more difficult one to decide.

Question. Was it not a rule established by you, that where the return did not show either the name of the town or county, that it was rejected?

Answer. I do not remember particularly about that rule, but I should suppose that would be necessary. There must be something about it to show where it came from.

Question. That would be the natural rule?

Answer. Yes, if there was any case of that kind.

Question. Look at the County Officers' return from the town of Buckfield, and see, as you start in, whether there is any declaration as to where the return is from?

Answer. There is nothing on the first page that shows either county or town.

Question. Carry your observation further down to the corner, where the Selectmen sign, and see if the name of the town appears opposite the Selectmen?

Answer. "Buckfield" appears opposite one of them.

Question. Look carefully at the word "*Buckfield*" as written, in connection with the fact that Mr. Farrington and another gentleman have testified that, when they first looked at it on file, the name was not written there at all; look at that writing "*Buckfield*," and see if it is not evident and plain to you it is in a different hand writing from anything else in the return, from either of the signatures of Selectmen or Town Clerk?

Answer. I should have my doubts about its being in the same hand writing.

Question. Would you have any doubt about it; is it not plain?

Answer. It would seem so. Of course I should not want to give an opinion about that till I had very carefully examined it; still, it looks as though it was in a different hand writing.

Question. Do you know that the Town Officers themselves, although members of the Fusion party, appeared and testified they did not write it there, either of them?

Answer. I did not know about the fact; I never heard of it.

Question. Was there anything in your rule that authorized, where a return had a fatal defect of that kind, any member of the Council or any Clerk, or anybody, who had access to those returns, to write in the word, making it a correct return?

Answer. No. That question never arose, and no authority, of course, was ever given to anybody.

Question. Would any proposition of that kind have received from you a moment's consideration?

Answer. No, sir.

Question. Did you ever, in any way, authorize anybody to tamper with any of these returns, or to write in the name of town or county where omitted, or in any way fix it up so it would make a legal return?

Answer. No, not even to put the scratch of a pen or pencil.

Question. If anything of this kind was done, as appears in this return, by somebody, was it done without your knowledge or consent?

Answer. Entirely, or suspicion,—and I do not justify it.

Question. Did you ever have occasion to examine that?

Answer. I never heard of an intimation of it before this moment.

Question. Do you remember of Mr. Bisbee from Buckfield, the town whose return has just been examined, being down and visiting you and the Council and examining the condition of the returns for that town and county?

Answer. I remember of seeing Mr. Bisbee, and I suppose he examined those returns; my attention was not particularly called to them. I never made any examination of any county returns and know nothing about them.

Question. So that, whatever was done upon them was done without being brought to your knowledge at all?

Answer. Yes, sir.

Question. Do you know, as matter of fact, which way the majority was quite largely in Buckfield?

Answer. No, sir.

Question. Don't you know it is a strong Greenback town?

Answer. No; I have the impression it is the other way.

Question. Right under Solon Chase's nose?

Answer. It does not make any difference about that. Strange things happen sometimes. So far as that matter is concerned, I presume there is not a man in the State who knows so little about the political complexion of towns or members of the Legislature as I do. It is a matter I never inquired into. Although I have been several times a candidate for office I never asked a man to vote for me. I never desired an office, and have had nothing to do with what you term politics or political action. I have, unfortunately, been placed in positions where I had to act and I calculated to act correctly.

Question. I call your attention to the return for County Commissioner for the town of Hebron in Oxford county, where Frank Y. Bradley was the Republican candidate and Henry G. Walker the Fusion candidate. Look at the return and state just what you find apparent in regard to the name of the Fusion candidate there, who was Henry G. Walker? [Witness examines return with a microscope.]

Answer. It has the appearance that the name was written as "Henry C. Walker," and that the addition of the lower part, converting the "C" into a "G," was made after the "C" was made.

Question. Has the "C" been attempted to be changed, or changed into a "G" by adding a mark?

Answer. Yes. It looks as though there was a plain "C" first made, and that letter was changed to a "G."

Question. By the tail being added?

Answer. Yes, or lower stroke.

Question. Is it plain it was first made a complete "C"?

Answer. Yes, it is plain to the eye, and especially so under the microscope.

Question. Is the "C" evidently of the same hand writing, the same ink, the same shade of the other letters in that name?

Answer. It looks as though there had been some scratching about the lower part before the tail was put upon it. It looks as though there had been a little attempt to change; if I was a suspicious character I should suppose some one had tampered with it.

Question. Is it very plain that the alteration which made it into a sort of "G" was made after it had been made a "C"?

Answer. That is the appearance to me, assuredly.

Question. Mr. Farrington saw that letter when the return was first opened and found it a "C," on the eighth day of December; before the count was made up it was changed and the return was tabulated for "Henry G. Walker." Had you any knowledge of that?

Answer. None at all.

Question. What would you call that?

Answer. I should call that a cheat, if it was done as a cheat, by whoever did it.

Question. If it was a "C" on the eighth of December, and changed after that before the tabulation was made up you would call it, by whomever made, a cheat?

Answer. It does not make any difference by whom.

Question. A forgery?

Answer. Yes.

Question. That is forgery of a return?

Answer. Yes; if the return came in as "C" and was afterwards made "G" it was a forgery.

Question. In order to see what motive there was to change that, look at the tabulation of Hebron and see for whom this vote was tabulated, whether "Henry C." or "Henry G." Walker.

Answer. There are no votes tabulated for anybody but "Henry G. Walker."

Question. So that the tabulation was clearly made up from the return as altered?

Answer. It was made up from the return as it now appears to exist.

Question. You have no doubt there was an alteration by somebody?

Answer. I have no doubt "C" was made and there was a change to the "G," either by the party who made out the original return or by somebody since.

Question. Would you justify the changing of an initial in the name of a candidate from "C" to a "G," in order that it might be tabulated for him and he gain the vote?

Answer. No; of course not.

Question. Would you call that conforming to the Constitution and laws?

Answer. Not much.

Question. Would you not call it a gross and wanton and inexcusable violation of every law applicable to returns?

Answer. Yes, certainly; if any evidence of anything of that kind exists it is a gross violation of right, if the fact is as you state, that is to say, if the testimony of those gentlemen is that.

Question. Yes; and they were here for the purpose of examining. The question is suggested to me by a member of the Committee, (Mr. Strickland) whether in the examination of these returns to see how they were found, persons were permitted to examine them excepting in the Council Room, and in the presence of the Council?

Answer. I have always understood the parties had very free access to those returns. They were very frequently taken into the Messenger's Room, and, when I was in the Council Chamber, taken into my Room and examined by attorneys or parties interested in the examination of the returns. For a large number of days,—several weeks,—there was almost a constant examination of those returns by parties of various kinds.

Question. So that parties outside had an opportunity of looking at the Hebron return?

Answer. Yes, parties in the interest of those returns; I have that impression, and I believe that is correct.

Question. If they were taken out to be examined in your Room, or the Messenger's Room, did not a member of the Council always accompany them? wherever taken, were they not in the custody of some member of the Council?

Answer. I cannot say, although my impression is it was frequently

the case that men examined these returns without their being present ; I would not state that as absolute fact, because I cannot say.

Question. Take the case of the Hebron return :—assuming there was no change of the “C” on December eighth, but was done afterwards by somebody ; if it was done by somebody outside of the Council without their knowledge, when they came to tabulate it would it not appear to them, and does it not now appear plain, that a change had been made ?

Answer. Yes, sir.

Question. Was not that enough to put them upon their inquiry ?

Answer. Yes, sir.

Question. You do not think, whoever did it, that they ought to count it, without inquiring ?

Answer. No, sir. When the question came up about issuing certificates, as to whether the law required the Governor to sign county returns, and it was decided it was not deemed necessary, I put the question to the several members of the Council whether upon their honor the county returns had been correctly returned, and the count was made up properly ; and I received the affirmative, that they vouched for their being perfectly accurate ; and I trusted to them.

BY MR. STRICKLAND :

Question. Whether or not other persons than the Governor and Council had an opportunity, if they saw fit, to make the alteration of “C” into “G” ?

Answer. I have already said, that so far as I know, there was ; and, indeed, I do know, very decidedly, there was very free access to those county returns ; that the parties in the interest of those candidates, such as Mr. Bisbee, were here about that business ; and Mr. Heath, and a large number of gentlemen from various counties ; and candidates themselves. There was very free access to county returns. The only county return I think that I ever examined was the return from Livermore, where the question came up of amending. I know that some members of the Council were very much opposed to making any amendment. I decided it should be done in that case. I have the impression there was very free access to those returns.

BY MR. HALE :

Question. It could hardly have been any object for any Republican to change that to make it count for a Democratic candidate ?

Answer. I should suppose not.

By MR. STRICKLAND :

Question. For instance, the return from Buckfield which did not show either the town or county on the face except the word written in down against the Selectmen and Town Clerk ; could not some person besides those persons connected with the Governor and Council have opportunity to write that word ?

Answer. I suppose that might have been done, but I know nothing about it.

By MR. HALE :

Question. If it was done, and forgery was committed by anybody before the Council tabulated it and counted it, in the manner this was done, it was enough to call their attention to it before counting it ?

Answer. Yes.

Question. And ought to have done so ?

Answer. Yes, unless on the back of the envelope there might be an assurance it was from Buckfield.

By MR. STRICKLAND :

Question. There would be nothing suspicious about the word "*Buckfield*" in that return ?

Answer. No, sir.

By MR. HALE :

Question. Was not the question of identity of names and towns, whether written by the same party or different ones, under your principle, more or less discussed,—whether returns were all signed by one Selectman, and so was it not a question which involved scrutiny of names before the Council from time to time ?

Answer. Yes.

Question. That was one of the things they would naturally be on the look out for ?

Answer. Yes ; to see whether they were forged returns ; under the decision of the Court that to an official document a man must sign his name or make his mark.

Question. The Council ought to have been on the look out for any forgeries of names or towns ?

Answer. Yes, names ; I do not know as towns ?

Question. I call your attention to the Senatorial return from the town of Wells, York county, and ask you to look at the return for Mr. Stover, who was one of the Fusion candidates for Senator, and

to state what you find there apparent in the name Stover? [Witness examines return with microscope.]

Answer. I should say, on examining it, that in the writing of it the words "Josiah Stover" were first written in.

Question. That is, that the name was first written "Josiah Stover?"

Answer. Yes, sir, and subsequently the "A" was written in. I should say so, judging from the fact that there is so little space between the "h" in Josiah and the letter "S."

Question. Not enough space or such as would be natural?

Answer. No; not natural, and yet, under the glass there is no appearance of any erasure or anything of the kind.

Question. If the letter was written in afterwards there would be no erasure?

Answer. No, sir.

Question. Does it not appear also from the look of the ink and the scoring that the "A" presents a different appearance to the eye than the other letters?

Answer. The ink appears precisely the same as the "S," I should judge. In the word "Hatch" the ink was evidently a little thick, and, in dipping the pen in some ink-stands, you will sometimes take up thicker ink and the appearance is different. I would not want to give any testimony as to that.

Question. Does it look as if the "S" had had some additional shading?

Answer. In the "S" there is that same appearance of roughness as in all the letters, almost, as you look at them under the glass.

Question. See if you find any other capital "A" in that return, and, by the way, look at the name "Josiah Stover" and see if it is evidently in the hand writing of the Clerk?

Answer. I should hardly think any of those names were written by the Clerk. [Witness examines the return more closely than before.] Yes; I should think they were.

Question. See if you find any other capital "A" that looks like that "A?"

Answer. There is a letter "A" in Hills' name, which in the form of the letter is very like.

Question. Are the form and size the same?

Answer. Little more space. That could be accounted for on the ground that there was a mistake made in writing the name and the "A" was put in afterwards.

Question. Look at the memorandum attached which the Town Clerk made up for his record book, and see how the Clerk has there made up his record on the Stover vote?

Answer. "Josiah Stover." What do you call this?

Question. This is a memorandum for the record. That memorandum contains the names of all the candidates with the votes carried out?

Answer. It appears to be so.

Question. It is carried out for "Josiah Stover?"

Answer. Yes.

Question. In this case the Clerk has appeared and sworn that he wrote the name "*Josiah Stover*," and did not write that "*A*," and that he wrote it as he wrote it on his memorandum for his town record. Do you know, under those circumstances, of any person who would have any right, for the sake of giving the three hundred odd votes to Stover, the Fusion candidate, to write in that letter "*A*?"

Answer. No.

Question. Ought it to have been tabulated and counted for "Josiah Stover?"

Answer. If it so appeared when it fell into the hands of the Council or Committee, or whoever examined the return.

Question. You never examined this case personally?

Answer. No, sir.

Question. Did you ever hear or know before from inspection, of that appearance of that return?

Answer. No, I never heard of anything of the kind.

Question. Did you have any knowledge of blank returns being sent out from the Council or Secretary of State or by any member of the State Government, to Fusion towns, for the purpose of being changed or substituted for the original returns?

Answer. I never did.

Question. Do you know of anything in the law that justifies such substitution?

Answer. I not only do not know of anything which justifies, but my understanding of the law is that anything of the kind is absolutely illegal.

Question. Did you know of blank returns being sent, as testified to by Mr. Talbot of East Machias, to him by the Adjutant General?

Answer. No; I did not hear the testimony.

Question. With instructions accompanying them, stating what defects existed in certain towns?

Answer. No, sir.

Question. If anything of that kind was done, or any consultation or any plan of action matured in Augusta, had you any knowledge of it?

Answer. No, I had not; I never heard of the thing being done by any member of the government.

Question. Would you have authorized any person who had had an opportunity to examine the returns in the Council, at a period before they were made public, from the knowledge there obtained of defects in Fusion towns, to send out blank returns for the purpose of fixing and correcting their returns?

Answer. No, sir.

Question. Did you ever authorize anybody?

Answer. I never authorized anybody; I never heard any member of the government intimate they had done such a thing, or that such a thing was done or talked about.

Question. Previous to the time when the returns were made public, could anybody have sent blank returns to any Fusion candidate with instructions and directions as to what defects existed in the returns, unless he had had access to the returns?

Answer. I do not know about that; I do not know in what way he could have done so unless he had been told. He might have been informed by some person who had had access to them.

Question. Had anybody been allowed access previous to the time when the vote of the Council took place that an examination should be allowed on December first?

Answer. No to my knowledge. Will you allow me to state fully in regard to that matter?

Question. Yes, glad to have you.

Answer. On October twenty-ninth, when the vote was passed authorizing those returns to be taken charge of by the Committee, I had supposed—I now suppose—that no person had ever seen the inside of one of those returns. On the twenty-ninth or thirtieth, or immediately after the adjournment of the Council, as I understand, the Committee on Elections took charge of those returns. On the seventeenth of November, when the Committee called on me in regard to this matter of the returns and intimated parties had had access to those returns and there was a statement made that the Re-

publicans wanted to be used as well as the Democrats, I, of course, felt indignant at the suggestion that anybody had had access to them. I did not believe they had. Immediately, on conferring with the members of the Council, I put the question squarely to them whether any person had had access outside of the members of the Council, and the statement was made to me, decidedly, that no person had had such access, and the statement was further made to me that it was not possible for anybody to have without the knowledge of some member of the Council; that the chairman of the Committee had the charge of those returns and that he had a key,—a double key or what would be equivalent to two keys, and that, when the Council left the Executive Chamber, the returns were put into the safe; the safe locked, he taking one-half of the key and the Secretary of State the other half, so that neither one could get access to the returns without the knowledge of the other. And, upon that statement, believing those gentlemen to be men of truth and veracity, I did not hesitate to make the statement that it was not possible for anybody to have had access to those returns; I so believed.

Question. You did believe, up to October thirty-first, that nobody had seen them?

Answer. That nobody had seen the inside of a return.

Question. After that, up to November seventeenth, that nobody had seen them but the Committee?

Answer. Certainly.

Question. And, after that, to the time when it was voted that an examination might take place, as was shown yesterday, that nobody saw them but the Council and yourself?

Answer. I so understood it.

Question. Under the restriction which you have so well stated as to the parties who could know of those things, if any information was conveyed outside as to the condition of those returns by any party at Augusta or any blanks sent out for correction based upon their condition, it must have been from information derived from some member of the Committee who up to the seventeenth of November had had the sole charge of them?

Answer. That would be my inference.

Question. Do you know of anybody else who could have given the information?

Answer. No, sir.

Question. Could you have given the information?

Answer. No; I never saw the inside or outside of a return till long after the seventeenth of November.

Question. Up to November seventeenth had anybody excepting those five Councillors any right to know what was in those returns?

Answer. No, no farther than they could learn from the returns in the Secretary's office.

Question. If, in the early part of November, blank returns were sent by the Adjutant General to the Honorable James R. Talbot, Fusion candidate for Senator, with specific directions, in a letter accompanying, as to what defects existed in the returns from Jonesborough and Addison and Whiting, how could that information have been got as to the condition of those returns excepting from the five gentlemen, or some one of them, who had the custody of those up to November seventeenth?

Answer. You are asking me a question which I cannot answer; I know of no other way.

Question. You can conceive of no other way, method or source of information, except one of those five gentlemen?

Answer. No, unless it might be—it is not among the impossible things—that the Messenger to the Governor and Council might, in passing in or out of the Room, had an eye upon them or heard a statement or conversation or something of that kind.

Question. Did not the Messenger—Mark Harden—have very free and untrammelled access to the Council Room during all this time, and during the sessions of the Governor and Council?

Answer. Yes, or that was generally the fact, I think.

Question. Was he not employed by the Council to do clerical work in relation to those returns?

Answer. I have the impression that he was.

Question. Then he, in addition to the five gentlemen, must have been possessed of knowledge as to what the returns contained?

Answer. He might have been; I do not say that he must.

Question. If he was doing clerical work?

Answer. I cannot say what kind of clerical work; whether he was doing any work of that kind I cannot say; I was not here in Augusta during that time.

Question. Can you think of any one besides him outside of those five gentlemen?

Answer. No; I base my statement entirely on what was told me on inquiry, because I wished to know whether there was any ground-work for those charges.

Question. Would the Secretary of State, or his assistant, Mr. Sawyer, who appears each day to have been present, and to have kept the roll and record of the Council, be likely to know what was in these returns, or have a chance to inspect them as they were opened?

Answer. I should judge not. This is a matter of mere opinion. I should judge that during the time those gentlemen were examining these returns there was no occasion for either the Secretary of State or his deputy to be in the Room or connected with the Room. I know nothing about the fact whether they were or not.

Question. You were not here from the thirty-first of October to seventeenth of November?

Answer. From the twenty-ninth of October to the seventeenth of November, I was not in town at all.

Question. You can only state as to the general course of business in the Council?

Answer. That is all.

Question. Look at these three sheets, marked "*Exhibit 36, G. D. B., Clerk of Committee,*" and see if they, or any of them, are in your hand writing, or made by you?

Answer. I should judge they were; I should say they were.

Question. In your hand writing?

Answer. Yes.

Question. The different sheets?

Answer. Yes, and I remember the circumstances very well. I was running over the tabulation, to ascertain after the whole thing was completed. There had been a good deal of talk—there was a charge made in the papers that no Democratic towns had been rejected, and I took the tabulation one day to ascertain that fact, and just ran over the different towns to see how many towns in each county were rejected and what the majorities were in the several towns, and my impression is, the result I found was there had been sixty-three or sixty-four towns, I think, rejected for one reason and another, including the five cities; fifty-nine towns without the cities; and, of the fifty-nine towns two of them had thrown a tie vote, and of the balance, thirty of them were Democratic towns and twenty-seven were Republican towns, as appeared on the returns, that the majorities which were rejected on the Republican side were one hundred forty-two votes more than on the Democratic side.

Question. How was it possible, with your lack of knowledge as

to who were Democrats and who Republicans, for you to tell in figuring what Republican towns were thrown out and what Democratic towns?

Answer. I called upon gentlemen of the Council, or some assistant, to determine that fact.

Question. So you did then discover, and you were scrutinizing and getting information as to where Democratic returns had been thrown out, and where Republican returns had been?

Answer. This was made up some time after the final determination, and after the matter had been published around and charges made that no Democratic towns were thrown out, and I wanted to satisfy myself, and inquired into it, running over in that way.

Question. Since we began the examination I have called your attention to many towns, in some cases you knew of and had taken part in, and in other cases where the result was reached without your knowledge, in which Republicans were thrown out by reason of the different defects that I have brought to your attention, under the rules, and Fusionists counted in, like Cherryfield, Fairfield, Farmington, the Ashland case, and many others I need not mention of that kind. Do you recall a single case where any rejection of a Democratic or Greenback town threw out a Democratic or Greenback candidate?

Answer. I do not know the fact; I have never examined into that question. It is alleged there is not, but I do not know about that.

Question. I ask you, do you recall a single instance?

Answer. I do not know; I have no knowledge of the fact. My looking at the matter I referred to was merely a matter of curiosity.

Question. While, as we have shown, they were throwing out Republican candidates and giving Fusionists certificates, have you ever heard of any instance where, the throwing out of any town, threw out a Fusion candidate and returned a Republican?

Answer. I never heard of anything of the kind; I never have examined into that.

Question. In examining the returns from nearly five hundred towns and plantations in the State, critically as this evidently was examined, do you not consider it was a most remarkable coincidence that, out of those, not a single Fusion candidate should have been thrown out and a Republican counted in?

Answer. I do not know as there is anything very remarkable about it; by the rules adopted in these different towns which were

rejected it, so happened. There are but very few towns where there could have been any change. You have mentioned two or three and said "Many others;" I do not recollect only two or three where that rule would work. In Danforth, for instance, there could be no mistake about that.

Question. Here is the report of the Council, which states in one case of its affecting the election of one Representative, in another case, by adopting this rule, the election of five Representatives is affected?

Answer. What rule was that, counting names as in case of Hills?

Question. I suppose so; and have I not shown you since this examination where, under the rule as applied by the Council, it was not applied in the same way to both parties?

Answer. If that was so, it was wrong.

Question. Was not that wrong?

Answer. Yes, if it was so; but that is a matter—which to me is a matter I was not aware of.

Question. Is it so strange that all of these five instances given here, should have been Republicans and not Fusionists, when we are confronted with the evidence, as shown to you, that the rule was not made to apply to both parties?

Answer. If the rule was not made to apply, it was decidedly wrong.

Question. Have I not shown you instances where you have declared the rule was not applied, and that if you had had your way it would have been applied differently?

Answer. Yes; on the face of it.

Question. So that the upshot of it is, and all was, that not a single Fusionist was anywhere counted out, but that the counting out rule whatever it may be, as applied by the Council,—I do not say by you,—counted out only upon one side, so far as your knowledge goes?

Answer. I do not know; I have no definite knowledge, for I never examined that particular point.

Question. Do you know that this report sent out by the Committee on Election Returns reciting the reasons for changes, affects some twenty-seven Representatives, and does not claim that their rule, as applied, affected a single Fusionist?

Answer. Inclusive of the cities?

Question. It would be reduced to seventeen excluding the cities.

Don't you know that every one of those seventeen Representatives in the report were Republicans counted out and Fusionists counted in, in their stead?

Answer. Yes, I think so; that is the general statement.

Question. You have no doubt of it?

Answer. I presume that is correct; and, so far as that is concerned, I see no wrong so far as applied to those cases; but, if there were cases where the same rule was not applied it was wrong.

Question. Is it not remarkable that, if a set of rules were adopted and strictly carried through, they should apply to seventeen cases on one side and to not one case on the other side?

Answer. It would be a little significant; of course, it might be regarded as singular.

Question. You do not see any reason why, if a return for "E. K. Hall" is not counted when "Edward K. Hall" is the real name, that a return on the other side should be counted for "Benjamin H. Mace," when the return said "B. H. Mace?"

Answer. No; I do not justify that.

Question. When a thing of that kind is found it shows plain, in the mind of a reasonable man, why the operation of this rule counted out seventeen Republicans and no Fusionist?

Answer. Yes.

Question. The only object, as you stated before, that can be found is, that a Representative was wanted of "the right stamp?"

Answer. Yes.

Question. Is not that the way it would strike an ordinary mind?

Answer. I should think likely that might be the impression that was conveyed.

Question. In regard to the law, you say you did not rely on Mr. Pillsbury; upon whom were you relying for the law?

Answer. In regard to what was the law?

Question. Yes.

Answer. We had the Attorney General to call upon; and Mr. Brown, himself, was a member of the Bar, and regarded as a decently good lawyer, a fair lawyer; and Mr. Bradbury was consulted, and Mr. Webster, and Mr. Gould, and several other gentlemen, in regard to various points.

Question. Were those gentlemen consulted formally, and employed as counsel?

Answer. Some of them were employed as counsel.

Question. When did you first become aware that this subject of the counting out and of the results, some of which have been brought to your attention, and have greatly surprised you, was the great and controlling matter of public interest in the minds of the people of Maine?

Answer. I cannot tell you. There was newspaper talk. The only conversation that ever occurred with any members of the Council was, that it was desirable to have the law strictly followed, and the principles of the Constitution applied to the tabulation of the votes; what particular time I cannot say.

Question. The reports of the Council, upon which the certificates were issued, bear date December thirteenth; the certificates were issued some time subsequent to that. Did you become aware that there was great public feeling and excitement upon this question, after the certificates had been issued?

Answer. I became aware before that; November seventeenth was the first particular intimation I had that there was an unusual excitement.

Question. Did or not, the interest, and the feeling, and excitement, continue and increase from that day onward, till the year ended?

Answer. Yes; great excitement.

Question. Was it not, at last, the almost engrossing subject of public attention and talk and feeling in Maine?

Answer. Yes.

Question. At what time did you proceed to take counsel outside of the legally constituted authority of the State, the Council and the Attorney General?

Answer. I cannot state precisely.

Question. Before or after the certificates were issued?

Answer. I presume sometime before. My impression is I had several conversations with several legal gentlemen as to what the Constitution and the law required, particularly upon the question of the constitutionality of the law of eighteen hundred and seventy-seven, as to the application of that law, whether the evidence was to be taken outside, by the Constitution.

Question. What was the law as laid down to you by counsel with whom you consulted on the question of the binding force of the act of eighteen hundred and seventy-seven?

Answer. Mr. Noyes of Waterville, Mr. Bradbury, Judge Rice,

Mr. Bion Bradbury and quite a large number of other gentlemen, I recollect of conversing with in regard to the matter—and some of them I asked to look at the law and decide upon it—were unanimous in expressing the opinion to me that the law was decidedly unconstitutional, that it was assuming to constitute something different than the Constitution required; that was in regard to the general results of the law.

Question. That this law which allowed the Governor and Council to take testimony upon the returns was unconstitutional?

Answer. Yes.

Question. Why was it, if you had that legal advice and intended to follow it, that you allowed affidavits to be sent in from Mr. Smart?

Answer. Affidavits as regards the legality of the returns were clearly admissible.

Question. I am speaking of affidavits as to the intention of the voters?

Answer. There is no such case to my knowledge on record.

Question. You know, now, there is such a case, for I called your attention to Robbinston, where the vote was tabulated and counted for "John T. Wallace, Jr.," although the vote was thrown for "John T. Wallace," on the affidavit of certain voters that they intended to vote for "John T. Wallace, Jr.?"

Answer. I did not so understand it; I never understood that was the fact.

Question. You remember the affidavit I showed you yesterday and the tabulation?

Answer. I remember the tabulation, but do not remember the affidavit.

Question. Did you not understand there was that affidavit in that case?

Answer. No, I did not remember that. So far as the tabulation of it being based upon that, I never heard of that.

Question. You stated you knew nothing about that; but did not the tabulation show that, instead of being in accordance with the return for "John T. Wallace," it was tabulated for "John T. Wallace, Jr.?"

Answer. I do not remember particularly about that.

Question. Did you not see the affidavit that I read yesterday?

Answer. I do not know as I did. I do not know but you might

have read it; but the fact it was tabulated in consequence of that, is news to me; I never heard of the case, and in no case, so far as my knowledge went, was any notice taken of any affidavit pertaining to the votes. It was simply in regard to the legality of the returns.

Question. Did you not see this affidavit yesterday?

Answer. I do not think I did.

Question. I may have omitted to pass it to you.

Answer. I did not see it.

Question. Can you read it now?

Answer. Not very well, on account of the light; I do not doubt your statement in regard to it; but the fact that it was tabulated on the basis of that affidavit I do not know.

Question. Was there any other basis for tabulating that excepting that affidavit?

Answer. I do not perceive that there was.

Question. Is not the tabulation in accordance with the affidavit?

Answer. That would seem to be the fact, but being so, if anything of the kind was done it was done without my knowledge, and it was wrong.

Question. And done contrary to the law as you received it?

Answer. Yes.

Question. Upon whose advice and counsel did you act in submitting the Questions to the Justices of the Supreme Court which you sent to them in late December or early January?

Answer. Do you mean in framing the Questions or in the simple fact of submitting questions?

Question. My question is general, covering both, and your answer can make any distinction, if any existed?

Answer. So far as submitting questions at all, I hold myself personally responsible, and nobody else; I received a communication from Mr. Morrill, December twenty-fourth, the day before Christmas, in which he suggested that "*quiet might be restored and the public mind pacified by the submission of certain questions of law,*" (that was the language which he used) to the Court; I received that communication just as I was leaving my room in the other portion of the Capitol, to go to the cars. I put the communication in my pocket without opening it. On my way up, by the way of Brunswick, I opened the communication and read what he had said. Without consulting with anybody or any one knowing that I had any inten-

tion or purpose whatever in regard to the matter, I sat down the next day and answered his communication and mailed it the next morning, so he got it on the twenty-sixth of December, Friday; I heard nothing from him till the next Monday, when I received a communication which has been characterized as a "Stump Speech," embracing certain propositions, and stating certain statements. Thereupon, finding those Questions were not Questions of Law as I understood the matter, I applied to Mr. Gould to frame Questions, covering the ground, as legal questions.

Question. A. P. Gould?

Answer. Yes. Perhaps I may say that he, more than any one else, was responsible for the particular manner in which those Questions were framed. Mr. Larrabee of Bath, was consulted, and Judge Rice and Mr. Bradbury, and quite a number of other legal gentlemen, I do not remember all, in regard to the matter. And the Questions were submitted.

Question. Did they see the Questions as submitted?

Answer. They did, as I have reason to believe; I know.

Question. At that time you had already issued the certificates?

Answer. Certainly.

Question. And much controversy had arisen as to whether or not certificates were issued to the proper persons?

Answer. Yes.

Question. Did you not make application to the Justices of the Supreme Court, and call upon them for their decision under the provision of the Constitution, which authorized it to be done upon important or solemn occasions?

Answer. Yes, sir.

Question. You considered that the exigency was such that the spirit of the Constitution and the letter were answered, as to the importance and solemnity of the case?

Answer. I considered it would be a means, agreeable to the suggestion of Mr. Morrill, of quieting the public mind.

Question. Did you not apply to them in order that these very controversies which you say you knew had arisen, as to whether the certificates had been issued to the right persons, should be settled?

Answer. No; I do not know that I did that. My object was, I will say, although I am no lawyer, my point was:—there were one or two Questions of Law which I desired settled, as I understood the matter; the question was particularly in regard to the returns

from the cities. The Constitution making the Legislature the judge of its own election, if the Governor and Council make mistakes or issue certificates wrongfully, it is in the power of the Legislature to correct those wrongs, and they are the proper party and the only party to make the correction. And the question with me was, whether, failing to make proper returns, it was the duty of the Governor and Council to call for a new election, or whether it was competent for the Legislature to decide whether the members ostensibly elected were properly so, and whether it would be competent for the Legislature to give those gentlemen their seats under that condition of things. Those were the particular points.

Question. You did not confine your Questions to the facts arising in regard to the cities?

Answer. No. The Questions covered considerable ground which, in my judgment, had already been decided upon, and which were entirely a work of supererogation.

Question. Why did you submit them?

Answer. By advice of counsel I had called upon.

Question. When you submitted those Questions which raised issues of law upon subject matters you had passed upon did you not expect the judges would answer them?

Answer. I supposed they would answer them directly. And the Constitutionality of the law of eighteen hundred and seventy-seven was another question which I wanted decided definitely.

Question. The Questions you were submitting were submitted to you as Governor of the State?

Answer. Exactly.

Question. The Legislature of the State has equal power with the Governor to call upon the Court?

Answer. Yes.

Question. The House of Representatives and the Senate have that power?

Answer. I so understand.

Question. So there was no call for you to invoke from the Court any expression of opinion as to the Legislature that was to be, either Senate or House?

Answer. No, not so far as that particular point was concerned; but, while submitting Questions, in order to facilitate the matter I thought it was perfectly legitimate and proper for me to make that inquiry.

Question. Did not the Questions which you submitted under advice of counsel raise issues in reference to things which you and the Council had already decided upon?

Answer. Precisely.

Question. If you submitted Questions raising issues in reference to matters you had already decided upon did you not expect there would be answers to those Questions?

Answer. Certainly, I expected an answer.

Question. Did you not expect to take, and receive, and regard the law as given in answer to those Questions?

Answer. In any subsequent action, any action that might occur after the answering of those Questions, but I did not expect that any action which had previously been taken could be overturned.

Question. Then why submit Questions that did raise issues in reference to those matters?

Answer. It was done for the purpose of quieting the mind of the public for the time being, and likewise for future action.

Question. It would not quiet the mind of the public to raise issues on matters you had settled, to get an answer and get the law laid down in answer to those Questions and then disregard it?

Answer. I do not understand that the Governor and Council, after they have taken action in discharging a duty which they have ample power to discharge, have any right to go behind their action. They had decided that question so far as they believed to be right,—at least as I believed to be right, at the time,—and we had complied with the Constitutional provisions; and whatever might be the answers of the Judges in regard to the matter, it could make no sort of difference with the action of the Board which had already gone by.

Question. Would that tend to settle the public mind?

Answer. Yes; it of course had a tendency to settle it.

Question. It would tend to settle the public mind if it came out in favor of your action?

Answer. Either way.

Question. If it came out against the action of the Governor and Council, which way would it settle it?

Answer. It does not make any difference; it had a tendency to direct the attention of the public to the Opinion of the Judges, as a rule of action.

Question. Did not the Court, in its Opinion, settle the law as to who were entitled to certificates in the five cities?

Answer. It did. Of course, it is an assumption, and perhaps you may regard it as gross assumption, for me to say, it does not change my individual opinion as to the Constitutionality of the question. Besides that, the question of those cities, the seating of those members, was in the hands of the Legislature.

Question. Did you not receive the Opinion of the Court previous to the meeting of the Legislature?

Answer. Yes, sir.

Question. Forty-eight hours, at least?

Answer. Perhaps so. The Constitution says those certificates shall be issued by the Governor and Council, and, if I had assumed to issue the certificates I did not have the vote of the Council so to do, and I had no right to act without the vote of the Council.

Question. After you had invoked the Opinion of the Judges upon the particular Questions raised in the five cities where you had given no certificates, and after the Supreme Court had in its decision settled to whom those certificates should be given, and you had received that forty-eight hours before the sitting of the Legislature, did you issue any certificates to the gentlemen from those cities?

Answer. No, sir.

Question. Did you lay the matter before your Council, for their action?

Answer. Yes.

Question. Did you recommend, in laying it before them, that certificates should issue in accordance with that Opinion?

Answer. I did, in reference to the city of Portland.

Question. In reference to the other cities?

Answer. I do not think I did.

Question. Was not the Opinion of the Court ample and exhaustive, covering all the cases in those cities?

Answer. I do not know but it might have been so regarded.

Question. After you had invoked that Opinion and had got an answer upon a subject matter where you had already acted, were you not bound to act in accordance with that Opinion?

Answer. I did not think so. As an independent body, I did not regard the Opinion of the Court as matter to be followed, unless I chose.

Question. So you simply called for the Opinion of the Court for your basis of action if it suited you, and if it did not you should not follow it?

Answer. Precisely.

Question. Wasn't that it?

Answer. Yes; just it.

Question. When you sent in your Questions to the Court to settle those disputed questions of law, it was for the purpose of getting support and help if the Decision agreed with you?

Answer. It was for the purpose of getting the Opinion of the Judges in order to satisfy the public mind in regard to the matter, as to what the Constitution taught. When the opinion of the Judges came in, it was totally at variance with all principles of common sense as understood by plain people, and I held it was the prerogative of the Governor and Council to disregard it.

Question. So really it was not binding excepting to the extent that you agreed with it?

Answer. I regard the action of the Governor and Council, and of the Legislature, as entirely independent of the Judiciary, and the Judiciary as independent of them; they are each distinct and independent bodies.

Question. And there was no method of obliging you to call upon the Supreme Court, for the law, if you had not done it?

Answer. No.

Question. If you did call upon them, were you not bound by the law as laid down?

Answer. No.

Question. Then for what purpose did you call for it? because you hoped it would agree with your opinion?

Answer. No; because I did not care whether it did or not. There was the Opinion of previous Judges, and it was good common sense, and, so far as the law was concerned, I believed it to be right.

Question. Why did you not act upon that without going to the Court?

Answer. I did act upon it.

Question. Without going to the Court?

Answer. That was done to satisfy a desire to get before the Court. It was to comply with Mr. Morrill's suggestion that there were some Questions of Law.

Question. You did not consider you were bound to take the law from them if it did not agree with your views?

Answer. I regarded the Governor and Council an independent

body ; and, if they did disagree, Constitutionally they have a right to that opinion and if that does not agree with public opinion they must turn them out and put somebody else in.

Question. It came to this ; that the Opinion of the Justices which you invoked was to be regarded by you, so far as you believed it was right and in compliance with the law and Constitution ?

Answer. Precisely.

Question. And if you did not believe anything in that Opinion was right and in compliance with the law and Constitution you were not to regard it ?

Answer. No.

Question. Your idea in getting it was to accept it, if it agreed with you, and not to accept it if it did not ?

Answer. Perhaps you regard it so ; I did not take it into consideration.

Question. You did, in your action ?

Answer. That may be true.

Question. You did not believe it was good law ?

Answer. No ; and don't think you do.

Question. There was not any mistake as to what the law as laid down by them was. It was not vague ?

Answer. The Opinion I received from the Judges was, that we have not any Constitution or law, as I understand it.

Question. It was in clear language ?

Answer. Yes.

Question. Not confused ?

Answer. No.

Question. You regarded it, so far as you thought it was good law, and submitted the Portland case to the Council ?

Answer. Yes ; I cannot say but I submitted the whole case to them ; I will not be positive ; but my impression is, my own feelings were against submitting the Questions of the other cities, on grounds which I will explain hereafter.

Question. Did the Council sustain you in your view as to the Portland case ?

Answer. No.

Question. So there came in another tribunal, that set itself up against the Court ?

Answer. I do not know as they did.

Question. They denied the force of the law, as applied by the Supreme Court ?

Answer. I think so.

Question. Therein they differed with you?

Answer. Yes.

Question. Did they overrule you?

Answer. Yes.

Question. Were certificates issued to Portland candidates?

Answer. No.

Question. How did they stand?

MR. STRICKLAND: That is matter of privilege.

WITNESS. I am very clear in my expressions of opinion; I do not know that there is anything to be gained by any question of that kind.

ALONZO GARCELON, *resumed.* *March 15th, 1880, P. M.*

Question. I call your attention to another part of the investigation,—into the expenditure of the Public Moneys. What is the system or course of business under which moneys are drawn from the State Treasury?

Answer. Ordinarily, bills are presented and referred to the Council, and the Committee on Accounts draw a warrant, or, at least, recommend a passage of the bill, and draw a warrant for the purpose. This action is reported, and the whole Council vote upon it, and the warrant is then approved; an order is introduced and then a warrant is drawn and signed, and the money is drawn on that warrant.

Question. Is not this true, that a bill or claim is first presented, if in the case of an employé or contractor, in the form of a bill or a claim to the Council, and referred by them to the proper Committee?

Answer. Ordinarily that is the case.

Question. Then does not the Committee make a report?

Answer. Yes.

Question. And report upon what Fund, if they recommend a warrant, it shall be drawn?

Answer. Yes, sir.

Question. And is not that report of the Committee of the Council subject to the approval or disapproval of the Governor?

Answer. It is.

Question. And when accepted or approved is not the next step to draw the warrant on the Treasurer?

Answer. Yes.

Question. Who draws the warrant?

Answer. The Secretary of State ordinarily draws the warrant, and it is signed by the Governor.

Question. It is really the Governor's warrant?

Answer. Yes, of course.

Question. That warrant is presented to the Treasurer and by him paid?

Answer. I suppose so.

Question. Is not the warrant the voucher which the Treasurer has for his payment?

Answer. Yes.

Question. The warrant alone is all the Treasurer needs to have as his voucher in settling his accounts?

Answer. I suppose so.

Question. Then where are the vouchers which should appear originally as the basis of a claim or warrant left, if not with the Treasurer?

Answer. They usually are left with the Committee.

Question. Do they not appear, and is not that the rule, with the report which the Committee makes upon which the warrant is based?

Answer. Ordinarily I suppose that to be the case.

Question. Do you not understand that is the ordinary and proper course of business taken for the purpose of protecting the Treasurer, that vouchers may appear for all expenditures?

Answer. I understand that to be the ordinary course of business.

Question. Can you see any better course that can be pursued than that the vouchers for the claim shall be filed with the Governor and Council and go with the report that is the basis of the warrant?

Answer. Ordinarily that is the usual course of business, and would be the proper course. Circumstances arise oftentimes when that cannot be done.

Question. In the common run of business the vouchers will be found with the report, so if anybody is examining to see if any money has been improperly drawn they look at the papers and find the warrant; they find the vouchers with the report of the Committee, in the ordinary course?

Answer. Yes, the general course.

Question. That is your recollection of the general course of business?

Answer. I so understand.

Question. The warrants are drawn by the Governor?

Answer. They may be drawn up in the hand of the Secretary, but they are the Governor's warrants, and are signed by him; unless signed by him I suppose the Treasurer does not pay out any money.

Question. What is the custom under which our State runs in its appropriations? Are the appropriations made in a lump, or in distinct terms, for each object appropriated for?

Answer. Made for the several objects that may be decided upon, and usually those moneys are paid out for those appropriate objects.

Question. Are the accounts kept, in the Executive branch of the government, with the whole appropriation or with each appropriation?

Answer. With each appropriation.

Question. So that the Secretary of State, acting for the executive branch, keeps an account with each appropriation and charges against that all of the warrants drawn upon it and all the expenditures against it?

Answer. I do not know whether it is kept by the Secretary of State or not. There is usually a book of that kind kept, I think, by the Executive Council. It may be that this is in the hands of the Secretary of State; I think the Council has the general charge of the book; I do not know as the Secretary of State has anything to do with it.

Question. Is it not in your knowledge that the regular appropriation book, which contains the record of each appropriation and the warrants charged against it, is kept in the Secretary's office, who is *de facto*, and by virtue of his office, Clerk of the Council?

Answer. I never have looked into that particular point. The book has always been, so far as I know, in the Council Chamber, under, as I suppose, the control of the Secretary of State, but it is a point I never examined especially.

Question. There is no doubt about how the accounts are kept, with each appropriation?

Answer. No doubt about that.

Question. Credit is given for the full amount of the appropriation and then the charges made against it?

Answer. Yes.

Question. Will you mention some of the appropriations you think of that have distinct accounts kept with them?

Answer. I think there are appropriations for pretty much all,—

Reform School, Hospital, and some fifty or sixty, or seventy different appropriations.

Question. Is there an appropriation for the Contingent Fund of the Council?

Answer. Yes.

Question. An appropriation for Military Purposes?

Answer. Yes.

Question. An appropriation for Salaries?

Answer. Yes.

Question. Is there an appropriation for Agricultural College?

Answer. I think so.

Question. An appropriation for Free High Schools?

Answer. Yes.

Question. And so, various appropriations, each for its distinctive subject matter?

Answer. Yes, sir.

Question. I produce from the records of the Secretary of State, report of the Committee on Warrants, S. S. Brown, Chairman, dated "Dec. 24, 1879," in which the Governor is advised "to draw his warrant on the Treasurer of State in favor of Alonzo Garcelon, for the sum of \$1,000 from the appropriation for Military Purposes, the same being for expense to be incurred in the protection of public property;" upon which "warrant No. 937" is drawn. "In Council Dec. 24, 1879. Accepted by the Council and by the Governor approved." Will you examine it and see if you recognize it as a regular report of the Committee of your Council, approved by yourself?

Answer. I have no doubt about it.

Question. You recognize the writing and the form?

Answer. Yes.

Question. The Committee has been unable to find any voucher for this appropriation of the money, expenditure of it, or warrant drawn for it. Will you explain if you recall the subject matter, how it is that no vouchers appear?

Answer. Perhaps before an explanation is made, you better take the others, and I can explain the whole thing at once. All you want to get at are the facts without any unusual details.

Question. There is no other warrant drawn for the same purpose, so you can make explanation of this in the first place, and, if your explanation involves what comes afterwards there will be no necessity for repeating?

Answer. I hold a receipt from the Adjutant General for one thousand dollars which was paid over to him for a special purpose. He was absent at the time, and it was necessary to have some money, and it was not known when he would be back. He was at Eastport; and there were some bills which it was necessary should be paid. The money was used for the purpose of paying certain bills which were incurred. When he returned he gave me a receipt for the money. He took a check for one thousand dollars and gave me a receipt, which money was expended, or was the money which he had in his hands which was returned; I am not able to say it was the identical money.

Question. You mean that the money which was taken here, this one thousand dollars, was the money returned by the Adjutant General afterwards?

Answer. The money was returned. He expended it; I cannot say in what way. I hold his receipt for one thousand dollars, paid over to him.

Question. What was the occasion of this warrant being drawn?

Answer. It was for the purpose of obtaining money to pay extra force, which was required to protect the State House from invasion.

Question. This was drawn on December twenty-fourth?

Answer. Very good.

Question. A fortnight before the meeting of the Legislature?

Answer. It was necessary for sometime prior to that to have a guard here at the State House for purposes of preventing inroads upon the State House and the capture of it.

Question. What reason had you at that time, a fortnight before the meeting of the Legislature, for drawing one thousand dollars from the Treasury to be used for the purpose, as you say, of preventing inroads upon and capture of the State House?

Answer. The general threats made, the indications from all quarters that such an attack would be made.

Question. What do you mean by "general threats" and "indications from all quarters?"

Answer. Such as appeared in the newspapers, public meetings, and from private information.

Question. Recall what you remember to have seen in any newspaper indicating any purpose of the kind that you suggest here, of any attack upon or inroads upon the State House on December twenty-fourth?

Answer. I cannot say expressly. I have a pretty distinct recollection, but I cannot go into details.

Question. Can you give a single fact, or a single letter, or a single shred of information coming to you as the Executive of the State, that justified you, without a voucher, to draw one thousand dollars from the Treasury?

Answer. I have a good many facts in my possession which I am not at liberty to make known.

Question. You are on the stand for the purpose, I take it, of testifying to the subject matters that the Committee is investigating upon, and one of those is the expenditure of this money. Now the Committee finds no voucher for this, and there is nothing that can be found as to the purpose for which it was to be or was used unless it is explained by you?

Answer. I have already testified it was for the purpose of paying help that I deemed it advisable to employ about the State House.

Question. Had you at that time employed a single extra man about the State House?

Answer. Yes.

Question. How many, on December twenty-fourth?

Answer. I employed men, and deemed it necessary to employ men as early as very soon after November seventeenth, or at that time.

Question. For what purpose?

Answer. For the purpose of guarding the State House.

Question. Guarding from what?

Answer. From intrusion, for the purpose of keeping the records safe.

Question. From the seventeenth of November, when the Committee met, and when the returns were tabulated and the Committee had reported to your Council, up to December twenty-fourth, did you ever, under any circumstances, have any reason to fear that any violence was to be attempted upon the State House?

Answer. I did.

Question. State a reason why you had?

Answer. I am not at liberty to state all the reasons.

Question. Will you state one reason?

Answer. One reason was that threats were made and the charge was made that those returns should not be seen by the Legislature.

Question. Who made those threats?

Answer. I cannot say who made them; I saw them in several places in public.

Question. What place in public did you see them?

Answer. I cannot recollect now the precise point, but it was made in the public print.

Question. In what public print?

Answer. I cannot tell you.

Question. Name a single paper which came out with the declaration that the returns in the hands of the Governor and Council should not see the Legislature?

Answer. I am unable to state the precise paper, but I am as confident as I am of anything that statement came in the reports of public speeches in several of the papers, or in substance to that effect.

Question. Soon after the seventeenth?

Answer. I cannot fix the precise date.

Question. How can you reconcile this with your statement the other day that down to that date you had never heard there was any unusual feeling or excitement about this matter?

Answer. I do not say that; I say I was not aware there was any very great or unusual excitement till the morning of November seventeenth.

Question. Did you then need to draw money from the State to pay men in the State House?

Answer. Yes, precisely. Trouble occurred on that day which indicated there was serious trouble apprehended. The moment I began to make inquiries, I found there was very great excitement, and it was necessary we should take measures to prevent any tampering with the returns. That was my object.

Question. Was that the day when those violent gentlemen, Governor Dingley and Messrs. Emery and Lindsey bore down upon you?

Answer. That was the commencement.

Question. Was that when you first got this feeling of apprehension in your mind that there was danger of an inroad and attack upon the State House?

Answer. I cannot say it was that day, but immediately thereafter on inquiring into the condition of things.

Question. If that was the fact, why did the Council vote, with your approval, that on December first they would throw the returns open to the public and would hear all parties?

Answer. Because it was well understood, we had received advice that there were designs of that kind. The state of the public feeling was such, and there were so many rumors and so many statements afloat, that it was necessary to guard every avenue against improper interference.

Question. If you had that fear in your mind of danger to the returns and of their being destroyed, which is entirely a new feature, why did you venture, thirteen days afterwards, to open those returns to the public?

Answer. Because they were under the eye of the Council.

Question. Was there any need of anybody to help the Council, any need of extra force?

Answer. Not during the day time.

Question. During the night time?

Answer. It was to guard the State House from any interference, and protect the building from being tampered with.

Question. Tell me, on your oath, whether you ever heard of any attempt by any person, high or low, in or out of the State of Maine, making any attempt in the day time or in the night time, up to the time when you issued your certificates, to violate the State House, to get improper possession of it or any return or paper in it?

Answer. What do you term an attempt?

Question. Whatever you may call an attempt. I leave that for you?

Answer. I call threats from high sources.

Question. Name whom the threats were from?

Answer. I have not the data from which to give you the precise hour and date.

Question. I did not ask you that, but whom from?

Answer. The Speech of the Honorable William P. Frye, made at Lewiston, was one; and speeches made here in the city of Augusta, and in various places.

Question. State what there was in the Speech of Mr. Frye, at Lewiston, which I read carefully and heartily approved, that indicated any movement on the part of the party in sympathy with Mr. Frye, or any one, to commit violence in Augusta, to attempt to get possession of the State House, or its papers?

Answer. I do not know what your interpretation of language may be; I thought Mr. Frye's speech was a much milder one than that which came from the larger portion of those gentlemen who made

public speeches. There was talk about tumbling the Governor and Council into the river, and seizing upon the building, and there were threats that came to us privately.

Question. Was there anything of that kind in Mr. Frye's speech?

Answer. No, not precisely that; but a threat of raising twenty thousand,—or many thousand men,—and marching to Augusta, and various things of that kind.

Question. What time was that Speech made?

Answer. I do not remember.

Question. Was it before or after the certificates were issued?

Answer. I cannot say.

Question. Was it not after the certificates were issued?

Answer. I do not know. But that was the general feeling.

Question. Was there a single one of those indignation meetings held in the State of Maine till after you issued the certificates to candidates?

Answer. I cannot tell you whether there was or not.

Question. Recall whether one of these speeches was made, or one of these inflammatory meetings which you have referred to, was held till after the certificates had been issued?

Answer. I do not know whether they were or not; I did not attempt to fix in my mind a single fact in regard to that, and I may get things mixed in regard to it; but I know the general fact that there was serious apprehension on the part of the Governor and Council that, from and after November seventeenth, there was danger of parties interfering with and attempting to get possession of the returns for improper purposes.

Question. Having stated that, again I ask you to instance a single fact which would justify that apprehension?

Answer. I do not know as I can name any fact that would serve as proof; I got that impression very decidedly from the general tone of public sentiment.

Question. Whatever your fear was, you cannot give a single fact which would justify it. What was that fear?

Answer. That there were parties who were desirous of getting hold of those returns for the purpose of either destroying them, or for some other purpose.

Question. Did you ever hear, at any time when you went to the Council Chamber, that over night any paper had been interfered with?

Answer. No, sir.

Question. Did you ever hear of any body of men having been found in the State House, lurking about with an evident purpose of getting at them?

Answer. No, for the reason that I put the Superintendent of the building upon guard, and authorized him to increase his guard over night.

Question. Did you ever hear of any person or persons in any manner lurking about outside of the building?

Answer. Yes; I cannot say what the purpose was; I heard in several instances of persons lurking around under suspicious circumstances.

Question. When and where did you hear that?

Answer. I cannot tell you what precise time, but early.

Question. Who gave you information of that kind?

Answer. I had it from attendants around the building.

Question. What did they say?

Answer. That there were persons that were seen coming around at unusual hours of the night.

Question. Did they state how many?

Answer. I do not remember whether they did or not.

Question. How many times did you hear this?

Answer. Several times.

Question. Persons in large numbers?

Answer. I do not think so.

Question. Anything that terrified you?

Answer. No.

Question. Anything that terrified Dr. Lancaster?

Answer. I cannot say but there was.

Question. Was there an appearance of fear in his countenance?

Answer. I was not familiar with his personal appearance. He came to me occasionally and reported certain conditions.

Question. What did you do in order to lull this apprehension?

Answer. Gave orders that the State House should be guarded so as to prevent interference.

Question. To whom did you give that order?

Answer. To Mr. Lancaster.

Question. When?

Answer. Early after the excitement commenced.

Question. In November?

Answer. I cannot say whether November or first of December; very probable in November; I judge so.

Question. Did he put on any extra force?

Answer. Yes.

Question. How many?

Answer. Varying in number as the excitement increased.

Question. Up to December twenty-fourth what extra force had he?

Answer. I do not know what the ordinary force is; I judge he had twenty or thirty men in all about the building.

Question. As early as November seventeenth?

Answer. From that time gradually increasing. I do not know what time it was I gave him that direction.

Question. From November seventeenth to December thirteenth did the public excitement increase or rather diminish in view of the hearing which the Council had ordered?

Answer. I cannot tell you.

Question. What do you think?

Answer. I think it rather increased; of course, I was busy.

Question. Don't you know there was a suspension largely of the excitement, and there was a general hope expressed that the Governor and Council would do the right thing, and that was not entirely removed till December thirteenth when the report was made up?

Answer. I do not remember that.

Question. Do you not remember that indications of what you call violence only came on after that time, and between that and the time of the meeting of the Legislature?

Answer. I do not recollect particularly about that.

Question. Tell me whether any of this force had been employed by Mr. Lancaster, and, if so, how much up to December twenty-fourth, when this warrant was drawn?

Answer. I cannot fix the precise date.

Question. How many of them, do you think?

Answer. I think there was an increased force.

Question. If that was so, why did you not, when you called for this money, put in the voucher of what expense had already been incurred?

Answer. Owing to the excited condition of affairs, and it was about the twenty-fifth that that largely increased. That was the time of the mob at Bangor. There was need of more funds to meet certain expenses, owing to the absence of the Adjutant General.

Question. Any violence at Bangor?

Answer. Not exactly a matter of violence; I suppose you all know about how that matter stood.

Question. Any violence?

Answer. No.

Question. Nobody hurt?

Answer. No. Neither was anybody hurt at the State House when the military was brought in with a Gatling gun from Lewiston.

Question. This was for Military Purposes?

Answer. It was for police purposes; I called Mr. Brown's attention to that matter and he said it would make no difference in regard to the matter; it was really for police purposes.

Question. If, as you say, Mr. Lancaster, under your orders before December twenty-fourth had had a force of men there, why, when you put in this application for one thousand dollars to be used in this way, did you not put in as vouchers the bills that had already run up?

Answer. Owing to the particular excitement of the case, and the bills were running along.

Question. Was there any such excitement as would prevent your having sent for Mr. Lancaster and asked him to give you a list of his Roll of men, the number of them employed, and their pay, so you might furnish a voucher. Was the excitement such that you needed to dispense with all the rules of doing business?

Answer. It was deemed advisable to do that under the condition of things that existed.

Question. Do you know how this report reads: "*The same being for expense to be incurred in the protection of public property.*"

Answer. Very good.

Question. That was for the future?

Answer. It was for the future and for the past, and it was to cover certain expenses.

Question. Don't you think this order or report was pretty much simultaneous with your issuing of your certificates?

Answer. The certificates had been issued several days before that, I think.

Question. That was dated December twenty-fourth; do you not think that was very nearly simultaneous, or quite, with the sending out of the certificates?

Answer. I think they were sent out very largely before that; I do not remember precisely. At least, they were signed; I do not know when they were sent.

Question. Do you think they had been sent out, or had any more than got to the people on December twenty-fourth?

Answer. I cannot tell you.

Question. I would like to have you bring your mind to that very day, and state, for the benefit of the Committee, just what the condition of things was, in your judgment, that justified you in drawing this money from the Treasury; some of the facts?

Answer. I have already stated, it was what I regarded as a high state of public feeling, and a necessity of having some funds to meet necessary expenses; I had, at that time, given an order to the Adjutant General to have certain arms brought here from Bangor, from the Arsenal, for the protection of the building. There was a good deal of excitement, or I should never have issued any such order.

Question. Were you persuaded to issue that order by considerable importunity?

Answer. I think there was considerable; many deemed it advisable to do that.

Question. Name some of the persons who importuned you to do that?

Answer. My Council.

Question. Who of the Council?

Answer. I cannot say; I think all who were present.

Question. Did Mr. Fogg advise that?

Answer. I do not remember whether he advised, particularly.

Question. Did Mr. Brown advise that?

Answer. He did, I am very sure.

Question. Did Mr. Foster?

Answer. I do not remember whether Mr. Foster was here.

Question. Did Captain Chase advise this?

Answer. He did.

Question. Did Mr. Moody?

Answer. I cannot say about him.

Question. They advised sending for the arms, and drawing money from the Treasury?

Answer. It was necessary to have some money to pay the bills.

Question. The arms you sent for were a part of the military establishment?

Answer. I suppose so.

Question. What are the arms kept in the Arsenal for?

Answer. For purposes of public defence, as I understand.

Question. Is there a Militia in the State?

Answer. I suppose what we call Militia.

Question. Were you not aware, having been Governor nearly a year, that there was a Militia in the State, and that companies of that Militia were nigh by, here at Augusta, easy of access and communication?

Answer. It was not deemed necessary to call out the Militia, but it was to have some military defences, some arms for the purpose of protecting the building against what we deemed might be violence.

Question. Do you understand there was any authority to increase the civil force there, when there was a Militia subject to the call of the Governor, in case of this kind?

Answer. I understand it is proper to increase the civil force, and avail ourselves of all the powers we have in a civil direction.

Question. Do you not know that, on the other hand, it is forbidden beyond a small number of men, and the man who does it lays himself liable to punishment, and that the Constitution and law provide, in case of this kind, the Military may be called?

Answer. I did not see, or understand or know of such law.

Question. With whom did you confer as to matters of law?

Answer. In regard to the matter of protecting here?

Question. Yes.

Answer. I do not know of any outside the Council.

Question. You say December twenty-fourth you had sent for the arms?

Answer. I think so.

Question. How many arms did you get?

Answer. I cannot say precisely; somewhere from a hundred to a hundred and twenty or thirty.

Question. What was done with them when they came?

Answer. The arms that were then ordered were stopped, as you all know, by the mob in Bangor, and they were sent back, for the time being.

Question. Then, were they sent for afterwards?

Answer. Yes, sir.

Question. Were they brought here?

Answer. I understand they were; I never saw one of them.

Question. With ammunition?

Answer. Yes.

Question. Where were they put?

Answer. I cannot say.

Question. Any Company of regular Militia called out to use those arms?

Answer. No.

Question. Put into the hands of men about the Capitol to use?

Answer. Not that I am aware of.

Question. Are you aware that they were subject to their order and they had them loaded to use?

Answer. They were not subject to the order of the men.

Question. Subject to the order of the Superintendent of the building?

Answer. I gave orders to the Superintendent, that if an attack was made upon the building he might be authorized to use any force he had in his possession, to repel it.

Question. Did you have any counsel or consultation with the Mayor of the city of Augusta, who is at the head of the police force of the municipality?

Answer. At what time?

Question. December twenty-fourth, when you started in drawing this money?

Answer. I do not think I did.

Question. Do you remember of being waited upon by a deputation of very respectable citizens of Augusta, who assured you that the State House should be protected, and that no violence should be committed, and that the city would be responsible for its safety?

Answer. I remember that sometime in January, or sometime after this occurrence, I do not remember the precise date, that Committee came. It was some ten days or a fortnight after this occurrence.

Question. Was it not on the very day you received the guns from Bangor?

Answer. Yes; on the day they came.

Question. Did you accept that guarantee of the citizens of Augusta?

Answer. No.

Question. Was it not stated, that it should be borne out and upheld by the whole police, regular and extra force, of the city?

Answer. I have the communication somewhere in my possession from Mayor Nash, the day before, in which he suggested that the State House should be put under the charge of the police of the city of Augusta. I told him that I was willing, providing the police would be organized in such manner as to satisfy the public mind;

the allegation was, and I believed it to be true, that the police force of the city of Augusta was all appointed from the Republican party. On the other hand, the opposition claimed that it was the design of the Mayor and of the authorities of the city of Augusta, to introduce the police for the purpose of getting possession of the State House, and that then all of the opposition would be excluded. In the conversation I had with Mayor Nash, there was an arrangement if they could put on an additional force, or at least, if the additional force, which I understood had been voted by the authorities of Augusta, to be added to the police, could be divided so as to give to each party about uniform,—so there should be a fair arrangement between the different parties and satisfy the public mind,—such an arrangement would be satisfactory to me. He assured me he thought that arrangement could be made. Parties had gone to the Marshal,—had gone to the headquarters of the police,—and they could not ascertain that anybody in the Opposition had been put upon the force, and that there was a decided objection. Consequently the matter rested there till this Committee, I speak of, called on me the next day.

Question. What happened then?

Answer. The next day they proposed to take charge of the State House; I told them that it would not be satisfactory to do so, that I had sufficient police force to protect the State House, and all that I asked of them was to protect the peace of the city. They then decided, as stated, that the presence of arms in the State House was very obnoxious—very objectionable—and wished to know if I would rescind the order. I stated to them very frankly I would not.

Question. Was that order with reference to the arms?

Answer. Yes.

Question. You declined to rescind the order?

Answer. I did decline to rescind the order; I cannot give all of the conversation, but the result of it was I told them that if they would guarantee that a fair division of the police force of the city between the different parties should be made, so that the public mind should be satisfied, and that I should not be annoyed by one party or the other on the ground there was not a fair representation on the police force, I would so far rescind the order as not to bring the arms here,—that they should be conveyed to some point,—returned to the armory was my idea; I gave them that pledge. This was about one o'clock, or a little after, I think, in the afternoon. I

was under the necessity of going to Portland or Bath in the train that left at two o'clock. The Adjutant General was not here. He had the order in regard to the arms, and it was my intention as soon as they would give me the assurance, that the arrangement of the police force should be made, that I would issue immediate orders to the Adjutant General. The whereabouts of General Leavitt I did not know then; I supposed, however, that he might be on his way from Eastport to Bangor. I went to Bath and returned on the train that evening that arrived at eight o'clock. I heard nothing from him or from the Committee in regard to that matter and therefore took no measures to rescind the order. I went to bed, and in the morning, to my surprise, I found that the arms were here. That is the history of that, and all there is to it.

Question. At that time, how much extra force had Mr. Lancaster about the Capitol?

Answer. I cannot tell.

Question. Quite a large force?

Answer. Yes.

Question. Did you have anything to do with the selection of the force?

Answer. No.

Question. Did you ever see that force that Mr. Lancaster had here?

Answer. I saw some of them.

Question. Recognize any of them?

Answer. No; I did not know a solitary man about the premises.

Question. Do you think they were selected half and half according to politics?

Answer. I do not think they were; I have no idea they were.

Question. Did you ever see the Roll of them?

Answer. I have seen the Roll of some.

Question. Did you recognize on that any names of men you had helped to pardon out of State Prison?

Answer. No.

Question. Did you recognize on that Roll the name of any person who had been in the State Prison?

Answer. No; I knew nothing of the kind.

Question. You had nothing to do with making that Roll?

Answer. No.

Question. How large a Roll did you ever see submitted to you as

Lancaster's Roll of men who had possession of the corridors, rooms and passages in this Capitol?

Answer. I cannot say.

Question. How large a Roll should you think?

Answer. I have seen some Rolls of twenty, I should judge; nearly fifty or sixty for one or two nights.

Question. What were they submitted to you for?

Answer. For payment.

Question. Did you see that they were paid?

Answer. I took Mr. Lancaster's receipts.

Question. A portion, you say, of this one thousand dollars?

Answer. I do not say of that, because there were other moneys drawn, soon after.

Question. You say you have the Adjutant General's receipt for this one thousand dollars?

Answer. For a thousand dollars.

Question. Do you know whether the one thousand dollars drawn December twenty-fourth?

Answer. No, I cannot say.

Question. The receipt you had from the Adjutant General for one thousand dollars,—was that thousand dollars ever spent?

Answer. I suppose it was, or refunded to the Treasury?

Question. Which was it?

Answer. I cannot tell you.

Question. Don't you know that the Adjutant General, Leavitt, had one thousand dollars, and that he refunded that afterwards to the Treasury?

Answer. He refunded a thousand dollars. I do not know which thousand dollars it was.

Question. If that was this one thousand dollars, which was paid by you, on the receipt of the Adjutant General, to him, and he afterwards refunded it, it was not spent?

Answer. That particular, identical money, I do not suppose was; I cannot say.

Question. What was the call for drawing it?

Answer. For the payment of those men, and for expenses incurring from day to day.

Question. At the time when this money was drawn, had a single claim been presented to you or the Council, for any services which had been rendered, to call upon this appropriation for military purposes?

Answer. I think so.

Question. Where are they ; we do not find them?

Answer. I think they are in my possession.

Question. Did you carry away the vouchers, or was it your intention to leave them with Mr. Lancaster?

Answer. My intention was, to get the bills together and present them in proper shape.

Question. Why not present them as they came to you?

Answer. Because of the unusual excitement and condition of things at the time.

Question. That was the way this one thousand dollars was drawn?

Answer. Yes.

Question. Do you remember the way the summons upon which you came here, read?

Answer. No.

Question. Do you remember it was a summons to appear and produce all papers, documents, vouchers and receipts, and matters in any way relating either to the suppression or tampering or mutilation of returns, or to the expenditure of the money of the State, under the direction of the Governor and Council?

Answer. I did not pay any particular attention to the summons ; I was summoned to come here, and did not look at it.

Question. Have you brought any papers?

Answer. No.

Question. Any vouchers?

Answer. No.

Question. If this money was paid back, you would have no voucher for it excepting the receipt?

Answer. That is all.

Question. That is all you have got?

Answer. Yes. I have got the receipt of the Adjutant General, which he says, in his letter or receipt, I think, he has expended.

Question. Had you found out, at the time when this great excitement and apprehension came up, that the majority of the Senators and Members who had been counted in belonged to the Fusion party?

Answer. I am not aware of that matter.

Question. What did you think the excitement was about?

Answer. The excitement was on account of the claim that they were.

Question. The excitement was not raised by what is called the Fusion party,—a union of Democrats and Greenbackers?

Answer. I cannot say about that.

Question. Was it a matter of conjecture in your mind when this was all going on,—which side raised the excitement?

Answer. I know that the claim was made, in the early part of the fall, that a conspiracy had been entered into to count out certain members, certain parties. I suppose that state of things went along. From time to time parties were claiming that certain things were being done, which I knew, so far as I was concerned, to be absolutely false.

Question. When did you first hear this idea of conspiracy?

Answer. I think I happened to take up a paper somewhere, the Bangor Whig and Courier, it fell into my hands somewhere early, the first of October.

Question. Your recollection is different than it was Saturday, and you must have had an idea about the first of October that there was solicitude and a charge of conspiracy?

Answer. I saw the general statement; I did not suppose that condition of things existed.

Question. I am trying to give you a chance to reconcile your statement now of the extra excitement and need of your having an extra force and drawing money from the Treasury, with the statement the other day, that all through, up to very late in this matter, you did not know there was any stir about it?

Answer. I said the other day, and I say now, that I was not aware there was any very unusual excitement till November seventeenth, and on that day coming down on the cars I got hold of a "Portland Press" and a "Kennebec Journal," and I think I met Mr. Foster, who was on his way to Bath, and he handed me a "Bangor Whig and Courier," and before I had arrived here I had read those papers and I saw the indications of a very unusual and very great excitement. Then the fact that those gentlemen came in on that day in such numbers, and the character of the gentlemen who came, indicated to me there was a wonderful excitement.

Question. What do you mean by "the character of the gentlemen who came indicated there was a wonderful excitement?"

Answer. I mean that here were ex-Governors and Representatives to Congress, and Senators to Congress, a Committee of the State Committee, and numerous other gentlemen high in position in the State.

Question. Was it not a company of unusually distinguished men from the State of Maine?

Answer. I suppose they were as distinguished men as we have in the State.

Question. Were there not half a dozen ex-Governors?

Answer. It was said there were seven; I do not know; I saw one; two on the way up here.

Question. Were they not gentlemen of good character?

Answer. I am not discussing their character.

Question. There was no violence in that meeting?

Answer. I do not think there was.

Question. The only men who came to you were Messrs. Dingley, Lindsey and Emery?

Answer. That is all.

Question. Did not that great assemblage of distinguished persons melt away very quietly, pay their hotel bills, and go off?

Answer. I never was called upon to pay any of their bills.

Question. It was really a peaceful gathering and a peaceful dispersion?

Answer. I saw nothing different.

Question. Did you hear them called a mob?

Answer. No, I do not think I ever heard them called a mob. Newspapers get very singular statements of matters. The language which I used to Mr. Dingley in regard to the matter was this, not that the "mob" was applied to them, but "*I do not think I shall give these returns into the hands of a mob.*"

Question. You knew they represented a company of gentlemen at the Augusta House?

Answer. I did not at that particular moment. All I knew was, that they represented, as I was told, a Committee of Sixteen; and it was not till after I went out that I was aware there was such a gathering of people. When I used the term in that way, I did it, not as applicable to them, but as a general expression that I did not design to turn those returns over into the hands of anybody till such time as the Governor and Council had had time to examine them. There was nothing disrespectful to them, or anything of the kind in any remarks which passed between us. The statement which got into public print, was made by parties who overheard the conversation.

Question. What did you intend should be done with the arms and ammunition that came with them?

Answer. Simply to be here as matter of safety in case there should be any outbreak.

Question. Did you intend that they should be used in any way upon the citizens of the State, assembling?

Answer. Not at all; no such thought.

Question. Do you not know it is the custom of the people of the State, when the Legislature assembles, to appear in large numbers and through the Capitol?

Answer. I presume so.

Question. Did you not know that, at that time if you had in view an armed force here, there were Militia Companies easy of access, under the command of responsible men?

Answer. There was no armed force here; I did not deem there was any necessity for it.

Question. Then why bring the arms to the State House?

Answer. For the purpose of protecting the building from illegal interference.

Question. After those arms were introduced into this Capitol, with ammunition to be used with them, making them deadly weapons, did you take to yourself the care and responsibility to see that those arms were kept away from that force of men who were in and about the Capitol, or were they where that force could get at them?

Answer. I gave special orders to the Adjutant General and to the officers under him.

Question. What were those orders?

Answer. That those arms should be kept secreted in a room, and that nobody should have access to them excepting in case of necessity.

Question. Who was to be the judge?

Answer. I do not know that I can say positively who was to be judge. If a man undertakes to break into your house as a burglar, at dead of night, and you have arms in your possession you do not ask particularly who is to be the judge; you take the responsibility.

Question. Was not the judge of this necessity to be this very force that Mr. Lancaster had here?

Answer. No.

Question. Whom else could judge. Were you there?

Answer. No.

Question. Did you stay over night in the State House?

Answer. Not an hour.

Question. Who did stay there? Who was responsible?

Answer. Mr. Lancaster, till General Chamberlain was appointed; or rather till General Leavitt returned.

Question. Is Mr. Lancaster a military man?

Answer. No, but he had no charge of the arms.

Question. Who did have charge of those arms?

Answer. They were in the Adjutant General's department, and under his orders.

Question. Do you know that the Adjutant General took charge of those?

Answer. I understood so.

Question. After you had taken the responsibility to introduce those arms into the Capitol, and ammunition with them that would make them deadly weapons, did you ever take the pains to see how carefully guarded those arms were?

Answer. I took pains to see that those arms were not exposed.

Question. Do you know where they were kept?

Answer. I was informed that they were kept in a room in the basement, locked up under the Adjutant General's room.

Question. Did you ever give any orders for their being loaded ready for use?

Answer. No.

Question. Did you know of their being so loaded?

Answer. No, sir.

Question. Did you know that many of them were loaded and ready for use?

Answer. No.

Question. Do you know that, after the main part of them were taken away, some twenty of them were found in the basement loaded with rusty nails and slugs, and ready for immediate use?

Answer. No, sir.

Question. Did you never hear of that before?

Answer. No.

Question. Would you have ordered that to be done?

Answer. I think I would under certain circumstances.

Question. Were there any circumstances which arose that, in your judgment, would justify you in ordering those guns to be loaded with rusty nails and slugs, ready for use?

Answer. I cannot say that circumstances actually occurred, but there were circumstances which were so suspicious I have no doubt men would be justified in having weapons at their access.

Question. Provided it was done, who were to use those guns?

Answer. Whoever might be employed here.

Question. Was that Mr. Lancaster's Roll of men?

Answer. Mr. Lancaster had certain men, and the Adjutant General had certain men.

Question. Did the Adjutant General have any men of his own?

Answer. He had men here employed, of the police.

Question. Any military organization?

Answer. No.

Question. Upon whom were those to be used, if at all?

Answer. Upon any burglar who might come here to break into the building.

Question. Did it need a force of sixty or eighty men to prevent burglars breaking into the building?

Answer. It was my judgment that it did; I have no doubt there were more than a hundred some nights.

Question. To prevent burglars breaking in?

Answer. Burglars; and persons that were rioters, if you like that term better; or men who were disposed to get possession of the building unlawfully.

Question. Not that you discovered any attempt to take possession of the building?

Answer. I cannot say that any force came.

Question. Did any ever come so near the State House that you heard of his approach?

Question. I do not think there was any force came any nearer the State House at that time than when the Gatling gun was set in the building and the corridors were lined?

Question. That was under the law and the Constitution, calling out the Military?

Answer. I do not know about that.

Question. Why did not the law and the Constitution, which you had thought were governing you and the Council in these returns, apply when you were calling out men to dispel an insurrection?

Answer. I did not think that the necessity existed.

Question. You did think that the necessity existed for bringing guns here and your employing a force of a hundred men and having guns ready for use?

Answer. Yes, sir.

Question. You took upon yourself the responsibility of saying when they should be used?

Answer. I do not say that; I took the responsibility of giving orders to the proper officer.

Question. In writing?

Answer. I do not think I gave any in writing.

Question. To whom did you give those orders to use those arms if it became necessary?

Answer. The first order I gave to the Superintendent of Public Buildings that, if the building was attacked, to defend it.

Question. What orders did you give to the Adjutant General?

Answer. Afterwards, I gave orders to him to see that measures were taken to protect the building.

Question. I find, December thirty-first, report of Committee on Warrants, in which the Governor is advised “to draw his warrant in favor of S. D. Leavitt, Adjutant General, for the sum of \$1000 from the Appropriation for Military Purposes, for the protection of public buildings.” This “was read and accepted by the Council, and by the Governor approved.” Did you approve of that order?

Answer. Yes, sir.

Question. What was that drawn for?

Answer. For the purpose stated.

Question. What is your construction? How was it to be used for the protection of public buildings?

Answer. Payment of the men who were required to guard the building.

Question. The same as the other?

Answer. Yes.

Question. For the men who were employed around here?

Answer. Yes, sir.

Question. Did you ever present any voucher for that?

Answer. No, sir.

Question. What became of the money?

Answer. It was paid out, I supposed.

Question. Paid out by whom?

Answer. By General Leavitt; that is, I cannot say which of the one thousand dollars was returned into the Treasury; but *one* one thousand dollars he paid out. Of the two one thousand dollars put in his hands, one one thousand dollars he returned into the Treasury,

and the other one thousand dollars was paid on the Pay Roll for police force or to men who were employed.

Question. I read you, accompanying this report, the following: “*Received of S. D. Leavitt, late Adjutant General, one thousand dollars, it being for money drawn on warrant No. 985 and charged to Military Purposes, January 7, 1880, and now refunded as not expended. S. A. Holbrook, Treasurer.*” That is dated February eighteenth, eighteen hundred and eighty?

Answer. Yes.

Question. That must be the one thousand dollars that was paid to Leavitt, and by him returned?

Answer. There was one thousand dollars returned.

Question. At the time when you drew this order for Mr. Leavitt for the protection of public property, had he made any application to you, stating there was a need of one thousand dollars for the purpose you have indicated?

Answer. I cannot say whether made to me or the Council; I do not remember.

Question. If there had been an application for this, and the need of it stated, would not it, as is customary in such cases, have appeared in the report in the form of a request by him?

Answer. I cannot say. The order was drawn by a member of the Council.

Question. Don't you remember that General Leavitt called for this one thousand dollars or stated, the need of it?

Answer. I do not remember.

Question. Don't you remember that he never did call for it?

Answer. I do not.

Question. Would you have approved a warrant for drawing one thousand dollars from the Treasury without knowing whether it was needed?

Answer. I did not approve it without knowing it was needed. I knew it was needed.

Question. Did you know it because General Leavitt, in whose favor it was drawn and who afterwards returned it, had made application for it?

Answer. I knew the money was drawn for the payment of these police.

Question. He returned the money?

Answer. Yes, because I paid him one thousand dollars which was not used.

Question. You never paid him but one one thousand dollars?

Answer. No. That he paid on the Pay Roll.

Question. That was this one thousand dollars?

Answer. I do not know.

Question. Evidently there was one thousand dollars returned?

Answer. Yes.

Question. On the back of this warrant which was drawn for Leavitt on December thirty-first, and approved by you, is the receipt of the present Treasurer. That money Leavitt never used, and returned. Now I ask you what reason had you for drawing that money out of the Treasury if it was afterwards returned and never used?

Answer. For the payment of money which was supposed to be necessary to pay the bills.

Question. Did General Leavitt believe it was necessary?

Answer. I do not know whether he did or not. The Council believed it.

Question. Was it customary to draw a warrant and force it on a man?

Answer. No, not ordinarily, but under the circumstances it was necessary to have certain funds to pay certain bills.

Question. Why is it that General Leavitt, in whose favor this order was drawn, does not appear as requesting that it be drawn, but does appear as paying it back?

Answer. All the explanation I can give of it is, that there was a certain portion of the police force employed under General Leavitt's immediate orders, and the bills must be paid, and I transferred one thousand dollars to him out of the money which I drew; I cannot say which thousand dollars it was; I have no means of knowing.

Question. If General Leavitt, for this force, needed one thousand dollars, who would so naturally give the request and have it filed with the papers?

Answer. All I can say is, that the circumstances were of an unusual nature, and the money was drawn for the purpose of paying those bills which were incurred in an unusual way.

Question. Were they of such an unusual nature that General Leavitt had one thousand dollars forced on to him, which he afterwards returned, without his requesting it to be drawn? Were you so anxious to draw money as that?

Answer. I was anxious to have the bills paid.

Question. The bills did not seem to have been paid; the money was paid back?

Answer. There was more money drawn than was necessary.

Question. And done without any request of the Adjutant General?

Answer. Yes.

Question. Was it not a fact, that at that time your term of office was running out, and here was this money unexpended, and you thought best to draw the money, and get it in your hands?

Answer. No; that was not the fact. It was simply to have the money in hand to be able to pay the bills.

Question. Had any Roll been submitted at that time?

Answer. By General Leavitt?

Question. Yes.

Answer. I do not know whether there had by him. He was absent before that time. These bills had been accruing from day to day.

Question. When you had drawn one thousand dollars on December twenty-fourth, did you need another one thousand dollars on December thirty-first?

Answer. The bills were of a much larger amount, I think.

Question. More than one thousand dollars during that week?

Answer. I think so.

Question. What had that one thousand dollars been spent for that week?

Answer. The bills amounted to more than that, and various other purposes; there were contingent expenses.

Question. What were those contingent expenses for; what was the purpose?

Answer. Detectives.

Question. What did you have detectives for?

Answer. To ascertain what the condition of things was.

Question. The condition of affairs throughout the State?

Answer. Yes.

Question. What did you want to know?

Answer. To know to what extent there was danger in the reports.

Question. Danger of what?

Answer. Of an attack on the State House.

Question. Did you have any reports from detectives that there was danger of armed men attacking the State House?

Answer. Yes.

Question. Whom did you have that from?

Answer. Those are privileged matters.

Question. You decline to state where you got any information that you received that armed men were about to make an attack on the State House?

Answer. I had information from various sources that there were men drilling; I had an intimation that one night a company of armed men had left a certain town.

Question. December thirty-first?

Answer. About that time.

Question. What town was that?

Answer. In the eastern part of the State.

Question. What name?

Answer. Dexter, or one of those towns.

Question. A regular Military Company?

Answer. Yes, sir.

Question. Under whose command was the company?

Answer. I cannot tell.

Question. Under whose command is a regular Military Company?

Answer. Under command of the Captain.

Question. Who does the Captain report to?

Answer. I do not know.

Question. Who is the Commander-in-Chief of the Military of the State of Maine?

Answer. The Governor, for the time being.

Question. Is not the Military under the control and command of the Governor?

Answer. Yes.

Question. Did you need a detective to go to Dexter to see whether a Military Company was training?

Answer. It was necessary to look after those things.

Question. Did you have any reason to believe from any disobedience from them that they were not ready to obey the orders of the constituted authority?

Answer. I had good reason to believe that a very considerable portion of the Military was not disposed to obey the Governor.

Question. Did you have any occasion to distrust them?

Answer. No.

Question. You never gave an order to them that was disobeyed?

Answer. No.

Question. During the time you were Governor, up to the time you left the office, was a single order that you issued to the Military of Maine, disobeyed?

Answer. I never issued any order.

Question. Was not every order you ever issued to the Military or Military Officers, promptly responded to?

Answer. I never issued any to any Military Officer excepting to a gentleman at Bangor.

Question. Was not that order promptly obeyed?

Answer. Yes, sir.

Question. Was not your order to General Chamberlain promptly obeyed?

Answer. Yes.

Answer. Did you ever have any reason to distrust, by any order disobeyed, the Military of the State of Maine?

Answer. I never gave them any order.

Question. You had no reason to distrust them?

Answer. Not on that account.

Question. Where are the bills of the detectives?

Answer. In my possession.

Question. Why have you not produced them?

Answer. Because, I did not regard it as a matter of public notoriety.

Question. Were you acting as an individual, or the Governor of the State of Maine?

Answer. Governor of the State of Maine.

Question. What do you mean by saying that bills for detectives employed by the Governor, are not things of public concern?

Answer. There are matters which I regard as not proper matters of public notoriety.

Question. Do you think you had a right to draw a single dollar of the money of the State without showing vouchers for its use and expenditure?

Answer. No.

Question. Is not there a private Contingent Fund, that the Governor and Council have for emergency?

Answer. Yes.

Question. Do you think you had any right whatever to draw a dollar from any other appropriation and appropriate it so that the people may never know how it was expended, which payment you say you have vouchers for and decline to show?

Answer. I have vouchers which I propose to show for all the expenditures I have made.

Question. You are proposing to show them?

Answer. Certainly.

Question. You propose to show the detective vouchers?

Answer. I proposed to show all the vouchers that were proper vouchers for the public expenditure.

Question. You propose to show vouchers for every dollar that has come into your hands?

Answer. Yes, sir.

Question. Have you got any of them here?

Answer. I believe I may have General Leavitt's, but I think not.

Question. Did not you suppose and expect, and was it not intimated the other night, when we adjourned, that we should take up the financial side of this question?

Answer. Yes; but I have not had any opportunity since I went home to give my attention to it. I was called out immediately after I got home; a messenger was at the door.

Question. How lately have you received any of those vouchers?

Answer. I cannot say; but several weeks.

Question. Why have they not been filed?

Answer. There were certain expenditures in the hands of certain gentlemen who have not made a return to me of their expenditures and therefore there are a few of those bills, amounting to a few hundred dollars.

Question. What is the nature of those expenditures?

Answer. For the general expenditures.

Question. Such as what?

Answer. I do not know what the precise expenditures were; they are for personal expenses and for teams and messengers and various expenses.

Question. Up to the time when you ceased to be Governor?

Answer. Yes; and several bills of my personal Staff which have not been paid; Major Belcher's, and several others.

Question. You knew when this Committee was created?

Answer. No, sir.

Question. Did you not know the purpose for which it was created?

Answer. No; I must confess my ignorance, I did not know that this Committee was in existence.

Question. Not till you were summoned?

Answer. Till I received an invitation in the first place to come before the Committee. I was very busy for two or three days and in the mean time I received a summons.

Question. Up to that time you did not know from the papers that any investigation was going on?

Answer. No, and I did not notice anything about the proceedings of the Legislature.

Question. You did not notice anything about the proceedings of the Legislature; did not know what was going on?

Answer. No.

Question. After your term of office expired, and you went out, you ceased to read anything in reference to the proceedings at Augusta?

Answer. Yes, sir. I did not know there was any Committee appointed, or any order for it.

Question. When did you propose, in these matters still out, to get your vouchers so your account could be settled with the State?

Answer. As soon as I could get at the several gentlemen.

Question. Have you made efforts to get at them?

Answer. No, sir.

Question. How did you suppose you could get at them if you made no effort?

Answer. As soon as I got over certain matters I was very busy about, I should be able to see them and get matters arranged.

Question. Should anything be any more important to you, that you might put your vouchers in and settle your accounts with the State Treasurer, and stand square, and be relieved of the charge that you had public money in your hands?

Answer. I did not think several weeks could make any difference.

Question. It is now ten or eleven weeks since you ceased to be Governor?

Answer. I suppose so.

Question. You have made no effort to get any of those vouchers?

Answer. No, no special effort.

Question. Have you got vouchers to a considerable extent, covering the moneys you have received from the Treasury?

Answer. I will state as near as I can. I have vouchers for one thousand dollars for Mr. Leavitt.

Question. That takes care of itself?

Answer. Yes, sir; and vouchers I have from Mr. Lancaster

amount to about somewhere from two thousand to twenty-five hundred dollars.

Question. There was only one thousand dollars that went to Leavitt?

Answer. No; and I have vouchers for somewhere in the neighborhood of seven hundred or eight hundred dollars, I cannot tell the precise amount, from several gentlemen who were connected with the Adjutant General's department.

Question. Was there a one thousand dollars paid to Leavitt besides the one thousand dollars he returned?

Answer. Yes; not paid to Leavitt, but one thousand dollars paid on a Pay-Roll.

Question. There was only one thousand dollars paid to Leavitt?

Answer. Of the five thousand dollars which I drew there was one thousand paid to him, and that left four thousand in my hands, and, of that amount, I have the impression about twenty-two hundred or twenty-three hundred dollars I have Lancaster's receipts for. And Major Folsom and various gentlemen connected with the department—I have their receipts for about seven hundred or eight hundred dollars; and I think some five hundred dollars that was paid to various gentlemen for contingent purposes, and those bills are the ones I have not received as yet. Then there was somewhere in the neighborhood of five hundred or six hundred dollars for contingent expenses which I have not got the bills for, but which I shall be able to furnish at a reasonable time, and I judge I have about three hundred or four hundred dollars still in my hands.

Question. On the thirty-first day of December, eighteen hundred and seventy-nine, I find another report of Committee on Warrants, signed by S. S. Brown, Chairman, in which the Governor "*is advised to draw his warrant on the Treasurer in favor of Alonzo Garcelon for the sum of \$4,000 from the Appropriation for Free High Schools?*"

Answer. Yes, sir.

Question. What was that money drawn for?

Answer. That was drawn for the same purpose.

Question. What purpose?

Answer. For the purpose of paying the men and protecting the property of the State.

Question. Had the Free High School anything to do with the police?

Answer. No; but it was necessary to have the money, and the

practice has been, I think, invariably, to draw money for special purposes from any unexpended appropriation.

Question. Did you know of any instance where a High School Fund or any School Fund, or any fund of the kind, for a special purpose, had been drawn upon for any such purpose as you drew this for?

Answer. Yes; I think there were quite a number of warrants drawn from the various appropriations, to pay certain bills, where there were unexpended balances.

Question. Before you did this, did you look and find any precedent, and, if so, will you state it?

Answer. I cannot say that I looked particularly at that time, but the general fact I think you will find in looking over the various appropriations, not only this year but previous years, that warrants have been drawn on various funds to pay the bills.

Question. The same day you drew one thousand dollars from the appropriation for Military Purposes, for the police force, you drew four thousand dollars from the Free High School Fund for the same purpose?

Answer. Yes, sir.

Question. Did you at that time, before you did that, consult authorities or look up any precedent that indicated that such a thing had been done before?

Answer. I do not think I looked at that particular time, or any of the Council; but I am very sure that has been done, and had the impression then; I know Mr. Foster, who was President of the Senate a few years ago, and who is regarded as a very good business man, thought it proper, and in several instances during the year, when bills came up to be paid, as for instance the printing bills, and various bills where the law required, as for instance, Fish Commissioners,—that their salary should be paid, and there was no appropriation made, warrants were drawn upon those unexpended appropriations.

Question. Did you think that the emergency was sufficient on the thirty-first of December, when you had just drawn one thousand dollars, for you to go to the Free High School Fund, and take four thousand dollars from that?

Answer. I thought that the emergency was very great, and it was necessary there should be funds in the hands of the Governor and Council to meet certain bills to protect the State property.

Question. Was there to be any end of this, as to the public exigency, or did you propose to look over and draw from every fund that had not been exhausted?

Answer. That was supposed to be sufficient to carry the State Government through to the close of the year.

Question. You had not had a voucher put in for the first thousand dollars,—for the one thousand dollars that Leavitt had?

Answer. No.

Question. You did not have a voucher put in for the one thousand dollars you drew on December thirty-first?

Answer. No, sir.

Question. You did not have a voucher put in for this four thousand dollars?

Answer. No.

Question. Making in all seven thousand dollars?

Answer. No, I think not. Four thousand dollars, and the other two one thousand made six thousand dollars.

Question. You did not have a voucher for a dollar of it?

Answer. No, sir.

Question. There was nothing put in before the Council indicating the purpose?

Answer. The Council were aware of the purpose, and it was at their suggestion the money was drawn.

Question. On the thirty-first of December what condition of things was there which justified you, after exhausting the appropriation for Military purposes, and the Contingent Fund of the Council, in turning upon the Free High School Fund, and drawing on that?

Answer. The high state of public excitement is all.

Question. A week had elapsed since you drew the first; had there been any attack?

Answer. No, sir.

Question. Any violence?

Answer. There were indications; the atmosphere was rife.

Question. Had you heard of anybody being molested?

Answer. No.

Question. You had got the guns here?

Answer. I think they were here.

Question. In the Capitol?

Answer. I do not remember the day they came.

Question. Men were engaged from day to day, according to the supposed exigencies?

Answer. Yes.

Question. You had drawn those warrants before?

Answer. There was six thousand dollars drawn; one thousand dollars of which was refunded by Mr. Leavitt.

Question. Six thousand dollars in all?

Answer. Yes.

Question. Without a voucher for a dollar?

Answer. Yes.

Question. And the only reason you can give is that the state of public excitement was such?

Answer. Precisely.

Question. Did any lawyer tell you, you were authorized to draw on this Free High School Fund?

Answer. I did not consult any lawyer.

Question. Anybody in the Council advise you to do that?

Answer. Yes, sir.

Question. That was their judgment?

Answer. Yes.

Question. Did you draw any other money at that time?

Answer. I think not; I cannot say positive. I presume there were other moneys drawn.

Question. I find the same date, December thirty-first, a report of the Committee on Warrants, advising the Governor to draw his warrant on the Treasurer of State in favor of Alonzo Garcelon for another sum of one thousand dollars, from the appropriation for the Contingent Fund of the Governor and Council, the same being for expense incurred for counsel fees and professional services for the State. Was that money drawn?

Answer. Yes, sir.

Question. That wound out the Contingent Fund?

Answer. I cannot say.

Question. You had exhausted the Military Fund?

Answer. Yes.

Question. Then you went to the Free High School Fund?

Answer. Yes, for the purpose stated.

Question. This warrant was drawn to pay bills which had been incurred. Did you put any vouchers in?

Answer. No.

Question. Had you incurred any bills?

Answer. Yes.

Question. This does not say to be incurred, but "incurred?"

Answer. That was to pay the expense incurred in what is termed the Mandamus Case.

Question. Who was counsel?

Answer. Mr. Gould.

Question. Whom else?

Answer. Mr. Bradbury was consulted, and Mr. Webster, and several other gentlemen.

Question. That is quite a warrant, one thousand dollars, and the expense had already been incurred. Did you submit any claim to the Council?

Answer. The claim was understood to be that.

Question. As a customary thing, where a lawyer has been employed by the State and claims one thousand dollars, does he not present some bill of items?

Answer. I presume so.

Question. Were not those gentlemen all in the State? Mr. Gould is easy of access by telegraph?

Answer. Yes.

Question. Mr. Bradbury lives in Portland?

Answer. Yes, sir.

Question. Mr. Webster lives a few hours above here, on the river?

Answer. Yes.

Question. Did any of them ever put in a bill?

Answer. Yes.

Question. Has it been filed?

Answer. No. Mr. Gould drew five hundred dollars.

Question. From whom?

Answer. From me.

Question. You paid him?

Answer. Yes.

Question. When did you pay Mr. Gould five hundred dollars?

Answer. I cannot say. When did the mandamus case occur?

Question. About the twelfth of December. Did you pay him five hundred dollars then?

Answer. I paid him five hundred dollars on account then.

Question. On account?

Answer. Yes.

Question. How much more did you pay him?

Answer. I have not got his account in detail.

Question. How much more have you paid him?

Answer. I have not paid him anything more.

Question. Did you take a receipt from him?

Answer. I took a receipt.

Question. For so much money on account?

Answer. I think so.

Question. Had he any other account against the State at that time?

Answer. I am not aware that he had.

Question. Why did you not call on the Attorney General?

Answer. I did, but it was the advice of the Council that Mr. Gould should be employed.

Question. With the Attorney General?

Answer. Yes.

Question. Why?

Answer. I do not know.

Question. Had they not confidence in the Attorney General?

Answer. I presume so.

Question. Is it not the duty of the Attorney General to attend to matters in which the State and Departments of State are interested?

Answer. I suppose so, generally.

Question. Was there any reason why you should call on Mr. Gould?

Answer. I am inclined to think there might be. Doubtless a reason did exist in the minds of the Council.

Question. Was it not a fact that Mr. Gould acted as counsel for you in other matters beside the Mandamus Case?

Answer. Yes; Mr. Gould had been consulted several times.

Question. Did you not consult with him about the Questions you were to draw?

Answer. That was a long time after.

Question. Not a long time after December thirty-first?

Answer. About that time, because the Questions were not submitted to the Court till the twenty-sixth of December.

Question. This is the thirty-first?

Answer. Morrill's letter was not received by me till about that time.

Question. Had not the Questions been drawn up, under Mr. Gould's inspection, or by him, before December thirty-first, when this money was drawn?

Answer. No.

Question. When were the Questions submitted to the Supreme Court?

Answer. About that time; I do not know whether the twenty-eighth, twenty-ninth, or thirtieth.

Question. The Opinion of the Court was received on Saturday, the third of January?

Answer. I did not receive the Opinion till Monday, the fifth.

Question. It was reported by telegram from Bangor. The Judges broke up on the evening of the third; so it was only three days after this that the Judges had met?

Answer. I do not know anything about the dispatches.

Question. In drawing up the Questions, was not Mr. Gould employed by you as counsel?

Answer. He was employed by me as counsel.

Question. What did you do with the other five hundred dollars?

Answer. There were other contingent expenses that accrued in the case.

Question. "*The same being for expense incurred for counsel fees and professional services for the State;*" this warrant is limited to expense incurred. To what other party beside Mr. Gould did you pay any money for counsel fees and professional services?

Answer. I have not paid any fees as yet to any other party for professional services; but the Attorney General informed me,—at least, I have a letter in regard to certain matters,—that he did not consider it his duty to attend to certain matters,—and indicated, at least, I understood him to say, he would expect pay.

Question. You have drawn here one thousand dollars for professional services and counsel fees for the State, a clear limitation of its use. Have you paid out any more than five hundred dollars for that purpose?

Answer. I have paid only the five hundred dollars for that special purpose, although Mr. Gould said he would furnish me his bill in detail, and the account.

Question. Why did you draw him any more than you were to pay him at that time?

Answer. I did not know what his bill would be.

Question. Why did you not, when you paid him five hundred dollars, return the rest of the money to the Treasury, as Mr. Leavitt did?

Answer. Of course, there were some other bills to be paid.

Question. Such as what?

Answer. For professional services.

Question. Of whom?

Answer. Several parties whom I had consulted.

Question. Had any of them ever presented a bill?

Answer. No, because at that time everything was in a state of excitement.

Question. Had you ever sent for anybody and consulted him formally, as counsel, beside Mr. Gould?

Answer. Yes.

Question. Had retained and considered them as paid counsel?

Answer. Yes.

Question. Whom did you consider paid counsel of the State beside Mr. Gould?

Answer. I considered Mr. Bradbury.

Question. Have you ever paid him anything?

Answer. No, sir.

Question. Has he ever presented a bill?

Answer. No.

Question. Whom else?

Answer. I consulted a gentleman in Massachusetts.

Question. Who was that, Mr. Paine?

Answer. No; I forget his name now. Yes, two gentlemen I consulted in Massachusetts; one in Cambridge and one in Salem.

Question. About what?

Answer. About these matters, generally.

Question. Such as what matters?

Answer. In regard to our whole transactions here; in regard to the Mandamus Case, and various other matters.

Question. What did you consult them about if Mr. Gould was employed?

Answer. Mr. Gould had authority to consult other parties, and take such counsel as he saw fit; I wanted to get as good counsel as I could.

Question. Did you consult them formally, and retain them and consider yourself as bound to pay them?

Answer. I am not familiar with your law business; I did it the same as I would consult in my own private affairs.

Question. Did you expect to pay them?

Answer. Yes.

Question. Have they presented their bill?

Answer. No.

Question. Have they, in any way, intimated they would charge anything?

Answer. I have that intimation.

Question. From whom?

Answer. From those parties.

Question. Do you remember the names?

Answer. Mr. Bradbury I expect to be paid.

Question. Massachusetts gentlemen?

Answer. I am not sure whether they would or not, but I feel myself under obligation to pay them.

Question. Mr. Northern of Salem?

Answer. Yes; I had quite a number of communications from him.

Question. Was he one of the gentlemen you consulted as a lawyer?

Answer. Yes, sir.

Question. Is he the gentleman you referred to in Salem?

Answer. Yes.

Question. He is one of the gentlemen you suppose has an outstanding claim for legal counsel in the State of Maine?

Answer. Yes, sir.

Question. You consider the State under obligation to pay him?

Answer. Yes; and I have made arrangements to meet him.

Question. William D. Northern?

Answer. I think so.

Question. Did you know him before?

Answer. No, sir.

Question. Is he a man of great reputation as a lawyer?

Answer. I think so.

Question. One of the best?

Answer. I think so.

Question. You wanted to be supported by law outside of our own Bar?

Answer. I am not sure that he will charge me anything, but I supposed it was proper he should have pay for his services.

Question. What do you think would be his reply if anybody should write him asking if he had a bill against the State of Maine?

Answer. I do not know.

Question. Who was the Cambridge man you consulted?

Answer. A friend of mine.

Question. If he is a friend, you know him?

Answer. Yes.

Question. Naturally, a member of the profession, whom you consulted on a matter of this magnitude, would be pleased to have you state?

Answer. The gentleman I consulted was Mr. Woodman of Cambridge; he is not distinguished; he is not in business, but he is a man who is well informed.

Question. Is he a lawyer?

Answer. He was by profession, but I do not think he would expect any pay; and I do not know that Mr. Northern would, but I feel myself under obligation to pay him.

Question. You had consulted them before you drew this one thousand dollars. Is their bill a part of the one thousand dollars?

Answer. I have said to you that the five hundred dollars is all I have paid out on that one thousand. There are some bills I supposed it was proper to pay, which I proposed to see the gentlemen about first and have conversation with them; I hold the balance to be returned as soon as I can see those gentlemen and have an understanding with them?

Question. How long would you think you ought to hold this to see whether those men had any claim on it?

Answer. I have been in communication with those gentlemen, and I have expected to see them every day for the last fortnight; but I have been so situated I could not leave; the last week I have been tied up.

Question. Have any gentlemen in the State of Maine you consulted with, sent in a bill?

Answer. No, sir.

Question. Did you consult anybody in Boston?

Answer. No.

Question. Any other man in Massachusetts?

Answer. No.

Question. What is Woodman's name?

Answer. Cyrus W. Woodman.

Question. You have got five hundred dollars?

Answer. Yes; that is in my possession.

Question. That has not been paid out?

Answer. No.

Question. If these gentlemen have got any bills, they have got bills against the State of Maine?

Answer. Yes.

Question. You are acting for the State of Maine?

Answer. Yes.

Question. The State of Maine is good for its bills?

Answer. Yes.

Question. Where bills or claims go over from one administration to the other, it is not usual for an outgoing official to think he is responsible for the payment of money that the State owes?

Answer. The condition of things was such that it was deemed advisable that those bills should be provided for.

Question. When a State is solvent and pays all its bills, it is not customary for an officer, when his term of office expires and he goes out, to consider himself personally holden for the State bills and to hold on to the money to pay them?

Answer. Under ordinary circumstances it is not.

Question. "Ordinary circumstances," so far as the solvency of the State, is not changed. The State is as solvent to pay its bills, as under your administration?

Answer. I suppose so.

Question. There did not seem to be any special reason why money, due any person from the State, should be held by an outgoing official for the State?

Answer. I think so.

Question. What right have you to hold on to money to pay bills that are due. The Treasurer is the proper person to hold the money?

Answer. The Treasurer is not holden for those bills.

Question. According to your rule, it would be perfectly proper for the Secretary of State to hold on to money after his term had expired, to pay for things which he had contracted for before?

Answer. I do not know.

Question. Or it would be proper for the Council to hold on to money to pay for things which they might be liable for?

Answer. I suppose so, if there were any circumstances that they could not get their vouchers for a while.

Question. Do you think that good practice for an outgoing Governor to hold on to money in that way?

Answer. Ordinarily not. There is a question as to the precise condition in which our State government exists, and that question has been one which renders a matter of delay proper.

Question. Have you ever had occasion to question the responsibility and solvency of the present State Government?

Answer. I have not had any knowledge of the condition of the present State Government.

Question. It has entire possession of all the offices of the State, and its resources?

Answer. I presume so.

Question. And has a Legislature regularly running, consisting of members of all parties?

Answer. I suppose so, although I have not inquired into it.

Question. Passing laws every day?

Answer. I suppose so.

Question. Raising taxes and laying them on the people?

Answer. I suppose they are trying to do that.

Question. Providing revenue for the maintenance of the Government?

Answer. I presume so.

Question. And as bills and claims come in it is paying them?

Answer. I think likely.

Question. And is capable of settling with old officers, and discharging all debts?

Answer. I do not know how that is; I have not looked into it.

Question. You say it has been the practice before, when all legitimate funds and appropriations had been exhausted, to draw upon other funds?

Answer. I think that has been a very common practice.

Question. I want you to name a single case in which that has been done?

Answer. I do not know that I can, but I know it has been done.

Question. Did you ever know before of any instance where any such sum of money as this, in three cases one thousand dollars each, and in another four thousand dollars, was drawn from the State Treasury by the Chief Magistrate, without any vouchers?

Answer. I cannot say how that may be. Yes, I can.

Question. Where is that?

Answer. In eighteen hundred and seventy-six the Governor and Council for the time being drew the sum of two thousand dollars

from the Treasury for expenses in attending the Centennial, and no vouchers, up to the time of the close of our administration, were in the hands of the Secretary, or to be found anywhere.

Question. That was a special appropriation for the expense of the Governor and Staff to the Centennial Exposition?

Answer. I suppose so.

Question. It was a distinct appropriation made for that distinctive purpose?

Answer. Yes.

Question. It was an appropriation made before the Centennial?

Answer. I presume so; I do not know.

Question. Was not this money drawn for that specific object, which had to be accomplished before the trip was taken?

Answer. Certainly.

Question. And, did he not afterwards, when the trip was over, and the bills paid up, at once pay back into the Treasury the balance in his hands, five hundred eighty-two dollars and nineteen cents?

Answer. I am not aware of that fact.

Question. That is the fact, and the record so shows, and I am glad you mentioned that.

Answer. There was not a voucher filed.

Question. No voucher could be filed at that time?

Answer. No, and no vouchers could be filed under the excitement here.

Question. What was the reason why, on December thirty-first, if the Roll had been running on for weeks, you could not have filed a voucher for what expense had already incurred?

Answer. Because of the great excitement which rendered it impossible.

Question. Was the excitement such that the men could not sign the Roll?

Answer. I suppose they could have done so, but the state of things about the Executive Chamber and about the building was such that those bills could not be seen to.

Question. What was the special pressure on December thirty-first?

Answer. If you were not here you do not know.

Question. I was here a little after; and I certainly did not see any reason why, if Tom, Dick or Harry, on this Roll, had a claim for fifteen or twenty dollars they were so excited they could not sign their name?

Answer. I presume they could ; but we were not in a condition to get at those bills.

Question. Was not Dr. Lancaster paying them off?

Answer. Yes, for extra help he would come in and I would pay him and take his receipt.

Question. Did it require very much time to put those vouchers together and see how much they amounted to on December thirty-first, and to file them?

Answer. I wanted to have them all together. And you know the condition of things on that week, and on the eighth of January ; no chance to do any business or find anybody.

Question. You could do business enough to go to the Council and have a warrant drawn, and you receive seven thousand dollars?

Answer. Yes ; one thousand dollars was drawn for the purpose of expenses for counsel and professional services, and the other was drawn in the manner I have stated.

Question. If the excitement was such, how could you do this business in the way of drawing money out of the Treasury, but could not find time to show the vouchers?

Answer. It is a very easy matter to make these things appear all very fine when the excitement has all passed away, but when you are surrounded, as we were at that time, having all the people of the community at your ears, it was no easy matter to adjust those bills.

Question. Here is another report of Committee on Warrants, S. S. Brown, chairman, dated "Dec. 31, 1879," advising the Governor to draw his warrant on the Treasurer of State in favor of A. J. Cameron, for the sum of two thousand five hundred dollars, which is struck out, and two thousand dollars interlined, from the Appropriation for "Binding and Stitching ;" that is struck out, and "Free High School" substituted, "the same being on account for stitching and binding now in his hands, approved by the Governor." Do you remember about that?

Answer. Yes.

Question. Drawn the same day?

Answer. I do not remember, but I guess it was.

Question. What was the condition of public excitement that required he should receive that two thousand dollars?

Answer. He came in, desiring, very much, some money to pay certain bills.

Question. To pay certain bills?

Answer. Yes, in payment for certain bills, that he was very much pressed and needed especially the money, that the work was all in progress and that his bill would amount to very much more. Before I knew anything about it the Council had decided to draw—I do not remember the amount of his bill, but he wanted enough to square the job which he was upon, or at least the amount of binding and stitching, and represented the amount to be considerably larger. I objected to drawing him so large an amount; I was opposed to drawing any amount further than his work had progressed; but, on the representations made as to the urgencies of the case, consented to draw. I suppose that is the reason of the twenty-five hundred dollars being struck out.

Question. Did you not know that Cameron had settled his account and received payment for every dollar of work he had done, and that the Appropriation for Binding and Stitching was exhausted?

Answer. No; I did not know but the appropriation was exhausted; I was not aware he had settled his bill.

Question. He has so testified?

Answer. I did not know it.

Question. Were you aware that when this report was first drawn, it was drawn upon the Appropriation for Binding and Stitching, that a warrant was made out, and that Cameron took it to the Treasurer's office, and the Treasurer told him he could not get any money, for that appropriation had been exhausted and he had settled his account, and that Cameron went back to the Council and it was changed and made two thousand dollars, to be drawn from the Free High School Fund?

Answer. Yes, I think so.

Question. Purely for advance work, none of which was done?

Answer. I did not so understand it, that it was for advance work.

Question. Did you know that no voucher whatever was presented?

Answer. It was drawn on account as I understand.

Question. He had just settled his account?

Answer. He had a contract.

Question. Did you not know that his appropriation was exhausted, every dollar of it?

Answer. No.

Question. And that this was a request on his part to be paid in advance so much money because it would be handy for him to have it?

Answer. No ; I did not know it was paid in advance.

Question. Don't you know it was paid precisely as the four thousand dollars was drawn, to cover anything that might come up afterwards?

Answer. No ; I understood the fact to be that he had a bona fide account.

Question. And a bill then due?

Answer. No, but for work in progress.

Question. Did you not know that he had settled up and got his pay—every dollar?

Answer. No, sir.

Question. Did you not know that the fund for binding and stitching was exhausted?

Answer. Yes, sir.

Question. Did you think you had any right to pay him in advance two thousand dollars from the Free High School Fund?

Answer. That was the judgment of the Council.

Question. Was there anything that could have come up by way of possible need that you wouldn't thought advisable to have taken out of that High School Fund?

Answer. There was that amount of money unexpended. It was not known at the time what the amount of demand would be upon it. After the bills were settled it was found there was quite an amount that would not be used.

Question. So you drew upon it?

Answer. We drew upon it for various purposes rather than to have a deficiency account to go over.

Question. Don't you know that two thousand dollars was paid outright to him, he stating he needed it and wanted to be sure of getting it?

Answer. I did not know that.

Question. I put in report of Committee on Warrants, dated "Dec. 27, 1879," advising the Governor to draw his warrant on the Treasurer of State in favor of E. F. Pillsbury and Company, for the sum of two thousand dollars, from the Appropriation for State Printing, the same being on account for State Printing, upon which warrant "945" is drawn. There is no voucher or account appearing with that. Do you remember anything about it?

Answer. I know there was some money drawn for Mr. Pillsbury on account ; I do not remember particularly about that warrant.

Question. What was the course of proceeding in drawing warrants and paying money to contractors with the State, who had running and existing contracts; as a contractor would do work what would he present?

Answer. Sometimes he would come in and get money on account of certain work, and, when the work was completed, he would have the balance of the money drawn in full.

Question. But from time to time as he drew payments upon which reports and warrants were drawn, what would he file as a voucher that he had done the work, or was entitled to pay, as he went along?

Answer. File his account I suppose.

Question. I so find before, in other accounts of the printing, sometimes a receipt and sometimes an account presenting a bill of items; but in this case I find no voucher and no receipt?

Answer. Mr. Waterhouse came in, I recollect, and was anxious to have some money for a specific purpose of payment, and assured us that his account was very much larger; that there was a certain amount of work he had got nearly completed and he was anxious for the money, to pay certain bills, and the Council decided to let him have that amount; I thought it reasonable and approved the warrant.

Question. Do you not know that three days after this Mr. Pillsbury put in his account in items for fourteen hundred ninety-eight dollars and one cent, and that account was settled and paid?

Answer. I do not remember about that transaction.

Question. That appears by the report of the Committee on Warrants, dated "Dec. 31," in which the Governor is advised to draw his warrant in favor of E. F. Pillsbury and Company, for one thousand ninety-eight dollars and one cent, (the account in items is presented for one thousand four hundred ninety-eight dollars and one cent, with a credit of four hundred dollars). How can you account for the fact, that account in items being presented, on December twenty-seventh, without any voucher, two thousand dollars was paid to Pillsbury on a warrant drawn by yourself?

Answer. I do not know as I can explain the fact without knowing all the particulars; but I presume he will be able to explain it.

Question. Were you in the habit of drawing a warrant for a sum like two thousand dollars without there being anything in writing to go with the report to back you up, simply upon the statement of a man?

Answer. Where we knew the parties contracting were doing the work.

Question. Was there anything easier than to have the statement of account made up to date, showing what was due?

Answer. I do not know. The explanation was made at the time, but I do not remember what it was.

Question. Why was it not as easy to put in a voucher for that item as for the other items?

Answer. The work was not completed, as I understood.

Question. Do you know that two thousand dollars of the payments made to Pillsbury, is not accounted for in his accounts or charges, and remains so to this day?

Answer. I do not know.

Question. Do you offer, or can you offer, any explanation of the fact that that warrant stands bare and alone, without a voucher?

Answer. My understanding of the matter, at the time was, that there was work in progress, the printing of which would amount to very much more than the amount for which that warrant was drawn.

Question. This was an advance?

Answer. Not exactly in the shape of an advance, but for uncompleted work. When the work was completed this would be in payment for that work.

Question. Was it not in accordance with the plan you adopted, when you found an appropriation which had not been exhausted, that you drew upon it, without regard to vouchers and apportioned it out?

Answer. I do not admit any such principle. Every bill that was paid was paid, with the intent to meet a particular indebtedness.

Question. What call was there at this time, when the year was expiring, for you to advance two thousand dollars for uncompleted work to Cameron, and in another case two thousand dollars to Pillsbury, when all that was needed was to let the money lie in the Treasury?

Answer. The necessities in the case.

Question. Is that the rule that your administration followed, when a contractor of the State needed money, although he had not done the work, you let him have the money?

Answer. There may have been several cases.

Question. Had you ever advanced money to either of them till just as the year was going out?

Answer. I do not know as we had to them, but my impression is we had to Sprague and Owen, or some of those gentlemen.

Question. That must have been for work that had been done?

Answer. I have given my impression.

Question. Do you not know that in paying out this money to Cameron, who had not done the work, as an advance to him, that one reason was he said he needed it, and the uncertainty of things, the possibility that the administration might be changed, and he better have the money?

Answer. I cannot say, for I do not remember any such thing.

Question. If you had heard him so testify what should you say?

Answer. I shall not deny it.

Question. Do you think that would be a good way of treating the State Funds?

Answer. I thought the work was being done.

Question. Being none of it done, what claim was there for taking money out of the Treasury? A good paymaster pays for work when done?

Answer. Ordinarily; I cannot say in regard to the matter; so far as I know, the representation was made to me it was for money they were in need of for the progress of the work; I have no further explanation to make of it.

Question. This money was drawn, you say, to pay those bills?

Answer. I suppose so.

Question. Coming back to the seven thousand dollars you drew; what did you do with the money?

Answer. With what money?

Question. The first money you drew, December twenty-fourth.

Answer. I paid it out, I suppose.

Question. To whom?

Answer. To various parties; to Mr. Lancaster and other parties, as the bills accrued.

Question. Did you get the money from the Treasury when you drew the warrant?

Answer. I do not remember; I do not remember whether I got the money that day or not, or whether drawn sometime afterwards.

Question. Did you draw the money and pay it for this purpose you have testified it was drawn for, or did you draw it and deposit it on your private account?

Answer. I never deposited a dollar to my own private account.

Question. Of this seven thousand dollars which you drew, as shown by the reports which have been submitted, and the warrants accompanying them, did you ever deposit any or all to your own private account?

Answer. Not a dollar.

Question. Did you have any account anywhere as Governor of the State, with any bank?

Answer. Never.

Question. Did you have anywhere a private account?

Answer. No.

Question. Did you deposit any of this money with any bank, to your private account?

Answer. No.

Question. What did you do with the money itself, when you drew it?

Answer. Paid it out as it was demanded.

Question. Did you pay out all of the seven thousand dollars that you drew, with the exception of what you say you now hold to meet outstanding accounts, while you were in Augusta?

Answer. No, not all; because there were other parties in other places, I paid.

Question. Where?

Answer. I paid some of it at Lewiston?

Question. What bills did you pay in Lewiston?

Answer. I paid Major Folsom, and Benson and French, and Channing, seven or eight bills.

Question. How much do they amount to?

Answer. Four hundred or five hundred dollars, is my impression.

Question. Pay them in cash?

Answer. Yes.

Question. Where did you get the money?

Answer. Had it in bills.

Question. From the State Treasurer?

Answer. Yes, for checks drawn; I think some of the bills were drawn; I think one thousand dollars was given me in a check on one of the Lewiston banks, and some checks on the banks in Portland; I do not remember. I got the money on checks from some bank or other. I do not recollect them now.

Question. You received the money in checks from the State Treasurer?

Answer. Yes; I think I paid off some twelve hundred or fifteen hundred dollars in Lewiston; I have the impression that parties came there; Mr. Lancaster came there and had sent other bills up to me.

Question. When you presented those warrants to the State Treasurer and received those checks what did you do with the checks?

Answer. I kept them till I needed the money, as it was wanted.

Question. Did you request him to give you checks upon a bank in Lewiston?

Answer. No.

Question. Did you request him to give you checks upon a bank in Portland?

Answer. No.

Question. Had you any account with those banks?

Answer. No.

Question. Of this money did you receive in a check one thousand dollars upon the First National Bank of Auburn?

Answer. Yes, I should say so.

Question. Did you receive, in a check, four thousand dollars upon the Casco National Bank, Portland?

Answer. I cannot say; I presume so. The checks will show for themselves; I do not remember; I do not deny.

Question. And two checks of five hundred dollars each, on the Granite National Bank, Augusta?

Answer. I should judge so.

Question. Then you had checks covering six thousand dollars, upon these different banks?

Answer. Yes, sir.

Question. And funds to that extent?

Answer. Yes; it would be so regarded.

Question. Have you ever used any of those funds in any way, excepting in paying those bills of the State?

Answer. No, sir.

Question. In each of these cases did you draw the money from the banks?

Answer. I did, every dollar of it.

Question. Did you ever draw it in the shape of checks for a portion of the amount?

Answer. Not to my remembrance.

Question. On any other bank?

Answer. Not a cent so far as I remember ; I think not.

Question. Never have used any of this money for your own purposes?

Answer. No, sir.

Question. When can you have your vouchers here?

Answer. I can have a large portion of them here as soon as I can get at them. I will state, however, in regard to the vouchers for the five hundred dollars of Mr. Gould, that that money was paid before the twenty-seventh. I paid that out of that first one thousand dollars or else out of my own private funds ; I do not recollect which. At any rate, I gave him a check for five hundred dollars, and he gave me a receipt which I supposed was with my papers, but, on looking for it some time ago, I found it was missing ; it was either left here or had got misplaced. I have not had time to look over my papers. But what I propose to do as soon as I could communicate with Mr. Gould, was to have him make out a detailed statement of his bill. That is one reason why I have not the matter fully settled.

Question. When can you bring those vouchers before the Committee?

Answer. I should say I could bring the larger portion in a very short time—in the course of a day or two—as soon as I can get time to arrange them.

Question. They need no arrangement.

Answer. As soon as I can get at them.

ALONZO GARCELON, *resumed, March 16th, 1880, Evening.*

Question. At what time did your administration cease?

Answer. January seventh.

Question. At night or noon.

Answer. I suppose it ceased at night, from the usual custom.

Question. That is the general understanding?

Answer. I think so.

Question. Did you, before that time, place the police or force on duty in the Capitol, in charge of any person besides Dr. Lancaster?

Answer. On Monday, I think, the fifth, I placed General Chamberlain in charge of the police.

Question. Had you, before that time, placed anybody in charge?

Answer. I think I had ; I think Major Folsom had some charge

of the police ; I gave some orders either to Major Folsom or General Leavitt. I do not recollect the precise date that General Leavitt resigned.

Question. Major Folsom was a member of the Militia of the State and an officer in it?

Answer. I think he was ; I have that impression.

Question. Who had the immediate charge of the Roll of men who were there up to the time your administration ceased, and for some days previous to that?

Answer. I think Major Folsom, excepting that the Superintendent had charge of his regular force.

Question. Was there not some one else who was in immediate charge?

Answer. I think I issued an order to Major Folsom, but I will not be positive.

Question. Did not Captain Black have charge of those men?

Answer. He had charge, I think, of a certain portion of the men ; I understood, or regarded him to be under the direction of Major Folsom or General Leavitt.

Question. Did not Captain Black have immediate charge of the men who were upon the Roll here in the Capitol, and who guarded it, and who staid here both day and night?

Answer. I think he had.

Question. Under what authority or warrant, or claim of authority, did this Captain Black act here in command of those men, over a hundred of them?

Answer. I cannot say under what immediate orders he acted ; I have no remembrance of ever giving him any immediate authority other than he derived through Major Folsom.

Question. By what kind of process or authority did Captain Black come into command or control of those men?

Answer. I called upon some gentlemen, I think Captain Black was one of them, to furnish a list of men for police duty. Through some misunderstanding they brought me a list of men said to be enrolled as military men, which I refused to accept, and rejected, and told them I wanted some men who were sworn in as a regular police force, that we could call on in case of an emergency.

Question. Who could swear in a police force here outside of the Mayor of the city, in which is situate the Capitol?

Answer. I suppose no one, so far as the city is concerned.

Question. Do you not know that the law expressly limits the force that the Superintendent of Public Buildings may have, to two men?

Answer. I was not aware of that fact.

Question. You know that to be the case now?

Answer. I do not.

Question. If there is any such law you acted in disregard of it unknowingly?

Answer. I was not aware there was any such law. I know the fact has been, ever since I have been in the building, and when I came in there was very much more force about here than two men.

Question. Nothing like such a force as you had?

Answer. Very true.

Question. Have you ever known more than two watchmen at night?

Answer. I did not look into the matter particularly, but I have the impression there were more than two men about the building, and had been for several years, but I have not been familiar with the building or the details of the matter.

Question. Did not the force Captain Black had here in and about this building, in the passages, rotunda and rooms, comprise what force there was here guarding the Capitol?

Answer. I think not.

Question. Are you sure?

Answer. I think not; I never gave directions to Captain Black to take charge of the force that was under the Superintendent of the Building.

Question. Do you know that the Superintendent, after Captain Black had his men here and had got them on to the Roll and had taken charge of them, had any other force, or was it all given up to Captain Black?

Answer. I understand that the Superintendent had a regular force of fifteen, twenty or thirty men, according to the necessities of the case, under my special orders; I gave him the order.

Question. You understand this was aside from Captain Black's force?

Answer. I do.

Question. Was not Captain Black's force much the larger force?

Answer. I cannot say. That force was under the immediate direction of General Leavitt, and I knew nothing, personally, about the matter, otherwise than I gave him directions to see that a special force was here to protect the building.

Question. You did not pay the force that Captain Black had ; that was paid by General Leavitt?

Answer. It was paid by Leavitt.

Question. So that what you paid was the force which you have spoken of, which you think was some twenty or thirty men?

Answer. The force was much larger than that under the Superintendent a portion of the time, but I think it would average somewhere in the neighborhood of thirty to forty men.

Question. You stated a minute ago, fifteen, twenty or thirty?

Answer. Yes, and sometimes larger. It would average somewhere in that neighborhood.

Question. How long a time would it average from twenty to forty men?

Answer. My impression is that soon after the seventeenth of November we put on some ten or a dozen men ; I cannot say positive in regard to the number ; I only have a general impression in regard to the matter.

Question. Did the Superintendent's Roll outside of Black's Roll of men amount to twenty-five men?

Answer. Yes. The men which I paid him for sometimes amounted to as much as forty or fifty men.

Question. You paid them at intervals while you were here, for different nights and days?

Answer. Yes.

Question. Whether, when you went away, there was anything due those men?

Answer. No, sir.

Question. Any arrearages for this Roll of Lancaster's, when you went away?

Answer. No ; I paid all up on the the morning of the eighth of January, so far as I know.

Question. I got the impression from what you said yesterday, that you paid some portion of these bills after you got home?

Answer. I paid some bills.

Question. You did not pay any of the Lancaster Roll?

Answer. The Lancaster Roll for services up to the eighth of January, was all paid when I went away.

Question. Your administration ceased on the seventh of January?

Answer. Yes.

Question. What I want to know is whether you have, since the

seventh of January, paid any of this money which you drew from the Treasury before that time, when you were Governor, in support of this so-called illegal government, that afterwards pretended to hold control here for a while?

Answer. I rather think your question involves a point which I do not comprehend, exactly.

Question. Have you paid anything for any alleged or claimed to be State Government, after you went out of office?

Answer. No, sir; I think not.

Question. Any bills that accrued after midnight of January seventh?

Answer. Yes, sir.

Question. Under what authority?

Answer. I do not know as I can say under any special authority; I want to state the simple fact what I paid, and how.

Question. You went out of office on midnight of Wednesday of January seventh.

Answer. Yes, sir.

Question. You then became a private citizen?

Answer. Yes, sir.

Question. Your relation to the State as an officer ceased?

Answer. Yes, sir.

Question. You then had no more authority to act as an official of the State than any other citizen, had you?

Answer. Probably not, certainly not.

Question. Did you not consider that it was then your bounden duty, if any funds remained in your hands, to at once dispossess yourself of them, and cease your connection with the State?

Answer. Under ordinary circumstances I should have done so.

Question. Was it for you to judge whether there were extraordinary circumstances that authorized you to do differently?

Answer. I could not do any different. There was nobody to act with or to confer with.

Question. Under what authority did you set yourself up after that to be the agent of the State, to pay out money for bills?

Answer. I did not set myself up as agent of the State at all, excepting to pay certain bills which had been contracted,—a portion of which had been contracted. I perhaps might modify my answer in regard to paying the bills. There were three or four men, Major Folsom for instance, and three or four of the men, who were em-

ployed by me or by the original State Government, whatever you may call it, to whom I had to pay bills which had accrued after the first of January, up to perhaps the tenth or twelfth or fifteenth of January.

Question. Did you pay any bills that accrued between January seventh at midnight and the fifteenth of January?

Answer. Yes, sir.

Question. Out of what money?

Answer. Out of the money that was in my hands.

Question. Under what authority?

Answer. I did not have any special authority. It was money in my hands, and it belonged to the State, and these men were entitled to their pay.

Question. Did you consider it was for you, after you went out of office to pass upon bills against the State?

Answer. These bills, a portion of them, had already been accrued and those men were servants of the people, and I paid them.

Question. Were you acting for the people after the seventh of January?

Answer. Yes, sir.

Question. Under what claim of authority?

Answer. Well, common sense.

Question. Do you think it was common sense?

Answer. I do.

Question. Supposing anybody had set up a claim of authority under common sense, and had acted?

Answer. That would have been for them to have determined. My idea was, I had the money in my hands, and these men had not got their pay.

Question. When you went out of office was there not a State Treasurer whom nobody disputed? did not Mr. White continue to be State Treasurer, recognized as such by everybody for days and weeks after?

Answer. I cannot say but he was; I do not know how it was. When I left this room, (House of Representatives) it did not look as though we had much of a State Government anywhere.

Question. Did you go into the State Treasurer's office?

Answer. No, sir.

Question. If you had gone in there do you not know you would have found Mr. White in the same peaceable possession, receiving money, as he had been for the year past?

Answer. I do not know that.

Question. Do you not know, as matter of common history of this notable time in the State of Maine, that Mr. White was admitted and recognized under our Statutes and practice, as the Treasurer, for weeks afterwards?

Answer. I did not inquire into the facts.

Question. And that he did not go out of office till the bond of his successor was filed and approved?

Answer. I have no doubt of it.

Question. Do you not know that when you departed from this Capitol, and ceased to be Governor, with the funds of the State in your hands, that the Treasury was open, and a competent Treasurer there to give you a receipt for the money?

Answer. I have no doubt there was, if I had called.

Question. Under what authority, excepting what you have called common sense, did you leave this city with State Funds in your possession?

Answer. I do not know as I can say under any authority, only that I had the money in my possession.

Question. You meant to keep it?

Answer. No, I do not say so; I left the State House when it was in a condition that nobody could do business.

Question. Could not the State Treasurer receive money and give receipts?

Answer. I doubt whether the State Treasury was open.

Question. Do you not know that the State Treasury continued open every day?

Answer. No, sir.

Question. Do you not know that the custom is that the Treasurer is not installed at the time the other officers are, but the old one remains till his successor files his bond and it is approved?

Answer. Precisely.

Question. Why did you not pay that money back into the State Treasury?

Answer. Because there were certain bills in an unsettled state, and I could not get at the parties to have them arranged.

Question. Was it for you, after you ceased to be Governor, to see parties and arrange?

Answer. Perhaps not in a strictly legal way; I do not claim it was.

Question. In short, you constituted yourself an agent of the State, a sort of a Perambulator of State to take about its Funds to other towns and to there disburse them in a manner such as seemed fit to you?

Answer. You put it in that way ; I do not admit that.

Question. State how much different it was from the way I have put it?

Answer. It was simply this ; that here were certain men who had been put in charge of duties whom I felt myself under obligation, as agent of the State, to see paid.

Question. Up to the time you ceased to be Governor?

Answer. They had been on service and were entitled to their pay ; I had the funds in my hands, by proper authority as I regarded, to pay them.

Question. At that time?

Answer. Yes.

Question. All your authority and right ceased when you went out of office?

Answer. Strictly, I suppose it was so.

Question. What business was it of yours whether those men after that were paid or not?

Answer. I do not know as it was any special business whether anybody got their pay.

Question. It was not your business?

Answer. Not specially.

Question. Could anybody have complained of you or found fault with you, if on the morning of the eighth of January, when you had become a private citizen, you had left with the Treasurer every dollar of this money you had drawn from the Treasury and had in your hands, and had left the State of Maine to run itself?

Answer. I suppose not.

Question. But that you did not do?

Answer. It seems not.

Question. What do you think would be the result in the State of Maine, if Governors, when they left their office, should carry away the Funds of the State, upon a claim that there were bills running along and accruing from time to time that they were going to pay?

Answer. I do not think under ordinary circumstances it would be justifiable.

Question. Were you under any bonds?

Answer. No.

Question. Had you given any security for this money?

Answer. None at all, only my character for honesty and integrity.

Question. In paying out these bills did you have any approval of any so-called Council set up by anybody, after you ceased to be Governor?

Answer. No.

Question. Did you have the warrant or authority, or indorsement or approval, or recognition of any other power or authority under the sun, for the payment of that money, excepting your own will?

Answer. Only that those who had acted with me were knowing to the facts.

Question. You were in Lewiston when you paid some?

Answer. I was.

Question. Did you have anybody there who was acting with you and was knowing to the fact?

Answer. Yes.

Question. Whom did you have?

Answer. Mr. Fogg was there.

Question. Was he a Councillor?

Answer. No; he had ceased to be. It was his judgment as regards paying the bills.

Question. Whom did you have besides Citizen Fogg to advise with?

Answer. Nobody there.

Question. He was the authority you conferred with in paying out this money of the State?

Answer. I acted under authority, or rather advice, of the Council in paying out the money which was placed in my hands for a special purpose.

Question. But the Council had ceased to exist, as you had?

Answer. I admit it all, Mr. Chairman; I admit it all; and in a strictly legal view it may not have been legal, and yet I believe it was right and proper under the circumstances that the money should be paid to these men who had been on duty.

Question. Was there any reason to believe, if these men had any claim to be paid, that the State of Maine would not do justice to them and pay their bills?

Answer. I have reason to believe from the Superintendent of the building, whom I never have found to be wanting in truth, that

General Chamberlain when he discharged these men, some three, four or five days after my term of office, said to the Superintendent that he must see that they got their pay; and on consultation it was deemed advisable, inasmuch as there were funds in my hands, that these men should be paid out of the funds; and he came to Lewiston with his bill and I paid them.

Question. Who was that?

Answer. Dr. Lancaster, Superintendent of Public Buildings.

Question. Had he ceased to be Superintendent?

Answer. No, not then.

Question. But, he had ceased to be Superintendent under your government?

Answer. Yes.

Question. You had no connection with him after you went out?

Answer. No.

Question. At what time did he come over when you paid him the money?

Answer. I cannot say.

Question. If you paid the bills, before you went away, clear up to January seventh, as you stated, why should he have come to you after that about any bills to be paid?

Answer. Because these same men were on police duty three or four days afterwards.

Question. You paid them that?

Answer. Yes.

Question. Simply upon the say-so of Lancaster?

Answer. Yes; I had evidence to my satisfaction that it was correct.

Question. The report of the Council which I inquired about yesterday, in favor of Cameron, was drawn for two thousand dollars, on the Free High School Fund; do you remember any other items that were drawn upon that Fund?

Answer. I do not remember, but it is my impression there were several bills in the course of the year that were drawn upon that Fund, but I am not positive.

Question. Was it not your course of proceeding, that, when a fund for a special purpose ran out, and you wanted to overrun the appropriation, you went to the Free High School Fund and took it from that?

Answer. Yes; that perhaps may be the upshot of the matter; I

do not recollect what the appropriation for Free High Schools was last year.

Question. Thirty-seven thousand dollars?

Answer. It was found, after the bills came in, there would be only about one-third of that sum, or in that neighborhood, required to pay the expense of Free High Schools; Free High Schools having been suspended.

Question. That left twenty-three thousand or twenty-four thousand dollars in the Treasury?

Answer. Yes, sir.

Question. That you had to draw upon for police purposes?

Answer. This was for police purposes, and there were several others.

Question. For binding and stitching?

Answer. If you have the book it will show.

Question. Do you remember there is an appropriation for the Indians in the State?

Answer. There is.

Question. Do you remember that that Fund was exhausted and then overdrawn?

Answer. I do not remember the fact, but I wouldn't be surprised.

Question. Do you not remember that some eight hundred and odd dollars of that, when the Fund had been exhausted, was drawn from the Free High School Fund?

Answer. I do not remember definitely, but I do not doubt it was.

Question. Do you not know that to draw upon a fund that is devoted to a specific purpose, to pay expenses in another line, is entirely destroying all Legislative control and scrutiny over the amount of the appropriation?

Answer. Ordinarily, I suppose it would be so regarded.

Question. If the Legislature sees fit to appropriate so much money for the Indians, and so much for the Military, and so much for the Insane Hospital, do you not know that the government should be limited to that expenditure?

Answer. It is alway desirable to do so; but I think it has been the general practice, it certainly was under my administration, that, when an appropriation was found not to be needed, and there were bills necessary to be paid on matters where the appropriations were exhausted, they were drawn from an appropriation unexpended.

Mr. Foster, who was chairman of the Committee on Accounts, and had been in the Senate, and in the Government of the State many times, as I understood, was of the opinion that it was right to do that.

Question. He did not show you any instance proving the right?

Answer. I think so; I have a distinct remembrance that he did make the statement that that was the common practice.

Question. But it was your general practice, when a fund was exhausted, to draw from some other fund?

Answer. I think the general fact was that the appropriations were not overdrawn.

Question. Do you think that was the general fact?

Answer. Yes.

Question. We have put in, as part of the testimony, copies of all the appropriations we could reach, every one of which, excepting the Free High School Fund, seemed to have been exhausted?

Answer. Have you got the Appropriation Book here?

Question. No; I have a memorandum of that.

Answer. I think the Appropriation Book will not show that.

Question. The Appropriation Book, so far as any examination the Committee have made, shows almost every appropriation exhausted; all we have touched here have been shown to be overdrawn?

Answer. I have no doubt you have picked out certain appropriations, and whatever you may have shown may be true.

Question. The book has been taken, and we have had the warrants that were drawn and the reports on the Military Fund. That was exhausted?

Answer. I so understand.

Question. We have had others on the Contingent Fund of the Council. That was exhausted?

Answer. I am not particularly familiar with the state of the funds. I can only tell by looking at the Appropriation Book.

Question. Why, in any case we have touched in the examination, should money be drawn from another appropriation till the specific appropriation, for which the warrant was drawn, was exhausted?

Answer. I should not suppose it should be.

Question. There would not be two thousand dollars drawn from the Free High School Fund for Binding and Stitching till the Appropriation for Binding and Stitching was exhausted?

Answer. I should think not.

Question. Nor for Military Purposes till that was exhausted?

Answer. I should think not.

Question. Nor for Printing Purposes till that Fund was exhausted?

Answer. No.

Question. Have you ever seen this Roll of Captain Black's?

Answer. I never have, sir.

Question. That was paid by Mr. Leavitt?

Answer. I suppose it was, if paid at all.

Question. The receipts of the Roll show it was paid by Leavitt?

Answer. Yes.

Question. You never saw this memorandum of eleven names of men on that roll who were graduates either from county jails or State Prison?

Answer. I never have seen any memorandum of any such thing; I know nothing about it.

Question. Look at the paper [Mr. Hale passes paper to witness] and read the names and the memorandum opposite.

Answer. Witness reads :

AVERY, GEORGE	<i>County Jail.</i>
BRITT, CHARLES W.	<i>State Prison.</i>
BRITT, WILLIAM	<i>State Prison.</i>
CARTER, CHARLES	<i>State Prison.</i>
DANFORTH, N. F.	<i>County Jail.</i>
HERSOM, GEORGE	<i>County Jail.</i>
JOHNSON, JOHN C.	<i>State Prison.</i>
LOMBARD, THOMAS	<i>County Jail.</i>
MOORE, SYLVESTER,	<i>County Jail.</i>
McCLUSKY, JOHN	<i>County Jail.</i>
RIPLEY, FRANK	<i>County Jail.</i>

Question. Do you recognize the name of John Johnson?

Answer. John Johnson I believe is a man I pardoned out of State Prison.

Question. Did he turn out to be useful?

Answer. I hope he will be a very good man. I had very good reasons for pardoning him; I think he ought to have been pardoned; I had a recommendation from some that I suppose you would regard of the best men on the Kennebec; I certainly do; such men as Mr. Bodwell; I never saw him till after his pardon was granted; I had very gratifying assurances that he would prove a likely citizen, and I trust he will.

Question. He set in well?

Answer. In what respect? There are a few persons under his name with the memorandum opposite "*County Jail*;" I think that is not a very unusual occurrence for a good many of our people to get there.

Question. You had nothing to do with getting up this Roll?

Answer. No.

BY MR. STROUT:

Question. When the examination was adjourned last evening, it was for the purpose of enabling you to obtain your vouchers?

Answer. Yes.

Question. Have you done so.

Answer. I have.

Question. Will you produce them before the Committee? [Witness takes papers from his pocket.]

Answer. This voucher which I hold in my hand is signed by R. W. Black: "*State of Maine to R. W. Black, Dr. For services in protecting public buildings and property, 12 days at \$5 a day, \$60. Paid J. P. Bickford for services \$7.50. Joseph Foy \$7.50. William Smith \$5.00.*" Then follows a certificate that the above account is correct. And a receipt in full for the above amount, eighty dollars, signed "*R. W. Black.*" The next receipt which I hold in my hand is dated "*Augusta, January 2, 1880.*" "*Received of Gov. Alonzo Garcelon \$424, in payment for special police force employed in State House.*" Signed "*B. F. Lancaster, Superintendent of Public Buildings.*" The next is F. Rollins and others, receipt for thirty-six dollars. J. J. Trainer, George W. Harriman and F. Rollins, thirty-six dollars in all. Receipt signed by B. F. Lancaster, dated Jan. twenty-ninth. Next is a receipt of B. F. Lancaster for three hundred and fifty dollars, dated "*Jan. 8th. For extra police force, as per list rendered.*" Signed "*B. F. Lancaster, Superintendent of Public Buildings.*" Next is bill of John Benson, Jr., "*for services rendered at State House from Dec. 28th to Jan. 17th inclusive, at \$5 a day, \$85.*" This bill is approved by B. F. Lancaster, Superintendent of Public Buildings. Next is dated "*Jan. 6,*" B. F. Lancaster's receipt for two hundred and eighty-one dollars from Alonzo Garcelon, for payment of men for services guarding State House. Signed "*B. F. Lancaster, Superintendent of Public Buildings.*" Next is "*Jan 8,*" C. H. Osgood's receipt. "*To five day's services as special police by order of Governor Garcelon. Received payment by hand of A. Garcelon, \$25.*"

Next is bill of G. B. Hartwell, eight dollars, and another bill, Samuel Hartwell, six dollars, "*for watching State House, \$14,*" in all, dated "*January 26.*" I think this is one of the bills Lancaster sent me. Then B. F. Lancaster's receipt, five hundred and six dollars, dated "*December 26.*" That was the first bill paid. "*In payment for services of special police, as per list rendered.*" Signed "*B. F. Lancaster, Superintendent of Public Buildings.*" Next, B. F. Lancaster's receipt, one hundred and ninety-one dollars, dated "*December 28th,*" "*For payment of special police at State House.*" Signed "*B. F. Lancaster, Superintendent of Public Buildings.*" Then January first, "*Received of Gov. Alonzo Garcelon the sum of \$124 for payment of police force at State House.*" Signed "*B. F. Lancaster, Superintendent of Public Buildings.*" Then, Lewiston, February twentieth, "*Received of A. Garcelon \$300 for payment of extra force employed at State House, by order of Gen. Chamberlain.*" Signed "*B. F. Lancaster.*"

Here is a receipt of S. D. Leavitt, dated "*Jan. 7, 1880,*" for one thousand dollars received of Alonzo Garcelon, with a statement of account. The balance, twenty-six dollars and ninety-five cents, was sent to me in a check. Next is bill of December twenty-seventh, for eighteen dollars. "*Received of A. Garcelon, for H. Haskell, for services at State House.*" Signed "*B. F. Lancaster, Superintendent of Public Buildings.*" Then is Melville M. Folsom's. "*For services rendered as commander of forces at State House and acting Adjutant General from Jan. 1 to Jan. 16th, \$80.*" Here is a receipt of Benjamin Bunker, who was employed as Telegraph Operator by direction of the Council, and who had served two-thirds of a month, sixty-seven dollars.

Question. To what time?

Answer. January twentieth. I presume it would be from the first of January. Then bill of M. T. Haskell, dated January eighth, "*for services as special police at State House 21 days, \$63.*" Then I have a bill of G. W. French, receipted for one hundred dollars. He was a Clerk in the Adjutant General's office, and was put on special duty for some time, I think in November, "*25 nights at \$2 per night, and services staff duty, 10 days at \$5 per day.*" The bill is dated January sixteenth.

Question. Was it paid January sixteenth?

Answer. I think January sixteenth was the day it was paid.

Question. What staff duty did he perform ten days?

Answer. You must ask the military gentlemen in regard to that.

Question. Upon whose staff was he?

Answer. I suppose upon the Adjutant General's, if he had any staff.

Question. We hadn't any Adjutant General to have a staff.

Answer. I know that, but French was the clerk, and acting Adjutant General during a large portion of the year. He performed the duties of the office when the Adjutant General was absent; that is all I can tell you about it.

Question. We will finish up the vouchers.

Answer. I believe this is all; I suppose, gentlemen, what you want to get at are the simple facts in regard to these matters. If there is any other money expended I want to give you an account to show where it is gone to.

Question. I find by warrants that were drawn and by the reports, that you received from December twenty-fourth to and including December thirty-first, seven thousand dollars. Am I right?

Answer. I think not.

Question. How much did you receive?

Answer. Paid to my order six thousand dollars.

Question. There was one thousand dollars paid over to Leavitt?

Answer. Yes, sir.

Question. And six thousand dollars besides?

Answer. No, I think not.

Question. How was that?

Answer. There was one thousand dollars drawn for military purposes, as I understood, directly to Mr. Leavitt, in the first place. Then there was one thousand dollars drawn, if my memory serves me, for the purpose of paying the legal expenses in the Mandamus Case. Then there was five thousand dollars drawn that was paid to me, for Military Purposes. The first thousand dollars that was drawn by Leavitt, if my recollection serves me, was for the purpose of paying soldiers who were ordered for inspection.

Question. Have you added up, so that you know what amount the vouchers you have produced here aggregate?

Answer. I do not remember exactly; I have added them heretofore.

Question. Taking the vouchers as you gave them and adding them up, I make three thousand seven hundred and forty-four dollars,

including the one thousand dollars which you paid to Leavitt. Will you verify the addition and see if that is correct? [Witness adds figures taken down by him, the amount of each voucher separately.]

Answer. Yes; three thousand seven hundred and forty-four dollars, is what I make it. You recollect I testified in regard to the one thousand dollars for professional services, that I had paid five hundred dollars on that, that I took a receipt but mislaid it in some way, but the bill for the services will be furnished.

Question. Leaving out for the purposes of this calculation, the amount that you say you have paid for which you have not a voucher, and leaving out the one thousand dollars, calling the amount six thousand, you have produced vouchers here for three thousand seven hundred and forty-four dollars, leaving a balance of two thousand two hundred and fifty-six dollars for which you have not produced vouchers.

Answer. Yes, sir.

Question. I do not now include the one thousand dollars that would make it seven thousand?

Answer. You or I have got mixed. You have got one thousand dollars too much. There was but six thousand dollars drawn in my name.

Question. There was one thousand dollars of that that you paid to Leavitt?

Answer. Yes.

Question. And that one thousand dollars is added?

Answer. Yes; I keep out of this account one thousand dollars which was drawn for the legal expenses, which I have explained. We will confine this to the five thousand dollars.

Question. I am not speaking about the legal expenses; we will come to that in a few moments; I am speaking of the amount which you drew, which amounted to six thousand dollars?

Answer. Very good.

Question. You have produced here vouchers which amount to “\$3,744?”

Answer. Yes, sir.

Question. That deducted from “\$6,000” leaves “\$2,256?”

Answer. “\$2,256.”

Question. Be kind enough to state what has become of that two thousand two hundred and fifty-six dollars; in that, you can explain about the one thousand dollars which was drawn for legal expenses?

Answer. That five hundred dollars was paid to Mr. Gould, for which I took his receipt, and he agreed to furnish me with his bill in detail which I have not as yet received. Then I have a memorandum of four hundred and sixty-five dollars (I am not quite sure I am accurate within a few dollars) paid to the members of the Council. Then I have paid three gentlemen who were detailed or employed as special police, two of them thirty-five dollars each and one thirty-six dollars, making one hundred and six dollars, for which I have not their receipt, but which I can have. Two of them were paid on the morning of the eighth, here at Augusta. There were no conveniences to take a receipt, and as they were perfectly reliable I knew I could get it when I met them. Then I have sundry bills, items for payment of extra expenses, hiring of teams, and matters of that kind, which amount to one hundred dollars and a little over; I call it one hundred dollars, personal expenses included. And one hundred and twenty-nine dollars for moneys paid out and teams hired, various incidental expenses which I have in detail.

Question. Personal expenses?

Answer. A small portion is personal expenses. That makes just thirteen hundred dollars. That leaves nine hundred and fifty-six dollars, does it not?

Question. Yes.

Answer. The rest is in my possession.

Question. Then the nine hundred and fifty-six dollars is still in your hands?

Answer. Yes, sir.

Question. You stated that certain sums were paid out for detective services?

Answer. I suppose I used that term carelessly or heedlessly. It was merely for ascertaining the condition of things in different places, some few dollars, perhaps, of expense.

Question. How much in all did you pay out?

Answer. So far as I should judge now these bills embrace all there is; call it what you please; I should not think there was over fifty dollars in that direction. There was some information to be gained and certain points it was desirable to get, and messengers to go to, and see what there was about it.

Question. Do these sums include all the money you have paid for services in ascertaining what the condition of affairs was in the State?

Answer. Yes, so far as I know, it is all the money I have paid or that I know anything about.

Question. All the money you have known of being paid?

Answer. Yes, every cent.

Question. Shortly after the election, it was rumored that certain steps were taken in obtaining affidavits in relation to the conduct of affairs during the election. Do you know anything about the payment for the services of different parties in obtaining those affidavits?

Answer. I do not, or the employment of them, or anything of the kind; I know nothing about them.

Question. Did you have anything to do with the payment of them?

Answer. No, sir.

Question. Did any person to your knowledge have anything to do with the payment for those services?

Answer. Not to my knowledge.

Question. You knew of the fact that such affidavits were taken?

Answer. I saw occasionally in the papers what purported to be affidavits.

Question. Did you see anything of the originals at the State House?

Answer. I never saw one of them, and knew nothing about them.

Question. Had no knowledge they were taken?

Answer. No; only what I saw in the papers, and that does not constitute knowledge at all.

Question. I find here a report of the Standing Committee on Warrants, dated "Oct. 7, 1879," advising the Governor to draw his warrant on the Treasurer of State in favor of E. F. Pillsbury and Company, for the sum of "\$1,000" from the Appropriation for State Printing, the same being for payment on account of printing for the State, signed "S. S. Brown, Chairman." Upon examination we find no voucher connected with that report. Have you any knowledge for what that sum of money was drawn?

Answer. I have no doubt it was drawn for what it purports to be, and the vouchers were with it at the time.

Question. Have you any recollection about it?

Answer. No, sir; I have no special recollection about it; I know that quite a number of warrants were drawn for printing and binding. Printers, Owen and Sprague, and other gentlemen, were always boring us for money to pay printer's bills.

Question. Calling your attention to that particular warrant, do you remember of ever seeing any voucher connected with it?

Answer. I cannot say that I ever saw any connected with that particular one, but I have rarely ever seen any, at least I don't remember seeing a bill passed without a voucher.

Question. But there have been reports of Committees and warrants drawn without vouchers?

Answer. Those that were drawn under these special circumstances were.

Question. Do I understand you to say there were no warrants drawn, and no reports made before these special circumstances, unless vouchers accompanied them?

Answer. That was usually the case.

Question. Have you any knowledge of any case where a warrant was drawn upon a report where there was no voucher which accompanied that report, till somewhere the last of December, eighteen hundred and seventy-nine?

Answer. I have no knowledge of the kind.

Question. You have no recollection in reference to this particular report?

Answer. No; no more than any other report; I cannot say whether vouchers were present with it or not; although I presume there were.

Question. I understand you to say it had nothing to do with the payment of the expenses of taking these affidavits, so far as you have any personal knowledge?

Answer. Not so far as I have any knowledge.

Question. If there was anything of that kind done, it was done without your knowledge and without your approval?

Answer. Certainly, and it is something I never heard suggested by anybody.

Question. Nobody asked you in relation to it?

Answer. No. I approved that bill the same as any other bill for a specific, legitimate purpose.

Question. The first voucher which is produced here is that of R. W. Black, for sixty dollars. For what service was that money paid?

Answer. For services as policeman here in the building.

Question. Did Captain Black act as a common policeman in this building?

Answer. It was my object for him to act so, my intention, and it was my belief that he so acted.

Question. Was he upon guard?

Answer. He was stationed in the building and stayed in the building, and had general oversight, to keep order and have the men properly conduct themselves.

Question. The fact was, that the men were placed under his control?

Answer. So far as a general superintendence. He had no special authority otherwise than to have general direction.

Question. Is it not a fact, within your knowledge, that the men, or a part of them, who were on duty here in this State House, signed a Roll and took an Oath to obey Captain Black?

Answer. No; I have no knowledge of any such thing.

Question. Have you never seen any such Oath?

Answer. No, sir.

Question. Have you ever been informed that such was the case?

Answer. No, sir; I have told you all I know about it.

Question. Were you not so informed by General Chamberlain, after he came here to Augusta?

Answer. No; at least I have no remembrance of any such statement made by him, and if so I do not think it is true, so far as my knowledge goes.

Question. Had you any knowledge that these men, or any men, signed a Roll?

Answer. No; I have no knowledge that they signed a Roll.

Question. Have you any information that they did?

Answer. I understood in the earlier part of it that they went to work to get up what they called a military organization; but I told them I would not have anything to do with it.

Question. Who went to get that up?

Answer. I think Captain Black was the man; I think that he, Doctor Martin and Colonel Morton were the ones, but I do not remember definitely. I requested a number of men to be detailed as a police force, so we could have them in case of emergency and have them as regular men. They went to work, as I understand, to get up what they called a military organization. Captain Black was a military man, as General Chamberlain was, and wanted everything done "red tape," which didn't suit my notions.

Question. You do not reckon Captain Black as the same kind of a military man as General Chamberlain?

Answer. I do not mean any invidious comparison, but the love of military regulations.

Question. How far did you understand this matter of getting up a military company was pursued?

Answer. I cannot say as I understood anything more about it than that simple fact; I never had any definite information.

Question. You never had any information that the men signed a Roll?

Answer. No.

Question. Was not your attention called to that by Governor Chamberlain and the illegality of the proceeding very soon after he came here on your summons?

Answer. It must have been very soon for I was here only a couple of days. The question came up as to making arrests. That was a matter which had troubled me, somewhat, and we talked the matter over.

Question. Was it any part of the services of Captain Black in assisting to get up the military company that this sixty dollars was paid for?

Answer. No, sir; his services were paid for the time he was here in the building as a policeman.

Question. Have you any knowledge how long that was?

Answer. Some ten or twelve days.

Question. That he was here as a policeman?

Answer. I understand so.

Question. Doing police duty?

Answer. Yes; what I regarded as police duty.

Question. Was he under the orders of the Mayor of the city?

Answer. No, sir.

Question. Was he upon the same level with the other men who were here and for whom this money has been paid?

Answer. He was on the same level in capacity; he was what you call Captain of Police, or Chief of Police.

Question. Who appointed him Chief of Police?

Answer. I think I gave him instructions to take charge of the men, that is to keep control of matters; there must be some foreman about all matters of business. I think he was placed here while General Leavitt was absent, and before Major Folsom was called; I will not be positive as to dates.

Question. Was his bill or any other bill, for which a voucher has been produced, ever presented to any Council to be audited?

Answer. No, I think not.

Question. Who did audit the bills?

Answer. The members of the Council advised me to pay these bills for the men that were employed here.

Question. Who audited the bills?

Answer. Mr. Lancaster approved the bills and advised me that they were correct.

Question. Be kind enough to inform the Committee under what statute law, or any other law, you had authority to set up a State Police in the Capitol?

Answer. I do not know as I can give you any law other than the general necessity of the case; as the adage goes, "*Necessity knows no law.*" It seemed to be a matter of absolute necessity to protect and guard the building from attack and irruption.

Question. When it is a time of peace is there any statute authority or any authority which allows the Executive to employ any extraordinary force of men?

Answer. I do not imagine there is; but this was not a time of peace and quiet, but a time of excitement.

Question. In time of threatened insurrection, or actual insurrection, do you know of any law which authorizes the Governor to employ and pay any other body of men than the regular Militia, of which you were the Commander-in-chief?

Answer. I think the law authorizes the Governor to employ a sufficient police force.

Question. What law?

Answer. The law generally in regard to insurrection; I so construe it; I am not a lawyer, and I am not here to be quizzed in regard to law.

Question. I do not wish to be understood as quizzing; I am asking you for information under what law you acted; I assume you did not proceed in so grave a matter without some authority. Under what authority did you think you were acting?

Answer. Under the general authority of the statute relating to insurrection, etc. To keep the peace, was all the object I had.

Question. Did you ever see any statute law which authorized the Governor of the State to call upon any other force than the Militia, in case of insurrection or threatened invasion?

Answer. My understanding of the law is, that the Governor has authority to call upon citizens; it seems to me that is the interpretation and understanding.

Question. Where did you get that interpretation?

Answer. To appoint a police force ; I have looked at the statutes in regard to that matter.

Question. You have no recollection where you can point the Committee to such statute?

Answer. If the law were before me I could point to what I understand to be the law ; but I do not understand that is a matter that need to enter in here.

Question. Did you employ those men and pay them, without ascertaining your legal right so to do?

Answer. I do not know as I can say that I entered materially into the legal question of the matter ; I supposed I had authority sufficient to employ and to pay those men.

Question. You had a Council ; did you advise with them in relation to it?

Answer. I did advise with the Council at every step.

Question. Did your Council inform you there was any legal authority for you to pay a State Police out of the Treasury of the State of Maine?

Answer. I think that was the understanding of the Council, as well as of myself, that we had authority to appoint a sufficient force to protect the building, and to pay it. If we acted illegally the people must rebuke us.

Question. Did they point out to you any law for that purpose?

Answer. I have the impression that the general understanding of the Statute was in that direction.

Question. I must say I have been unable to find any such Statute, and I have examined closely?

Answer. We may not sometimes find what we do not want to find.

Question. I did not know but you had some information to give us?

Answer. No ; I only acted for what I supposed to be for the best interest of the people of the State.

Question. I find by chapter one hundred twenty-five of the Public Laws of eighteen hundred seventy-nine, that night watchmen at the State House are provided for, not exceeding two in number. Do you know of any authority upon the part of the Superintendent of Public Buildings to employ a larger number of watchmen than provided for here by the Statute?

Answer. I know of no other than that which he derived from me as Governor of the State, ordering him to do it, at least to appoint a larger force, such a force as was necessary, not in the special capacity of watchmen to watch fires, but to look out for the care of the building.

Question. They were night watchmen?

Answer. Night watchmen and day watchmen.

Question. Everything that was done by Dr. Lancaster, was done under your supervision?

Answer. I do not say that. I say he had orders to appoint a sufficient police force to guard the building. That was the intention and purpose, and the only one.

Question. You do not know, excepting your general impression, of any provision of law which authorized you, as Governor of the State, to make such employment or to pay men so employed?

Answer. No, sir.

Question. You spoke of there being an attempt to form a Military Company. When was it you refused to give any further assent to the formation of such a company?

Answer. When the matter was first talked about of having a police force, the same day perhaps.

Question. Can you give any date?

Answer. No, sir.

Question. What time was it in December?

Answer. I cannot tell you; I have no means of knowing; I only know it was when the matter was first talked about. It was when it was found necessary to have an increased force.

Question. How long after the seventeenth of November should you say?

Answer. I have no distinct remembrance, and it would be idle for me to attempt to fix the precise date.

Question. Can't you fix it any time within a month?

Answer. No.

Question. Was it before the first of January?

Answer. I should say certainly it must have been in December, sometime perhaps as early as the middle, but I am not sure.

Question. Was it before the guns came from Bangor?

Answer. Oh, I think long before that.

Question. Was it within your knowledge that these same men who were formed into an incipient Military Company, had those arms and drilled with them at night?

Answer. It was not within my knowledge or belief.

Question. Have you ever had any information that such was the fact?

Answer. I had information to the contrary.

Question. From whom?

Answer. From parties about the building. They had a lot of arms here that were in the building, as I understand, and there was some talk of their drilling or having some sort of a military training, as a matter of fun; but I gave orders to the contrary, so far as any action in regard to the arms that came from Bangor.

Question. The State Police stationed at the Capitol, took those arms which they found here and went through a mock training?

Answer. Perhaps that was the amount of it. I have no definite information in regard to it.

Question. You saw fit to give orders forbidding it?

Answer. I didn't specifically forbid it; but did not want to have any show of arms about.

Question. You advised it should not be done?

Answer. Yes, sir.

Question. These receipts you have produced are receipts that were given you from time to time?

Answer. Yes, from day to day. After we found we had to increase the force, the men were changed about so that I deemed it advisable, in order to have the matter kept within proper limits, to pay them as they went away, so there should be no trouble about it, no mixing up.

Question. Did you keep a Roll of the men employed?

Answer. No; only when the list was handed to me. I looked it over and saw it was correct, added it up and saw the number of days put against the different names.

Question. Did you see and know personally the men who were employed on that list?

Answer. No, sir.

Question. Had you any personal knowledge that such men were employed in the State House?

Answer. No, I had no personal knowledge about it.

Question. How did you know that the number appearing on those bills were actually employed?

Answer. I only knew by the Superintendent and what he called his time keeper, the list which he presented to me.

Question. Was he the person to audit the bills?

Answer. He presented their time and I myself examined the bills and the Council examined them at times; I cannot say that they examined all, but I did, every one.

Question. When you paid out this money of the State you took the simple word of the Superintendent of Public Buildings that he had employed so many?

Answer. So many, and such men.

Question. Of the price carried out against their names,—you took that, and paid the money out?

Answer. Yes.

Question. And took his receipt for it?

Answer. Yes, sir.

Question. That was all you did, and all the information upon which you acted?

Answer. That was all the positive information; still, I had other information that the men were employed, and had the time table of the man who kept a list of the men employed.

Question. Look at the bill now handed you [Mr. Strout passes paper to witness], dated "*Boston, Jan. 5, 1880*," read it, and state what you know about it?

Answer. "*Boston, Jan. 5th, 1880. R. W. Black, Augusta, Me. Bought of John P. Lovell & Sons, wholesale dealers in Firearms, 2 doz. Police Badges, \$24; 2 doz. Police Clubs, \$18.*" It is added up, \$42. "*C. O. D.*" Paid." Signed "*J. P. Lovell & Sons.*" I never heard of it. I never knew anything about police badges excepting in a bill presented by General Leavitt?

Question. Was that a part of the money paid out of the State Funds?

Answer. I presume so; it was in General Leavitt's account; I heard they thought it was advisable; I do not know but it was General Chamberlain's suggestion.

Question. Was there any law or statute of the State which you were aware of which authorized the establishing of a State Police and the wearing by such police of badges purchased by the State?

Answer. I do not know as there is any law authorizing or forbidding it.

Question. You would not consider you would have a right to pay out the money of the State unless some law authorized the expenditure?

Answer. There are a great many little bills.

Question. You tried to be governed by the law in that case?

Answer. Yes; and think I was, as a general thing.

Question. You believed you were proceeding according to law and the Constitution?

Answer. Precisely.

Question. Do you know of any Statute law which authorized you to set up, and buy badges and clubs for a police force separate and independent from the city of Augusta?

Answer. No; I do not know of any special law. I never looked into it, never had occasion to. It is very common for people on the police force to have badges, and I believe agricultural societies have badges.

Question. Have you ever known where a State set up such a force?

Answer. No, I guess not.

Question. Do you know what has become of those badges?

Answer. No; I never saw them.

Question. You have never known of their being returned as a part of the property of the State?

Answer. I cannot tell you anything about it. You must go to the Adjutant General's office for information; I could not, of course, particularly know about those matters.

Question. January twenty-ninth, there appears to have been paid out "\$36;" January twenty-sixth, "\$14;" February twentieth, "\$300;" January eighth, "\$63" and "\$100;" January eighth, "\$350;" January eighth, "\$25." That you paid out to different parties after your term as Governor had expired?

Answer. I presume that is the fact.

Question. So that that sum you took away with you from Augusta after the seventh day of January, and had it in your possession, and paid it out to those different parties from time to time?

Answer. Yes. In reference to the taking of the money away, I do not remember whether I had the check in my pocket or whether I had the money; I presume I had drawn the money.

Question. I now pass you several checks which appear to be drawn to your order and indorsed by you. Give their dates and amounts?

Answer. December twenty-seventh, one thousand dollars, First National Bank, Portland. All the others are on the thirty-first, making five thousand dollars in all, on that day.

Question. Then there was another thousand dollars, which does not appear in the checks?

Answer. Yes, sir.

Question. Do those checks all bear your personal indorsement?

Answer. Yes, sir.

Question. That is to say, the checks are signed by the Treasurer and payable to your order; and what is the indorsement on the back?

Answer. Simply "*Alonzo Garcelon.*"

Question. You must have received upon those checks at the different times, the amounts which they bear?

Answer. Certainly; no doubt about that.

Question. Is it not true you received the amounts about the time the checks are dated?

Answer. Yes; I received them very soon after; as I needed the funds I got them discounted. About the sixth of January, if I remember right, I received two thousand dollars from the Waterville Bank; I was at Waterville and drew out two thousand dollars.

Question. I find that five of these checks are dated December thirty-first, eighteen hundred and seventy-nine?

Answer. Yes, sir.

Question. On different banks?

Answer. Yes, sir.

Question. They all bear the same date, are payable to your order, and all indorsed by you individually?

Answer. Yes, sir.

Question. Those checks amount in the aggregate to five thousand dollars?

Answer. Yes.

Question. Did you draw the money on those several checks on or about the date, or did you keep the checks?

Answer. I kept a part of the checks, and a part I drew. On the same day I guess I drew those two five hundred dollar checks; guess they were paid me at the Granite Bank; I sent down and got it; and a day or two afterwards the two thousand dollars from the Waterville Bank; it was not on the Waterville Bank, but I was up there and had it cashed.

Question. It was paid over to you?

Answer. Yes, sir.

Question. When?

Answer. I think on Monday morning.

Question. That would have been when?

Answer. A day or two afterwards.

Question. Here are two other checks of one thousand dollars each, dated December thirty-first, one on the First National Bank, Auburn, the other on the First National Bank at Portland. Did you receive the money in bills for those two?

Answer. Yes, sir.

Question. Did you receive the money on or about the date?

Answer. I presume so.

Question. So you had in cash in your hands some four thousand or five thousand dollars?

Answer. There was five thousand dollars that came into my hands. I paid it out.

Question. Why was it you drew out the money on those checks from the banks on or about that time, and kept the money with you instead of the checks?

Answer. I supposed that the Treasurer might want to settle the bills and these checks would be necessary to give information, if I thought anything about it.

Question. It was not necessary in order to enable the Treasurer to settle the account that he should have the checks; they would remain in the bank?

Answer. I simply drew that out because I thought it was best.

Question. Why?

Answer. I do not know as I have any explanation about it. I simply drew it out because I wanted it to pay out. Bills were coming in.

Question. You didn't pay it out till weeks afterwards?

Answer. Not all, but a large portion. My impression is I paid out some of my own money in advance for some bills before I got this money?

Question. How much did you pay out of your own money?

Answer. I do not remember just how the matter stood.

Question. Had you any suspicions that the payment of these checks might be stopped?

Answer. I never thought of such a thing; never dreamed of such a thing.

Question. Did you carry the money about with you?

Answer. Sometimes I did, of course.

Question. From place to place?

Answer. When I took it I had to carry it.

Question. You must have had quite a large amount of money, because you say you still have some nine hundred and sixty dollars?

Answer. Yes, sir.

Question. From the thirty-first of December to the seventh and eighth of January, you paid out quite a large proportion of the money. Between those dates what did you do with the money?

Answer. The two thousand dollars was not drawn from Water-ville Bank, till, I think, Monday morning, the fifth of January.

Question. But you still had a part of this money you had drawn from the other banks, on hand?

Answer. I think I had paid out the most of it.

Question. Your vouchers do not so show.

Answer. The vouchers show substantially the fact.

Question. Those checks were payable to your order. If lost or stolen from you, till they were indorsed by you, they would be of no avail to anybody. You have no explanation why you went and drew the money out of the banks, very nearly all, on or about the thirty-first?

Answer. The only explanation is I supposed I should want the money as the bills came in. I kept the money at hand so I could pay the bills.

Question. Such a check would be good at any bank in Augusta?

Answer. Yes, but inconvenient to pay a bill of fifty dollars or one hundred dollars.

Question. You made no deposit of money?

Answer. No, and I told you so yesterday; I have nothing to conceal about it at all. The whole transaction, so far as I had to do with it, has been open and above board.

Question. Have you notified any party till it was disclosed to this Committee, that you have in your possession nine hundred and fifty-six dollars of the money of the State?

Answer. No, sir, not at all; I did not know myself exactly how much there was.

Question. What have you done with it?

Answer. The money is safe, I will assure you.

Question. Have you deposited it in any bank?

Answer. No, it is not deposited in any bank.

Question. Have you kept it separate, by itself?

Answer. I think it is.

Question. The specific money?

Answer. I think it is ; I think I can produce, if you will go with me to the proper place, and show it to you in the original package that has not been opened, I mean in the envelope ; I wasn't aware that it would come out so near as it seems to here.

Question. You have not indicated to any person, till the present time, that this balance remained over in your hands?

Answer. No, I had no occasion to ; I have been waiting to get these bills in, and as soon as I got them I intended to have the matter properly adjusted.

Question. Running back to the seventeenth of November, do you remember what Committee work your Council did, excepting the tabulation of the votes from the seventeenth of November to the time of the sitting of the Legislature?

Answer. They had a large number of pardon cases to attend to, and the examination of accounts. I should have to refer to the Blotter.

Question. I find, referring to the Blotter, that they were in session during the whole time with the exception of two or three days?

Answer. Nominally so ; I guess there was a quorum here most of the time.

Question. So they were here and drawing their per diem during that time?

Answer. I presume so.

Question. What Committee work was there for which they would be entitled to any extra compensation, from the seventeenth of November down to the time of the session of the Legislature, excepting the tabulation of votes, if they were entitled to compensation for that?

Answer. I do not know that there would be any.

Question. I find that the amount allowed and paid the Council beside the per diem for the Committee work, including the clerks, amounted to eight hundred fifty-seven dollars and ninety-five cents. Was or not that sum paid to them for the tabulation of the votes?

Answer. I cannot say ; I presumed the work of tabulation was included in their per diem.

Question. It seems that this was the time when they were engaged in tabulating votes ; do you know of any other business they did?

Answer. I do not know, of course; I know there was a good deal of business done.

Question. I mean any other Committee work for which they would be entitled to compensation?

Answer. I do not remember anything myself besides that.

Question. Have you ever examined to ascertain how much has been paid for the extra Committee work in tabulating votes, in previous years?

Answer. No, sir.

Question. Does it ever exceed one hundred dollars?

Answer. I do not know whether it does, or fifty cents. I know nothing about it, never looked at it.

Question. In this case there was eight hundred and fifty-seven dollars paid?

Answer. I have an indistinct recollection that that matter was discussed or alluded to in my hearing, and something was said about what had been the custom of the Committee on tabulating; but I have no distinct remembrance what the result was, or what the result of the conversation was.

Question. Can you tell this Committee what extra work your Council did in the tabulation of these votes that would entitle them to draw their per diem pay and at the same time to be paid eight hundred and fifty-seven dollars?

Answer. Is not the eight hundred and fifty-seven dollars included in the Pay Roll?

Question. No. The eight hundred and fifty-seven dollars is outside their Pay Roll and outside of the salary which they received as Councillors.

Answer. Members of the Committee on Election took the returns somewhere about the last of October, and they were engaged upon those tabulating till about the seventeenth of November, and that is the time I suppose for which they made their charge for extra work. There were but four members of the Committee here, were there?

Question. I find upon examination, the following list which I will read for the benefit of the Committee: "Nov. 19, Charles H. Chase, \$59.50;" "Dec. 2, Charles H. Chase, \$35.50;" "Dec. 18, Charles H. Chase (clerk hire), \$125.00." Do you know of any clerk hire that was paid by Captain Chase or that he was authorized to pay?

Answer. I do not know.

Question. For the Governor and Council?

Answer. No. The Council employed Harden as a Clerk, assisting them in various matters, and I suppose he has a bill for his services.

Question. Mr. Harden has also a separate bill for Committee work or clerk hire?

Answer. I suppose so.

Question. I find that Harden was paid five hundred dollars extra besides his salary. If that is true this one hundred and twenty-five dollars would not properly be for clerk hire of Harden?

Answer. I should suppose it to be a part of the five hundred dollars.

Question. He received his salary, and in addition to that he received five hundred dollars for extra services, which were supposed to be for writing and matters of clerkship connected with the Committee?

Answer. Yes, sir.

Question. So that is outside of the one hundred and twenty-five dollars which was paid to Charles H. Chase for clerk hire. Have you any idea what that was for or could be for?

Answer. No, I can't tell you.

Question. Were you ever consulted about it?

Answer. No, sir.

Question. Was it ever explained to you as Governor of Maine what that sum of money was for?

Answer. The explanation in regard to this matter was that his services were very useful, and that he should be entitled to clerk hire so as to make him up a sum that would be fair to live upon?

Question. That was the five hundred dollars?

Answer. Yes.

Question. So that he really received one thousand dollars for his services as Messenger and as Clerk?

Answer. Yes, sir.

Question. What did the Legislature fix his salary at?

Answer. I believe five hundred dollars.

Question. That was the Fusion Legislature of eighteen hundred and seventy-nine?

Answer. Yes, sir.

Question. But by this extra service it was really one thousand dollars?

Answer. Yes, sir.

Question. I find F. M. Fogg received, November twenty-first, "\$67," and December thirteenth, "\$39." I find that E. C. Moody received, November eighteenth, "\$74," and December first, "\$11.50." I find S. S. Brown received, November eighteenth (Committee work) "\$71.85," and December second (Committee work), "\$19.40," and December thirteenth (Committee work), "\$13.20," and December twenty-fourth (Committee work), "\$44." Have you any knowledge of any extra committee work during the time of tabulating the votes that Mr. Brown performed?

Answer. I do not know of any other work they performed.

Question. Or what services entitled him to this extra compensation?

Answer. I do not know.

Question. You were not consulted about it?

Answer. No, sir.

Question. I find H. H. Monroe received, December twenty-fourth, (Committee work), "\$44." I find Charles H. Chase received, December twenty-fourth (Committee work), "\$44." I find F. M. Fogg received, December twenty-fourth (Committee work), "\$44." I find F. G. Parker received, December tenth (Committee work), "\$70." I find J. B. Foster received, November twenty-first (Committee work), "\$45." I also find, December twenty-fourth, H. M. Pishon received for services as clerk, "\$25." I find H. H. Monroe received, December thirteenth (Committee work), "\$30." This all foots up "\$857.95." It is covered under the vague and general term of Committee Work. I understand you to say that you have no knowledge of any Committee work that would authorize that amount of money to be paid to them or to be drawn by them?

Answer. I have no knowledge. If there was any special work for them to do, they should be entitled to their pay for it.

Question. What work was there for them to do about the returns excepting to tabulate?

Answer. I say "if there was."

Question. You don't know of any?

Answer. I have no knowledge of any special Committee work.

Question. The writing of the tabulation was done by Mr. Pishon?

Answer. I so understood; indeed I know that Pishon tabulated.

Question. Is not the expenditure there unauthorized, so far as you know?

Answer. I have no knowledge of the labor performed ; I of course had no means of knowing.

Question. We find that the Council also received pay for visiting various institutions ; had you any knowledge about that ?

Answer. What institutions ?

Question. Reform School, State Liquor Agency, and Insane Asylum ?

Answer. It is customary for the Committee on all those institutions to visit the various institutions.

Question. I find from examination, that for visiting and investigating the State Liquor Agency, Charles H. Chase received "\$22 ;" Frank M. Fogg, "\$63 ;" E. C. Moody, "\$11.40 ;" H. H. Monroe, "\$58.50 ;" F. G. Parker, "\$24." This Liquor Agency is situated in Lewiston ?

Answer. It was situated in Portland at the time that bill was made.

Question. I find that a part of this was after it was removed to Lewiston. That was right across the bridge from where Councillor Fogg resides ?

Answer. I understand he resides in Auburn ; I am not sure.

Question. Did it come to your knowledge that "\$178.90" had been paid out of the State Treasury for visiting and investigating the State Liquor Agency ?

Answer. I will say that this visiting was done during my absence at Atlanta and Washington last summer.

Question. They took occasion, in your absence to visit the Agency pretty often ?

Answer. The bill came in, and when they made up their Roll and voted upon it, I could not of course declare that they hadn't performed the services.

Question. Did you believe they had ?

Answer. They said they had.

Question. I find that, in addition to all these bills paid out to your Council, there was other Committee work charged for in December by Brown and Foster ; do you know anything about what that Committee work consisted of ?

Answer. No, sir ; I heard some talk about certain work, but I have no idea as to what it is.

Question. Or how much was paid out for it ?

Answer. No, sir.

Question. I find upon inspection of the record, that April fifteenth, eighteen hundred and seventy-nine, Charles H. Chase charges one visit to the State Prison, "\$21.10," and on May twentieth he visited it again, and charges "\$18," and August twelfth again, "\$23.80," and August twelfth one visit, marked in parenthesis June twenty-five, "\$25;" and August twelfth one visit, marked in parenthesis July eighteenth, "\$18.30;" and October eighth one visit "\$23.50." This made in all "\$123.50," for visiting the State Prison. I find Frank M. Fogg charges, April fifteenth, eighteen hundred and seventy-nine, one visit to State Prison, "\$32." Then F. G. Parker, one visit in September, paid October eighth, \$23.50." S. S. Brown charged, July second, eighteen hundred and seventy-nine; one visit, "\$17;" August twelfth, one visit, "\$19.70," making "\$36.70" for him. H. H. Monroe was one of the Governor's Council?

Answer. Yes, sir.

Question. Where did he reside?

Answer. Thomaston or Rockland, very near the line; he resides about two miles from the State Prison.

Question. Monroe was not on the Committee for State Prison?

Answer. I do not remember.

Question. The record so shows. April sixteen, eighteen hundred and seventy-nine, he was paid for four visits to the State Prison "\$31.00;" May twenty-third, one visit, "5.00;" same date, one visit, "\$5.00;" July third, two visits, "\$10.00;" August twelfth, three days, "\$15;" September twelfth, two visits, "\$10.50;" October twenty-ninth, two days, "\$10.00;" December two, two visits, "\$10.00;" December thirty-first, one visit, "\$5.00;" making "\$101.50" for Monroe visiting State Prison. E. C. Moody made one visit April fifteenth, "\$30.00;" July two, one visit, "\$24.25;" November eighteen, one visit, "\$19.20," making "\$73.45" for his visits to State Prison?

Answer. His bill, I suppose, came principally from his traveling fees.

Question. Do you know of any reason why these different parties should have visited the State Prison so often?

Answer. I think Monroe was on the Committee on the State Prison, and I think the Inspectors of the prison were making an investigation and desired the Committee to be present.

Question. An examination of the record, I think, discloses the fact that Monroe was not one of the Committee?

Answer. I do not remember. But they desired as many members of the Council as could to visit them and advise with them.

Question. Had you any knowledge of these bills that were paid?

Answer. No special knowledge.

Question. They were not audited by you?

Answer. No; no bills were audited by me. The bills were all audited by the Committee on Accounts and a report drawn up, and the only knowledge I had was when the report was made.

Question. In addition to this expense, we find in connection with the Reform School, that August twelfth, S. S. Brown was paid for one visit "\$8.85;" Charles H. Chase was paid as follows: April fifteenth, eighteen hundred and seventy-nine, one visit (March twenty-first) "\$5;" May twentieth, two visits (May second and tenth) "\$10;" August twelfth, five visits "\$25;" September twelfth, two visits, "\$10;" October eighth, two visits (September), "\$3;" December thirty-first, two visits (December), "\$11," making in all "\$64." Captain Chase resides in the city of Portland?

Answer. I always understood so.

Question. The Reform School is a short distance out?

Answer. Four miles, I think.

Question. Had you any knowledge of the services which he performed in earning that money from the State?

Answer. When I was charged with the duties of Governor, in looking over some matters, my attention was called to certain bills for visiting the Reform School. I found the bills where a certain gentleman who visited the School three or four times charged some three hundred or four hundred dollars, I think, for some four or five different visits; and another gentleman, who resides in Portland, who had principal charge of the School during the year previous, charged thirty dollars for his services during the year. The question was, why I should not remove him and put in another man, let the man who charged three hundred and fifty or four hundred dollars for four or six visits stay in; I decided it was better to keep that man in who only charged thirty dollars, and took care of the institution, than to put in the man who charged the large bills.

Question. You didn't approve of these large bills?

Answer. That is the substance of it.

Question. E. C. Moody charged "\$58.90," for what he visited the Reform School, and F. G. Parker "\$7.50?"

Answer. That is a matter I couldn't control, if a man is a member of the Committee and visits one of the Institutions. The law says that there shall be Committees for this, that and the other pur-

pose, and if we are unwise enough to select a Councillor from a remote part of the State, and he charges his traveling fees, takes advantage of the situation in that way, I do not know as we have any remedy. It is undoubtedly wrong. My idea is, that these Institutions can be taken care of precisely as well by a party in the immediate neighborhood as by a man residing at a distance. In making my appointments, I had to yield somewhat to the peculiar position in which I was placed, but so far as I was able I looked out to get men in as near proximity as possible so these bills should not run up.

Question. It is true that, taking together the Liquor Agency and Reform School and State Prison, the State was obliged to pay pretty heavily for the inspection, during the year?

Answer. I never have looked at the bills of the other institutions, but my impression in regard to the liquor business was, that the whole thing was a nuisance, including Agency and all.

Question. I find that Councillor Parker for visiting the Insane Hospital, charges as follows: "April 24, 1879, two visits, (in March) \$7;" "April 24, 1879, two visits, (April) \$7;" "July 3, 1879, one visit, (June) \$48;" "August 13, 1879, one visit, (July) \$48;" "October 8, 1879, one visit, (Sept. 30,) \$48;" "November 21, 1879, five visits, (April, May, August, September and October,) \$10," making in all "\$168?"

Answer. He only charged travel fees when he charged "\$48."

Question. Is it not true that at the same time he came to attend upon the business of the Council, and charged his per diem?

Answer. I presume so.

Question. This was extra?

Answer. Yes.

Question. Perquisites?

Answer. Yes.

Question. And these visits he charged for were to an institution just across the river?

Answer. Yes. His regular visit would be three dollars, I think.

Question. John B. Foster charges "\$31."

Answer. He charges travel fee from Bangor, undoubtedly.

Question. H. H. Monroe charges in all "\$51.50."

Answer. That must have included travel.

Question. S. S. Brown charged "\$38.30." Would that include travel?

Answer. Yes, it must; and quite a number of days beside.

Question. It was six days. You think he charged travel from Fairfield?

Answer. Yes; he must have charged travel every day.

Question. In the House of Representatives, January twenty-four, eighteen hundred and seventy-nine, Mr. Brown of Bangor, moved that there be published two hundred copies of the House Journal. Mr. Farrington of Fryeburg, moved to amend by inserting that, if the expense shall not exceed forty dollars, four hundred copies shall be published, which was passed. An examination shows that there was paid to E. F. Pillsbury and Company, for printing six hundred copies, instead of four hundred of the House Journals, "\$718.76;" and A. J. Cameron, binding and stitching six hundred twenty copies. "\$285," making "\$1,003.76;" have you any knowledge about that? or had you?

Answer. No.

Question. Have you any knowledge where the authority came from to print the additional copies which were not authorized by this order?

Answer. I do not know.

Question. Never had any knowledge of it?

Answer. No.

Question. Would you have authorized it?

Answer. Not if I had known the law. What was the condition?

Question. The order was, four hundred copies shall be published if the expense shall not exceed forty dollars?

Answer. There must be some mistake about that.

Question. "*That if the difference between the two hundred and four hundred copies shall not exceed \$40.00, four hundred copies shall be published.*" And there were six hundred copies at seven hundred eighteen dollars and seventy-six cents. You approved?

Answer. I presume so.

Question. Did you not make inquiry into the authority for printing?

Answer. I should doubt very much whether I did.

Question. Whose statement did you take?

Answer. The Committee on Accounts; M. Foster was Chairman, and most of these bills passed his inspection, and, as a general rule I found him exceedingly accurate; I have no remembrance of this case at all; I cannot say whether I was present when the report was passed. Very frequently I was absent and a report passed and

the first I knew about it was the warrant. I assumed they were correct.

Question. I understood you to say, there was a certain amount of money you paid to your Council?

Answer. Yes, sir.

Question. When was that paid?

Answer. I cannot tell you precisely, sometime in December, along—I should judge the latter part of December.

Question. How much?

Answer. Little less than five hundred dollars, my minutes are.

Question. What was it for?

Answer. There is a little explanation, if you go into that, that I shall have to make. It was for two different purposes. The bills when they come in will show. A part of it grows out of that question of double mileage. The Council passed a bill for double mileage, without my observation till it got through and they got their money. I insisted afterwards that they should not have it, that they should pay it back. Then the next time they did not charge the mileage at all. Subsequently, there was some trouble, some way or other, about it, and finally they concluded to pay the money back. They thought they ought to have it, and the last days of the session something came up about that. A part is for that purpose, and the other is for certain bills; I will put them in as soon as Chase and Monroe come back.

Question. They insisted upon having their mileage?

Answer. Yes; I paid it to them, and they paid it back into the Treasury, I think.

Question. You paid it to them?

Answer. Yes.

Question. And they paid it back into the Treasury?

Answer. Yes. They did not draw their pay the next time.

Question. What did you pay them from?

Answer. I let them have this money. They only got their regular miles through the terms. It was for the purpose of satisfying the Treasurer that they paid it back. It amounted to some two hundred and sixty or two hundred and seventy dollars. Mr. Parker's mileage is very large.

Question. I do not quite understand what the object was of their receiving it if they were to pay it back?

Answer. I cannot myself see the necessity of it; but it was a difficulty between them and the Treasurer, some how or other.

Question. Between the Council and the Treasurer?

Answer. Yes, about their fixing the account. The real fact, I suppose, was, they did not want it to stand to show they received double mileage, and they had rather pay it back and get their pay for the next session which they did not receive; so it was just as broad as it was long. The first session they drew double mileage, and the next session they did not draw any; and it would have been all right to let it stand just as it was; but, in order to have the matter stand right on the records they concluded they would go and nominally pay it back, which was taking so much money out of my hands and paying double mileage and making it appear right on the books. It does not amount to anything one way or the other, and those are the bottom facts about it. There was about four hundred and sixty-five dollars in the whole. A part of that was for certain contingent bills which will show for themselves.

Question. This four hundred and sixty-five dollars you speak of was money paid the Council as you have just explained to us?

Answer. Yes; a part of it, and some bills Mr. Chase had for some purpose or other.

Question. Do you know what?

Answer. No. His bill has not been rendered.

Question. How much do you think was for other matters besides the mileage?

Answer. I cannot tell you.

Question. That was paid out of this six thousand dollars which you drew?

Answer. Yes.

Question. When was it paid?

Answer. I cannot tell you. It was the latter part of December.

Question. Was it since you ceased to be Governor?

Answer. No, sometime before; about the time of the excitement, the time they were settling up the final accounts of the year, some time after Christmas.

Question. This double mileage was incurred in the early part of eighteen hundred and seventy-nine?

Answer. Yes, January.

Question. They never adjusted it till just before their term of office expired?

Answer. No, sir.

Question. I suppose you have not the vouchers for the money you paid Lancaster; you have not the Pay Roll?

Answer. No.

Question. What has become of it?

Answer. These Pay Rolls would come in from day to day, and these bills were paid. After they came in and I checked them to see they were all right, they went into the waste basket, for all I know.

Question. They have not been preserved?

Answer. No, sir.

Question. Do you think that was a good way to do business for the State?

Answer. I do not know but it was ; I was very careful, as I believed, to have it as near right as possible.

Question. You paid the money and took the receipts of Lancaster, and put the vouchers, from which you could gather accurate information if at all, into the waste basket?

Answer. It was a list made up from day to day or every two or three days. I had an ocular inspection of the matter to know it was right and therefore did not feel there was any particular importance of preserving them. I did not think anything about that matter. It was the receipts I was looking at, Mr. Lancaster, I presume, has kept a list of all his men.

Question. How much is there that has been paid Charles H. Chase for which he has rendered no bill?

Answer. I cannot give you the precise amount.

Question. Is it more or less than one hundred dollars?

Answer. I should think some over one hundred dollars.

Question. I find here an item of “\$106, three gentlemen, special policemen;” who were they?

Answer. Major Channing, Captain Ham, and Mr. Rodick of Lewiston. They were here during seven or eight days, the last part of the session. Major Channing I was particularly acquainted with, and knew him to be a reliable, steady man, and of good judgment. In the state of excitement it was desirable to have some men who could control the multitude.

Question. I thought Captain Black was in charge of the police?

Answer. He was in immediate charge.

Question. What were Major Channing’s duties?

Answer. He was a policeman, to advise, the same as most all the people here.

Question. Was he actually on duty?

Answer. He was.

Question. Was Rodick a military man?

Answer. No, sir.

Question. What part did he play?

Answer. The same.

Question. He was from Lewiston?

Answer. Yes.

Question. What service did he render the State?

Answer. The same duty that any other gentleman did here, looking after the general interest of the State.

Question. Was there a Mr. Haskell here from Lewiston or Auburn?

Answer. Yes, sir.

Question. Do you know him?

Answer. No.

Question. Who brought him here?

Answer. I inquired as to who recommended him here and my information was that he was recommended by Mr. Fogg.

Question. F. M. Fogg?

Answer. Yes, of the Council.

Question. Was he paid out of the State Treasury?

Answer. Yes, sir.

Question. He was a pugilist?

Answer. I do not know ; I never saw him till I saw him here.

Question. He had the reputation of being a fighting man?

Answer. He had the reputation of being a good policeman, as I understood.

Question. Mr. Fogg brought him here?

Answer. I understood he was recommended to Mr. Lancaster as being a suitable man.

Question. Do you know of any other men who were recommended by any other members of the Council?

Answer. I do not ; I never asked the question. It only came to my ears incidentally that this man was recommended in that way.

Question. Were you not requested by General Chamberlain to discharge this body of men?

Answer. What body?

Question. The class of men that has been described here, this Haskell and State's Prison men.

Answer. I do not know whether he made the request or not, but

I did discharge all, I think, excepting some twenty or twenty-five. In consultation with General Chamberlain, we thought they had better be discharged, and I discharged them.

Question. Did you find them back again?

Answer. In the morning I found them back again, quite a large number. Since I was here I have been calling to mind. On the evening of January seventh, I was in my room at the Augusta House, and, about nine o'clock, a boy came and brought me a note from General Chamberlain, saying there was great excitement at the State House; that men were under arms, and that he was astonished, having heard me give the order that those parties should be discharged, that they were again here. I requested some gentleman, do not recollect whether Major Belcher or some other member of the Staff, to go to the State House and see what was up, and see whether the report was true. They did so, and came back and reported that everything was quiet; there was nobody here, and nobody was under arms, and had not been during the evening, and that it was as quiet, or more so, than it had been for a long time. I supposed everything remained quiet, but in the morning when I came up, the statement was made to me that General Chamberlain—

Question. Was General Chamberlain present?

Answer. No; I was stating what was told me, why these men were here, that it was through his order.

Question. Do you not know the fact that immediately after General Chamberlain came up, the next morning, that he insisted that these roughs and shoulder hitters, and the class of men that occupied this building, should be discharged, and that the regular police from Augusta, people who were amenable to the law, should be put in their stead?

Answer. I do not know anything about what occurred. I was not in a position to know what was done or said.

Question. Did you not receive that information from General Chamberlain, that he would not have that class of people about the State House?

Answer. No; I never have seen him since the seventh of January.

Question. This was prior?

Answer. You say it was the next morning.

Question. Was it the night of the sixth this took place?

Answer. No; it was the night of the seventh.

Question. So you did not see him afterwards.

Answer. No; I was looking at his note to me, a day or two ago.

By MR. HALE:

Question. Now that these matters have been brought out before you, take for instance the treatment of the returns which I submitted to you in your first two days of the examination, like the Fairfield case and the Hebron case, and the other cases, you still say, as you did then, that you knew nothing of those manipulations?

Answer. I do say so, most emphatically. I never heard or dreamed of such a condition of things, as they appear now.

Question. I showed you in each case, did I not, the tabulation accompanying?

Answer. Yes, sir.

Question. I showed you that the reports and the lists, and the carrying out on the margin of the tabulation, were in accordance with what we found there, did I not?

Answer. Yes.

Question. And that the name of the successful candidate was carried out accordingly?

Answer. Yes.

Question. And that the list was made up from that?

Answer. Yes, sir.

Question. You knew nothing of the treatment of the return itself, but took it from the lists made up?

Answer. Yes. For instance, take the Wells case, where the tabulation is "Josiah A. Stover." Of course, I, nor any party, could have any knowledge, if I looked at that return and saw it, that it was not made properly. These returns were put up by counties, and when we wanted to look at a return we would turn down and find a particular town and take it and look at it. Here is a return that says "Josiah A. Stover" received so many votes. If any one did not look at it particularly and critically they would not observe but it was all right; but having your attention called to the fact that the words were compressed or drawn nearer together, and the "A" was put in, it was looking a little suspicious, perhaps then you would have no knowledge but the Town Clerk put it in; you would not know anything about it. Of course there are a great many cases of that kind that might occur, even if we had all sat around this table and looked at it.

Question. Take for instance, the Josiah A. Stover case, in Wells.

The Clerk has appeared and sworn he did not put in that "A," as was shown, too, by his list made up in town meeting which he showed to us?

Answer. Yes.

Question. It is tabulated "Josiah A. Stover."

Answer. Yes.

Question. Which shows conclusively, does it not, that the A was put in before the Council tabulated?

Answer. Precisely, or else it was tabulated wrong.

Question. The fact that it was tabulated "Josiah A. Stover" and that we find the "A" in there, interpolated, the two things together, show to any man, as a natural conclusion that the "A" was put in before tabulating, otherwise they would have tabulated it "Josiah Stover."

Answer. That is the presumption.

Question. So that disposes of any claim that the "A" has been put in since?

Answer. It disposes of it to a certain extent; but there would be another dilemma come up, granting it was put in since, why was it not tabulated "Josiah Stover?"

Question. That is the answer. If it had been put in since, it would have been tabulated "Josiah Stover."

Answer. It ought to have been. I wish to put that in as matter of excuse if it is possible to make; but mind you, I don't make it. The only excuse is that, during the time between October twenty-ninth and November seventeenth, when these gentlemen were tabulating, they were not thinking of this rule, or might be ignorant of what rule should be adopted, and therefore tabulated it, supposing it should be for "Josiah A. Stover," and when the final tabulation came up, it was through carelessness it was not corrected. I only say that is the only possible way to account for it.

Question. You are only testifying as to a possible excuse about what might have been done before?

Answer. Yes.

Question. Does not the fact that this tabulation was made according to the return as it now appears, show the tabulation has been made since the alteration?

Answer. It is a strong presumption of course.

Question. Take the Hebron case where "C" was changed to "G." It was originally "Henry C. Walker" in the return. The

tabulation which I show you showed that the vote was tabulated for "Henry G. Walker." That proves, does it not, that the change had been made from "C" to "G," before the Council tabulated it?

Answer. Most assuredly that is the inference anybody would draw.

Question. What reason could you give for the Council tabulating it "Henry G." if that change had not been made before?

Answer. They must have some smarter answer than I can think of.

Question. A prophetic ken?

Answer. Yes.

Question. So this claim that has been made by Citizen Fogg that these alterations have been made since this Committee took the documents in charge has no foundation. The fact that they are tabulated as they appear now, shows that those alterations were made before the tabulation?

Answer. That is my solution.

Question. You do not agree with him?

Answer. I do not want to excuse or justify anything that is wrong. As I told you the other day, when this suggestion was made, I went into the Council Chamber and said to them: "*If there is anything about these returns, where they have been substituted, interfered with in any way, any alteration whatever, I want to know it. I put you upon your honor to testify in regard to the matter.*" After making what inquiry I can now, I am frank to say I do not think there was anything like a conspiracy on the part of any individuals, that whatever was done I must think *was done by some Judas in the camp.*

Question. Have you any idea who he was?

Answer. I do not want to express myself.

Question. You do not think a great many were engaged in this performance?

Answer. No, sir.

Question. You do not often find more than one Judas?

Answer. No; I want to say one thing for my friend Fogg,—so he shall not have any greater burden to bear than belongs to him,—that during the time this tabulation was going on, the original tabulation, between October thirtieth and November seventeenth, he was not present at all here in Augusta.

Question. During that eighteen days?

Answer. During eighteen days of the Committee work he was not present, and he did not come to Augusta till the same day I did.

Question. So if it was done before that you do not think he had a hand in it?

Answer. No, sir.

Question. Will you tell us which of those gentlemen you are willing to exonerate?

Answer. I advised Mr. Fogg to come here to-night, and come before this Committee; I told him I thought it was due to him.

Question. What did he say?

Answer. He said he should be glad to testify before this Committee, but felt that it would be recognizing an illegal Legislature.

Question. You were not troubled in that way?

Answer. I did not have any conscientious scruples.

Question. Have you seen that report of the interview between Citizen Fogg and a correspondent of the Lewiston Journal in to-day's paper?

Answer. No, sir.

Question. When did you see Mr. Fogg?

Answer. This afternoon, just before I came away, I met him at the depot.

Question. You do not think Foster did this work?

Answer. I wish you would not ask me those questions?

Question. You do not think our friend Brown, at Fairfield, had anything to do with fixing up that Fairfield return?

Answer. [Witness laughs.] I am rather inclined to think some of you fellows pasted these pieces of paper on.

Question. Seriously?

Answer. I have got nothing to say.

Question. The Selectmen swore they pasted them on themselves. You had not any doubt about that case when we referred to it, but what there had been foul play?

Answer. If these were the returns that were in here there can be no doubt, in my judgment.

Question. All these performances, whatever they were, by any "Judas in the camp," you knew nothing about?

Answer. No; I never dreamed of such a thing.

Question. Take the expenditures that have come out to-night, and the habit of Councillors spending so much time in extra services,—

Fogg visiting the Liquor Agency which was close by him ; Monròe visiting the State Prison which was close by him ; Moody visiting the Reform School close by him ;—is that new to you ?

Answer. I did not know of the aggregate amount till to-night. I knew in regard to the Liquor Agency. Last spring there was a great deal of examination and investigation of that matter, trying to test the quality of the liquor. I went to attend the Medical Convention at Atlanta, and when I got home, (I was gone about three weeks, I think,) I found there had been a good deal of visiting the Liquor Agency.

Question. Any liquor when you came back ?

Answer. I cannot say.

Question. While you had that general notion, you never realized till now the extent of these things or the amount of this extra work that had been going on ?

Answer. I did not know about the extra work. I felt, and always have, that there was a disposition to magnify these bills, to make extra visits. I find it so professionally. Some good lady is sick and nervous, and she calls her Doctor, and is desirous of having special attention. If the Doctor is governed by her feelings he will make many visits when only one or two are necessary. I think that is the case with Public Doctors.

Question. Do you think the Reform School, State Prison or Liquor Agency, insisted on these visits ?

Answer. Perhaps some peculiar attraction.

Question. On the whole, do you not think you have been pretty badly imposed upon by these gentlemen ?

Answer. I presume they are, in the main, as honorable about these things as the most people, but the results of things oftentimes astonish people. I was not aware that the bills for this Committee work and for these visits amounted to what they do, and, even if I had been, I know of no means by which I could have prevented or diminished the charges.

Question. You had to sign the warrants ?

Answer. Yes.

Question. Take the other branch of the case ; if you had known and gone into these cases that have been called to your attention, and enforced the rules as you understood them, you would not, as I showed you yesterday was done, apply a rule one way when it favored a Fusionist, and another way when it would favor a Republican ?

Answer. No, sir.

Question. If you had known how these rules were applied you would not have consented to grant the certificates?

Answer. No.

Question. And the result would have been, there would have been no such Legislature certificated as there was?

Answer. I presume that is so, assuming that the thing is as it was and there has been no change made.

BY MR. STROUT :

Question. Where is Mr. Lancaster?

Answer. In town; he keeps a boarding house just back of here, and some members of the Government board with him, as he told me when he was at my place.

Question. Have you seen him recently?

Answer. Yes, I have.

Question. When?

Answer. Within four weeks, and I saw him last night, a moment.

Question. Where?

Answer. He was at the Augusta House while we were at supper.

Question. Was he at your room?

Answer. Yes; I asked him to my room, for I wanted to ask him about the disagreement between him and General Chamberlain as to the employment of the forces. He came up, and I had a few moments conversation with him.

Question. In regard to an item here of "\$85.00," from twenty-eighth of December to fifth of January; what did John Benson, Jr., do during that time to earn eighty-five dollars, about ten dollars a day?

Answer. I think there is a mistake about that. The certificate was, that he was here from December twenty-eighth to January seventeenth. He was employed in the Adjutant General's office, connected with Major Folsom.

Question. What did he do?

Answer. I cannot tell you. He was in the office as secretary, or connected with it.

Question. When did you pay him this amount?

Answer. When I paid the other gentlemen; I think about the twentieth of January.

Question. Did he come to your place?

Answer. Yes.

Question. Did the others come?

Answer. No. They sent by him, I think all of them; I guess you will find an order or request.

Question. He was the alleged Deputy Secretary of State under Sawyer?

Answer. Was he? I did not know that; I am not acquainted with him.

By MR. HALE:

Question. Why do you not pay back that money you have, into the Treasury?

Answer. I have not been here till I came before the Committee. I wanted to get these bills all in so as to have the accounts accurately arranged, so as to have it all show. I am perfectly willing to pay it any time and have been. I have waited for these gentlemen. Mr. Foster is at Chicago. I wanted to get all these bills in. That is the only reason.

MARCH 16, 1880, A. M.

JAMES S. HARRIMAN, *sworn and examined.*

By MR. HALE:

Question. Were you at home, in Belfast, at about the time of the adjournment of the October Term of the Supreme Judicial Court, in early November, eighteen hundred and seventy-nine?

Answer. I was.

Question. Are you acquainted with the late Attorney General, William H. McLellan?

Answer. I am.

Question. Did you see him on or about November eighth, and have any talk with him in reference to the counting out?

Answer. I did.

Question. Will you fix the date, and day of the week as near as possible?

Answer. It was Saturday night, the eighth of November.

Question. About the time of the adjournment of the Court?

Answer. I think it was very soon after.

Question. What did Mr. McLellan then say in reference to the action of the Governor and Council, in counting out Republicans?

Answer. I cannot give the exact language of our conversation there. He said: "*We are going to count you out,*" or words to the effect. That is as near as I can give it.

Question. What reference did he make to any authority or law under which the counting out was to be done?

Answer. He said the Republicans had passed a law in eighteen hundred and seventy-seven, making the Governor and Council a Returning Board, and put the whole matter into their hands, or something to that effect.

Question. What did he say in reference to having seen the Governor?

Answer. He said that he had seen the Governor in the matter, and that he staid with him all day, or something to that effect, or labored with him. I do not know the exact language.

Question. Did he state what condition he left the Governor in?

Answer. He said the Governor was "all right now," that he had "stiffened him up," or "stiffened his back," or some expression of that kind.

Question. Did he make any predictions as to who would be Governor?

Answer. He did. He said that Davis would not be Governor. He did not make any prediction as to who would be Governor, but that Davis would not be.

Question. Did he offer to bet?

Answer. He offered to bet twenty-five dollars that Davis would not be Governor.

Question. Did he give you any towns that were to be counted out, and the reasons for it?

Answer. He named Searsport, and gave a reason why the vote of Searsport was to be thrown out.

Question. Do you remember the reason?

Answer. He said the polls were kept open till after the hour when they should have been closed, and that we might as well hold an election on Sunday as to hold it in that way, or something of that kind. He did not say anything about the return not being sealed up, in Searsport.

Question. Did he say anything about the Belfast case?

Answer. He said they could count the Doctor out.

Question. Dr. Brooks?

Answer. He had reference to Dr. Brooks; but he said he was not to be counted out.

Question. Do you remember of his mentioning any other towns that were to be counted out, or were not to be?

Answer. He may have mentioned other towns, but I do not remember any other town, excepting Searsport and Belfast.

Question. How long have you lived in Belfast?

Answer. Twenty-five years.

Question. Business?

Answer. Attorney at law.

Question. You are well acquainted in Belfast, and know Mr. McLellan well?

Answer. Yes, sir; I have known him upwards of twenty years.

Question. Do you appear here voluntarily, or on summons of the Committee?

Answer. I appear upon the summons of the Committee; had no knowledge or intimation I was to appear till I got the dispatch from the Clerk, yesterday morning. F. W. Pote was present during a portion of the conversation. And M. T. Marshall, I afterwards learned, heard the conversation. They are both of Belfast. This conversation was at Pote's shop.

GEORGE F. HARRIMAN, *sworn and examined.*

By MR. HALE:

Question. Your profession?

Answer. Attorney at law.

Question. You have lived in Belfast how long?

Answer. Not quite twenty-five years.

Question. Well acquainted with Mr. McLellan?

Answer. I am.

Question. Members of the same profession?

Answer. Yes, sir.

Question. Were you present at the conversation which has just been testified to by James S. Harriman, which testimony you have heard; and if so, does your recollection of the conversation and of Mr. McLellan's statements agree with the account of it given in James S. Harriman's testimony?

Answer. I was present, and I remember the conversation substantially as he gave it.

Question. Do you remember any additional points?

Answer. I do not now call them to mind.

MARCH 17, 1880, A. M.

ORVILLE D. BAKER, *sworn and examined.*

BY MR. HALE :

Question. Were you counsel for any members of the Legislature, including House and Senate, during the late affairs that took place before the assembling of the Legislature?

Answer. I was.

Question. As such counsel, state whether or not you appeared, from time to time, before the Governor and Council?

Answer. I did; I did not appear before the Governor and Council but once prior to the day of the Mandamus hearing.

Question. Did you attempt to do so?

Answer. I did, various days, representing a large number of clients.

Question. Did you ask to see the returns; did you try to get a sight of the Representative and Senatorial returns?

Answer. I did, repeatedly.

Question. Between what dates?

Answer. I attempted to appear at various dates between November seventeenth and December first.

Question. Between those dates, inclusive, were you, acting as counsel, permitted to have access to or inspection of any return?

Answer. I think between those dates I was persistently excluded from seeing a single return; I think I did not see a return for Senator or Representative and was permitted to see none, till, I think, the twelfth of December, which was the day after the Mandamus hearing closed.

Question. Were you prepared, if you had been permitted to inspect the returns, to present certified copies of town records?

Answer. I was prepared, after very much labor and sending into all the counties of the State as counsel, to exhibit certified and sworn to copies of the official records, in probably at least four hundred of the towns and cities of the State, possibly more than that—very nearly all. I think it included every one in which there was ever any contest, and a great many where there was none.

Question. In preparing yourself with such evidence, had you been guided solely by the records of the meetings as made by the legal Clerks?

Answer. All the copies that I had were sent for and returned cer-

tified and sworn to as accurate copies of the official records of the Town Clerk?

Question. That applied to many towns where the officers were members of the Fusion party as well as to towns where they were Republicans?

Answer. Yes. They were taken irrespective of party. We got every one that could be obtained. There were some towns where there were Fusion officers in control who refused to give any certificates or to allow any person access to their books for the purpose of taking certificates. One case I remember where a Fusion Town Clerk refused to give a copy unless he was paid twenty-five dollars. He said he was advised, I think by Mr. Pillsbury, not to give any. That was the answer he returned, so I was informed.

Question. In requesting the right or privilege of examining the returns, during this time, before you were permitted, did you state to the Governor and Council, or any member, from time to time, what you proposed to do, and that you were getting these certified copies at large from the towns, in order to compare them with the returns?

Answer. I am not sure whether I stated to the Governor and Council that I was getting them, but I stated to them repeatedly, after the fact, that I had obtained them and had them ready, and offered them.

Question. You stated to them all you wanted was to have an opportunity to examine the returns?

Answer. Yes; I stated it to members of the Council individually, and repeatedly in written communications, which were printed as a part of the daily newspaper accounts.

Question. No examination was allowed to you, as representing those parties, till the eleventh or twelfth of December?

Answer. The eleventh or twelfth, I think it was the twelfth; it was the day after the final hearing of the Mandamus case closed.

Question. How soon after that were you permitted to inspect the returns?

Answer. I was there the twelfth, which I think was Friday, and the thirteenth which was Saturday. I did not pursue the matter very much Saturday, for the reason I satisfied my own mind, from the proceedings Friday, that the matter was pre-determined. I had one contested hearing Friday. The hearings were conducted something in this manner: there would be three or four of the Council in the Council Chamber; the Governor did not come out at all, although I

sent for him several times ; in one case I waited several hours for him to come out ; he did not come, but sent a word declining to come, that he was busy and did not care to. That was a case, after the certificates were issued, of Webster and Lisbon, when I was asking him to revise his opinion.

Question. Confine yourself, please, now to what took place before ?

Answer. There were only a few members of the Council present in the Council Chamber, and, during the days I was there, the Governor and the remainder of the Councillors would be in the Governor's room, and Mr. Pillsbury was in there with them, and they were examining and passing upon the returns. The hearing outside, I satisfied myself, was largely a show.

Question. Did you succeed in getting any arrest of the process of counting out that was going on at that time, which resulted in certificates being given to men who have since been declared as not elected ?

Answer. Not in one single case was any result changed, or did any benefit result from a hearing.

Question. On what day did the notice, which had been given that hearings would be had, expire ?

Answer. On the thirteenth, which was Saturday, I think.

Question. Did you, after the thirteenth, try to secure a hearing and a change in the result of any case that had already been passed upon by the Governor and Council ; if so, what case and when ?

Answer. Yes ; I tried, immediately after the certificates were issued ; I cannot state the date, endeavored to have a re-hearing. I went to the Governor, personally, in his Room, and told him that in the Webster and Lisbon cases affidavits had been signed by all six of the Selectmen of those two towns, stating that they had individually signed the returns, each his own signature, with his own hand ; that I understood both those towns had been disfranchised, rejected in the count, because it was alleged the signatures had not been made individually ; that I was prepared to refute that, and show the contrary, and asked a hearing. The Governor said, so far as he was concerned, he supposed there would be no objection, he could not say for his Council. Finally, I got a hearing, and asked the Governor if he knew personally about that matter. He said he thought my statement could not be true upon it, that I could not have been rightly informed, because he said he had a letter, or something of

the sort, from one of the Selectmen, stating the contrary. I told him that my information seemed to be very reliable. Finally, I secured a hearing, and the Selectmen, all six, of the two towns, came down, in a driving snow storm, and went in before the Governor and Council with them. I told them for what we had come. We waited in the Council Chamber, I should think an hour, possibly two hours, for the Governor to come out and hear, personally, the testimony. I sent in repeated messages for him to come out and hear the testimony of those men, who had come for that special purpose and were anxious to go home as soon as possible. He did not come. I finally, after waiting a long time, began the hearing, and the men testified, each on oath, before the Council, that they signed individually, their respective signatures. Finally, I obtained admission into the Governor's Room myself, and solicited him again to come and personally hear the testimony of those gentlemen. He finally came out; staid, I should think, perhaps three minutes. I succeeded in getting the testimony of three men,—in asking three of the Selectmen out of the six, in his presence, a single question, whether they individually signed the return, and he immediately passed out and left the other three unexamined before him. That was all the hearing I could obtain before him. The hearing was closed.

Question. Did the testimony show, indisputably, from all the officers, that each signed his name?

Answer. Yes; each testified under oath, to signing his own name and seeing each of the other officers sign his.

Question. Was that the question which was raised and the defect which was alleged to exist in the Lisbon and Webster cases?

Answer. That was the only allegation I had been able to learn from Governor or Council.

Question. After that, was the candidate whom you represented, counted out?

Answer. Yes, sir.

Question. No change was made?

Answer. No.

Question. Upon what ground has it been put since that?

Answer. I think, after that point was entirely disproved at that hearing, it was put on the ground, afterwards, in their report, that the record was not made up in open town meeting. That is my memory now.

Question. At the time of the hearing, when you were producing testimony, was that point raised at all or suggested by anybody?

Answer. The witnesses were examined by various members of the Council, particularly Mr. Brown and Mr. Fogg; and Mr. Fogg raised that point, I think, in his examination; but before concluding the hearing I stated to the Council that we were prepared to offer evidence to establish any point there was any doubt about, and would do so if the Council had doubts upon any other point. I told them I would wait a moment for them to make reply and if they made no reply, specifying any other point, I should assume that the point of signatures was the only one in controversy. They made no answer and the case closed on all points.

Question. Are you aware that, in the list made up for members to be certificated from, William H. Thomas' name was first written in, and afterwards erased, and Leonard H. Beal's name substituted?

Answer. Yes; I have seen the tabulation. After the certificates were issued I saw the tabulation and remember of seeing evidence of that change upon it. I saw it in the Secretary's office, I think.

Question. Does not the final list made up by the Governor and Council show the change from *Thomas* to *Beal*? [List marked "*Exhibit K., G. D. B., Clerk of Committee,*" shown to witness.]

Answer. On the list now shown me the name of Leonard H. Beal is the last one written in, and a name has evidently been written before that and erased, and, with the aid of the glass, I should say that that previous name was *William H. Thomas*, or William Thomas. I also solicited a hearing upon the case of John Burnham, from the Ashland district, I think.

Question. Previous to the thirteenth?

Answer. No; afterwards, offering to show that the ground of counting out the Republican member was ground entirely unwarranted in fact; I offered to show that by witnesses; but I was not allowed a hearing for that purpose in that case.

Question. Were your requests for these various hearings and inspections of the returns proffered in a courteous manner, in the customary way in the practice of law?

Answer. With the utmost courtesy that I knew how to exhibit; I never had but one interview with the Governor, I think; that was in his Private Room, and with reference to the Webster and Lisbon case, and was perfectly pleasant and courteous on both sides. My other applications were made in two ways, chiefly by letter delivered

to the Messenger and presented to the Governor and Council. Those letters have all appeared in public print, in the newspapers. I also went down a number of times, till I was satisfied it was of no avail, and sent word by the Messenger that I would like a hearing on one case and another, generally specifying which ones, sometimes general, and was always answered that no returns were being shown and no hearings could be given at that time.

Question. At the time when you saw Mr. Pillsbury in the Council Chamber, was he then, to appearances, conversing with and acting and conferring with members of the Council?

Answer. Yes; that was my observation of it; he was in the Governor's private room. With him, at this particular time, were the Governor, S. S. Brown, and one or two others of the Council. They were engaged, as I understood, in actually making up the certificates and determining upon them, while the remainder of the Council were going through with the form of hearing cases outside.

Question. What evidence did you have, which presented itself to you, that the Governor and Pillsbury and Brown, were engaged in the final determination of the cases?

Answer. I think I understood that from the Council, that that was one reason given why the Governor did not come out; that his presence was necessary in there in the determination of the results. I think that was one of the reasons stated to me why he was not present.

Question. You know, at that time, that Pillsbury and Councillor Brown were with him?

Answer. Yes; I remember of those two persons being present at that particular time. I think Mr. Pillsbury was called out of the Governor's Private Room, and came out and acted as counsel for Dr. Bradbury of Norway, on a contested hearing on December twelfth, Friday, when I appeared for Mr. Andrews, the Republican candidate. At first I asked Dr. Bradbury if he had any counsel he would like to have present, and he said No. The hearing was then begun. I thought it was a very plain case in favor of Mr. Andrews, and presented it on that idea. As the hearing progressed, and the argument was developed, Mr. Pillsbury was sent for, and I think he came from the Governor's Private Room, and from that time he acted as counsel for Dr. Bradbury in the matter.

Question. You were not able to make any use of the attested copies which you had procured, of the town records, in any case before the Governor and Council?

Answer. I do not think I succeeded in getting one single copy before the Governor and Council.

Question. Although after you had got them you had notified them you had them?

Answer. Yes, repeatedly.

Question. They would not even inspect?

Answer. No, sir. I could not find out any of the grounds on which they proposed to decide any case. I made repeated communications in writing soliciting a notification, either to myself or clients, of the ground on which any seat of my clients was to be contested. By written and printed communications to the Governor and Council I asked especially that the Governor and Council would notify us or our clients, naming them, if there were any affidavits or papers or protests filed in connection with returns, as we never had had any notice or knowledge of those papers, that we might have an opportunity to be heard and meet the allegations.

Question. From how many gentlemen claiming to be members of the House or Senate had you powers of attorney to act for?

Answer. I think it was given at one time, in one of my communications, fifty-five Representatives and fourteen Senators elect. It was actually something more than that.

Question. Power of attorney in writing?

Answer. Yes, and under seal. We took pains to have them with considerable formality, because we did not know but it would be desirable. Some were made directly to ourselves from the parties, but as a rule they were made to some local attorney, with power expressly given to employ counsel, and by him transferred in writing, and by seal, to us.

Question. When you made these appearances before the Governor and Council, and requested permission to inspect the returns for the sake of seeing that justice was done to your clients, did you state your authority?

Answer. I did; I filed with a communication I sent to the Governor and Council, a list of the individual parties for whom we acted, and omitted the names of all parties by whom we were not authorized, under seal, to act.

Question. Was it at all objected to you, as a reason you were not permitted to inspect the returns, that you were not counsel for the parties?

Answer. No, sir.

Question. You heard nothing of the kind?

Answer. No, sir, nothing of the sort; because, anticipating that we were prepared to prove, under seal, that we were parties for all we represented. The first communication sent by us, which was sent November seventeenth, the day when the Governor and Council were supposed first to meet on the subject, we there assumed to act for all Republican Senators and Representatives elect, by request of the Republican State Committee, who said that as a great many of the members were not and could not be here at that time, and their rights might be imperilled in their absence, they thought it was our duty to assume to act for them, and employed us as counsel to do so. After that we only specified the individual clients from whom we had these powers of attorney.

Question. Is there anything else you wish to state, bearing upon the returns?

Answer. I do not know as there is. Our written communications show that we repeatedly applied, first, for an inspection of the returns, and were refused; second, for notice of the grounds or any ground on which any one of our clients was proposed to be counted out, which we never obtained directly or indirectly in a single case; third, for permission to receive notice of any affidavits or protests or secret paper of any kind affecting the election of any one of our clients, which we never succeeding in obtaining. So that we had no knowledge whatever. Although representing all these parties, we were left absolutely in the dark, and had no knowledge of any points we should be required to meet, although we stated our willingness and readiness to offer any evidence and meet any claims.

By Mr. STROUT:

Question. Is it not within your knowledge that many other gentlemen besides yourself, who were personally interested, candidates themselves, made application to the Governor and Council to obtain sight of these returns, in order to correct any error, if any such existed?

Answer. It is within my personal knowledge that many of them did.

Question. Were they refused?

Answer. They were refused even access to the room where the returns were; were refused admission to the Council Chamber.

Question. Is it not true that many of them were kept two or three and even four hours, waiting, without any excuse being given, excepting that they were not attended to?

Answer. To my personal knowledge some members of the Senate and House waited for several hours in the ante-room and were refused admission to the Chamber, although while they were waiting for admission, other parties on other kind of business were admitted, finished their business, went out and still other parties went in, and finally, in one case, while Senators or Representatives, and I think both in this case, were waiting, after various parties had come in and completed their business and gone out, the Council adjourned and passed out in front of these gentlemen who had been waiting all the forenoon for an audience and had been denied on the ground that the Council were doing something.

Question. You have always lived in Augusta?

Answer. Yes, sir.

Question. Practiced law here for several years?

Answer. Yes, sir.

Question. In the Courts and before the Legislature?

Answer. I have.

Question. Have you ever known any year before this, when parties claiming to be elected, and were desirous of examining their case before the certificates should issue, have been refused admission to the Council Room, or an inspection of papers?

Answer. No, sir. On the contrary, so far as my personal knowledge and information go, the rule has invariably been the reverse.

Question. Have you known instances where questions have come up and hearings have been had?

Answer. From information I have; not personal knowledge.

Question. You never heard of this rule of exclusion till this year?

Answer. No, sir.

Question. As a matter of general information you know it has not been applied?

Answer. I do, and professionally; I know that the contrary of that rule has been adopted.

MARCH 17, 1880, A. M.

ALBERT F. ANDREWS, *sworn and examined.*

By MR. HALE:

Question. You were one of the Representatives elect of the present Legislature?

Answer. Yes.

Question. One of the counted out?

Answer. I was.

Question. Did you come to Augusta to take care of your matter, to inquire into the cause of your being counted out?

Answer. I did, two or three times.

Question. At such times did you try to get access to the returns for the purpose of examination?

Answer. Yes, sir.

Question. Were you able to do so?

Answer. I was not.

Question. Were you refused by the Governor and Council?

Answer. Yes, sir.

Question. About the twelfth of December did you see Alfred S. Kimball of Waterford, Fusion County Attorney of Oxford county?

Answer. I was in the ante-room two or three hours waiting. While I was in there Mr. Kimball came out of the Council Room with some papers in his hand, with his hat off, and passed out and I thought went up into the Library—up that way.

Question. Were you denied access at that time?

Answer. I was.

Question. You were there upon the business of examining the returns to see what defects there were?

Answer. Yes.

Question. Was Alfred S. Kimball from the same county as yourself?

Answer. Yes, Oxford county.

Question. He was a Fusion candidate for County Attorney and you were Republican candidate for Representative?

Answer. Yes, sir.

Question. How long was Kimball in the Council Chamber at that time?

Answer. I cannot say. I was there some two hours, but he did not go in while I was there, but he came out.

Question. You were in the ante-room?

Answer. Yes, sir.

Question. There was a place in the ante-room where people waited till the Council chose to admit them?

Answer. Yes, sir; I had copies of the town records, and I desired so go before the Governor and Council with such copies in order to

see what defect, if any, existed in the returns of the several towns from my class.

Question. Do you know that other gentlemen were here waiting at the same time?

Answer. Yes, sir.

Question. Trying to get sight of the returns?

Answer. Yes, sir.

Question. They were unable to do so?

Answer. They were.

AUSTIN HARRIS, *sworn and examined.*

BY MR. HALE :

Question. Residence East Machias?

Answer. Yes, sir.

Question. You are Senator elect of the present Legislature?

Answer. I am.

Question. Whether or not you came to Augusta, previous to the session of the Legislature, in connection with the returns from Washington County?

Answer. I did.

Question. Who acted as your counsel?

Answer. H. M. Heath.

Question. At what time were you here?

Answer. I was here immediately after the seventeenth of November.

Question. What was the occasion of your coming?

Answer. I came here with the expectation and desire of seeing the returns from Washington County, Senatorial, especially.

Question. How long were you here?

Answer. Three days, arriving Tuesday and leaving Thursday night.

Question. During that time did you make repeated attempts to see the returns?

Answer. I did.

Question. Whether or not you had certified copies of the records from the several Town Clerks?

Answer. I had none at that time.

Question. Were you able to get sight of the returns?

Answer. No, sir.

Question. What reason, if any, was given why you should not see the returns?

Answer. No reason was given me as a vote of the Council, but I was denied on the ground that the Committee on counting the returns did not wish to exhibit them.

Question. Were you here after that?

Answer. No, sir.

Question. How frequently did you make application to see the returns?

Answer. I made one written application, I think two. I made one written application and waited in the ante-room for nearly two hours, I think, for a reply,—or an hour and a half,—and received none. I made several verbal requests of different members of the Council, for a reply to my request, and especially of Mr. Foster.

Question. What reply was made to you?

Answer. He told me, finally, that he would get, or thought he could give me access to the returns which I wished to see, but not during the session of the Council, and asked me to come with him to the State House, when he thought he could show me the returns. I came, and, after I got here, I was refused.

Question. While you were waiting in the ante-room, the pleasure of the Governor and Council, were there other parties who had access, and went in and out?

Answer. There were, that went in and out of the Council Chamber

Question. They knew you were there waiting?

Answer. I presume so, they sent such word by the Messenger.

Question. You never saw the returns till after the meeting of the Legislature?

Answer. No, sir; Mr. Foster told me that if I would produce certified copies of any town or towns, he would allow me or my counsel to compare the return with the certified copy; and certified copies were then produced from the towns in our county, and sent here, but they were not permitted to compare them.

Question. There was a broken promise?

Answer. So far as he was concerned.

By MR. INGALLS :

Question. After the arrangement with Mr. Foster, who refused you permission?

Answer. Mr. Foster himself. He made this agreement with me

in the evening, requesting me to come up the next morning, the Council not being in session. I came up the next morning. He said he wished to consult with one or two other members of the Council. When he had counselled with them and returned, he said he could not grant me the liberty.

MARCH 17, 1880, P. M.

MARK HARDEN, *sworn and examined.*

BY MR. HALE :

Question. Do you live in Augusta?

Answer. Yes, sir.

Question. How long have you lived here?

Answer. I have lived here since the first of April, eighteen hundred and sixty-seven.

Question. What office did you hold during the year of Governor Garcelon's administration?

Answer. I did not hold any office known to the statute.

Question. What was the place you held known as, or called?

Answer. I was called Messenger to the Governor and Council, and Clerk; I acted in both capacities.

Question. Those duties as Messenger of the Governor and Council were performed as the Messenger usually performs them, mainly in the Capitol, in the rooms and places occupied by the Governor and Council?

Answer. Yes, sir.

Question. Had you been Messenger to the Governor and Council, before?

Answer. Yes, sir.

Question. Where were you during the summer and fall of eighteen hundred and seventy-nine?

Answer. I was here in the city, attending to my duties as Messenger to the Governor and Council.

Question. Did you, in any way, act as Clerk for the Council?

Answer. I did.

Question. Did you change or erase, or tamper with, or alter, in any way, any of the election returns for the year eighteen hundred and seventy-nine?

Answer. No, sir.

Question. When did your duties cease?

Answer. The nineteenth day of January.

Question. Did you destroy any return, or substitute any new return for an old return, or in any way abstract any return from its proper place?

Answer. No.

Question. Did you have any part or parcel in any destruction or abstraction, or substitution of any return, or any tampering with, or improperly treating any return?

Answer. No, sir.

WILDES P. WALKER, *sworn and examined.*

BY MR. STROUT :

Question. Residence?

Answer. Topsham.

Question. What is your business?

Answer. I am not in any particular business.

Question. You are acquainted with Governor Garcelon?

Answer. I am.

Question. Were you at the depot in Brunswick during September last; and did you there have any conversation with any person in relation to returns; and, if so, state what it was, and if you had any conversation with Governor Garcelon afterwards; state what that was, using your own language and stating it in your own way?

Answer. Sometime in September, I met a gentleman in the depot at Brunswick who asked me if I thought the old gentleman, referring to Governor Garcelon, was stiff-kneed enough for the occasion. My reply was he was stiff-kneed enough for anything and everything that was honest and square, and I impressed him with my conviction that if anything otherwise was presented to the Governor that he would find his mistake in it.

Question. What further conversation did you have with him in relation to the votes or counting them?

Answer. He said, "Of course we should not ask him to do anything that was not honest and square," and he coincided with me. He said, "You think he has back bone enough?" I said "Certainly, under those conditions I have named." I further said I thought he regarded his integrity more than he did the position as Governor.

Question. What did you learn to be the subject matter which led to the remark of the Governor being stiff-kneed enough for the occasion?

Answer. I naturally inferred it was in relation to the returns, but no remark was made in relation to them.

Question. Did you afterwards see Governor Garcelon and repeat this conversation to him?

Answer. Subsequently I saw Governor Garcelon,—was in his company,—and related to him this conversation with this gentleman, and my reply; to which he answered “You did well to say that I wouldn’t do an act that would call in question my integrity or honesty before my constituents.”

Question. Did you tell him who it was?

Answer. I did.

Question. Did you have some further talk with him about the returns or matters connected with the election?

Answer. Nothing more than a general conversation.

Question. Who was the person that had the conversation with you at the depot?

Question. With due respect, I shall decline to answer.

Question. Why?

Answer. It was a confidential communication.

Question. Was he a prominent Democratic politician?

Answer. He was a Democrat.

Question. Was he a prominent politician?

Answer. We all feel ourselves prominent.

Question. You know what I mean?

Answer. He was a man somewhat prominent.

Question. When was it you saw Governor Garcelon, how long after this conversation?

Answer. It was immediately after.

Question. Before the first of October?

Answer. Yes; I think it was on the same day; it was on the same day or immediately after.

Question. Then the matter in relation to election returns was generally talked about?

Answer. Everybody was talking about them.

Question. You talked with Governor Garcelon about them the same as you did with other people?

Answer. Yes; I did not, neither do I think he, had any idea, at

the time of the conversation with me, of anything being otherwise than fair and square in the returns to the Council, or that they had an opportunity of making them otherwise.

Question. Did you hear other gentlemen talk in relation to the matter of counting out or how it could be done, about that time?

Answer. It is so very general. Perhaps I might, and have no doubt I did, but I cannot recollect any particular conversation.

Question. Did this gentleman you had the conversation with live in Augusta?

Answer. You better excuse me from saying that.

Question. What are your politics?

Answer. Thank God I am and ever have been a Democrat.

MARCH 18, 1880, P. M.

JOHN BENSON, JR., *sworn and examined.*

By Mr. STROUT :

Question. Residence?

Answer. Plymouth.

Question. Were you connected in any capacity with the State government during the year eighteen hundred and seventy-nine?

Answer. I was not, in eighteen hundred and seventy-nine, but in eighteen hundred and eighty I was.

Question. Were you Deputy Secretary of the so-called Fusion Government?

Answer. I was.

Question. Did you have any conversation with Mr. Parker of the Council, at any time, in relation to these returns, and if you answer in the affirmative, state when, where, and what was said?

Answer. I had some conversation with Mr. Parker sometime subsequent to election, at the Penobscot Exchange in Bangor. It was one morning soon after he had returned from Augusta, on the Pullman train, and was on his way to Presque Isle. He inquired of me in regard to the return, or to the election in the town of Dixmont. I told him I knew nothing of it. He says, "I knew you lived in an adjoining town, and thought perhaps you might know something of it." I asked him what the trouble was. He says: "There is a little defect in the return of election in that town of Dixmont, and we

want to have it fixed." My reply was, that I did not see as it would do much good, as that was a Republican town. He said that by not remedying that return, that other towns giving Fusion majorities would have to be thrown out; and he told me that the matter was left with Mr. Brown of the Council, and that a blank return would be sent to me, and that I should, or would proceed to Dixmont and get a new return substituted. That was the gist of the conversation.

Question. Was the return ever sent to you?

Answer. It never was.

Question. Do you know the reason?

Answer. No.

Question. When did this conversation take place?

Answer. It was some time subsequent to election; I think in the early days of the session of the Council for the purpose of examining the returns, perhaps some time the last of September; still, I am not certain about that; it was, at any rate, previous to the coming here of the Republicans from different parts of the State.

Question. It was previous to November seventeenth?

Answer. Yes, it certainly was. I do not recollect what day they came, but it was previous to that time.

Question. Was there anything in connection with the counting out that called your attention to it?

Answer. I thought of it more especially, and recollected it particularly on account of its being the first time that my attention was called to anything that looked like counting out, as matter of fact. Of course I had heard some rumors before.

Question. State whether or not you know anything about certain tabulations that were brought by E. C. Moody to Augusta; and, if so, state whether they were delivered to you by any person, and what you did with them?

Answer. I do not recollect the night—the day of the month,—I think it was some time in January—the very last,—these papers were put in my hands. I did not look at them that night. I was told they were tabulations. That was the name that was given to them. I was requested to keep them for the time being. I did so, and put them away, and in a day or two afterwards, I was approached by certain parties who requested me to give them up. I declined to do it. Finally, at the time Mr. Nye told me a warrant had been issued for my arrest, charging me with stealing the tabulations; I got the tabulations out of Augusta, pursued a certain

course, and carried them away and put them into the hands of Mr. Brown of Fairfield.

Question. S. S. Brown?

Answer. Yes.

Question. Did you carry them to his office?

Answer. Yes, I did; Mr. Brown met me at Waterville. We went from Waterville to Fairfield on the train together.

Question. Did he meet you in connection with these returns?

Answer. He met me in response to a telegraphic message which I sent him, to meet me there.

Question. Where did you carry those tabulations?

Answer. To Mr. Brown's office in Fairfield.

Question. Did you have any other papers with them?

Answer. There were some other papers. I should say rough memoranda in regard to the figuring up of the number of votes cast for Senators in certain localities, and the whole number of Representatives and Senators was figured out in different places, in different ways, and papers showing there had been several castings up of the matter.

Question. Were there figures there in the hand writing of Mr. Brown?

Answer. Yes, sir.

Question. Of Dr. Parker?

Answer. I cannot say, in regard to Dr. Parker.

Question. But in the hand writing of Brown?

Answer. Yes.

Question. You know his writing?

Answer. Yes; I know he spoke of it right there.

Question. Was there any in the hand writing of Mr. Fogg?

Answer. No, I do not think there was anything of that kind in regard to Fogg. I am not certain. Why I remember in connection with any writing there, he (Brown) was present and spoke of it himself as being his writing.

Question. You were not sufficiently acquainted with the others to know?

Answer. No; I did not pay any particular attention to whether there were any others.

Question. State what he said in relation to a disposition of the tabulations?

Answer. He wanted to burn them.

Question. What did he say?

Answer. He says "*I will put them now in this stove.*" I made the remark I guessed he better not, perhaps that the time might come when they would be valuable to him, and, if he burned them up, he could not use them if he wanted them, and, if he never wanted them, he could burn them up at some subsequent time. The result was he concluded to carry them to his house. He took a part at supper time and part when he went to his house for the night.

Question. What did he say in relation to the effect of these tabulations in unravelling this counting out conspiracy?

Answer. I am not certain what he said in regard to it. I know that he was very much pleased when he received them, but the conversation that took place I do not remember sufficiently well to state.

Question. In looking over these original tabulations did they show the history of this transaction of counting out, how it was built up from time to time or changed and altered?

Answer. From the rough examination I made of them, I should say that they did show it fully.

Question. Did you state to Brown there was a warrant that was threatened against you on account of these tabulations?

Answer. I did.

Question. What did he say about that?

Answer. I think he made the remark that I must brace up and not give anything away; some words to that effect.

Question. Have you had a communication from F. M. Fogg?

Answer. Nothing of any importance, excepting friendly communications; we are on friendly terms, both young men, and formerly lived in Auburn together.

Question. You did not take the tabulations in the first instance?

Answer. I did not.

Question. Whether or not you received any money from Governor Garcelon during January last?

Answer. I did, I think, the seventeenth day of January, receive from him one hundred and eighty dollars; one hundred dollars to be paid to G. W. French, and eighty dollars to be paid to R. W. Black. I was told by certain parties at the time, when I came to Augusta with the money, not to pay it over, as it had been paid out illegally, and that Governor Garcelon would be obliged to account for the money; and the parties to whom he had illegally paid it,

would have to pay it back. That was the gist of the conversation. I have kept it to this time, and have the money. I was told this by Major Frank E. Nye.

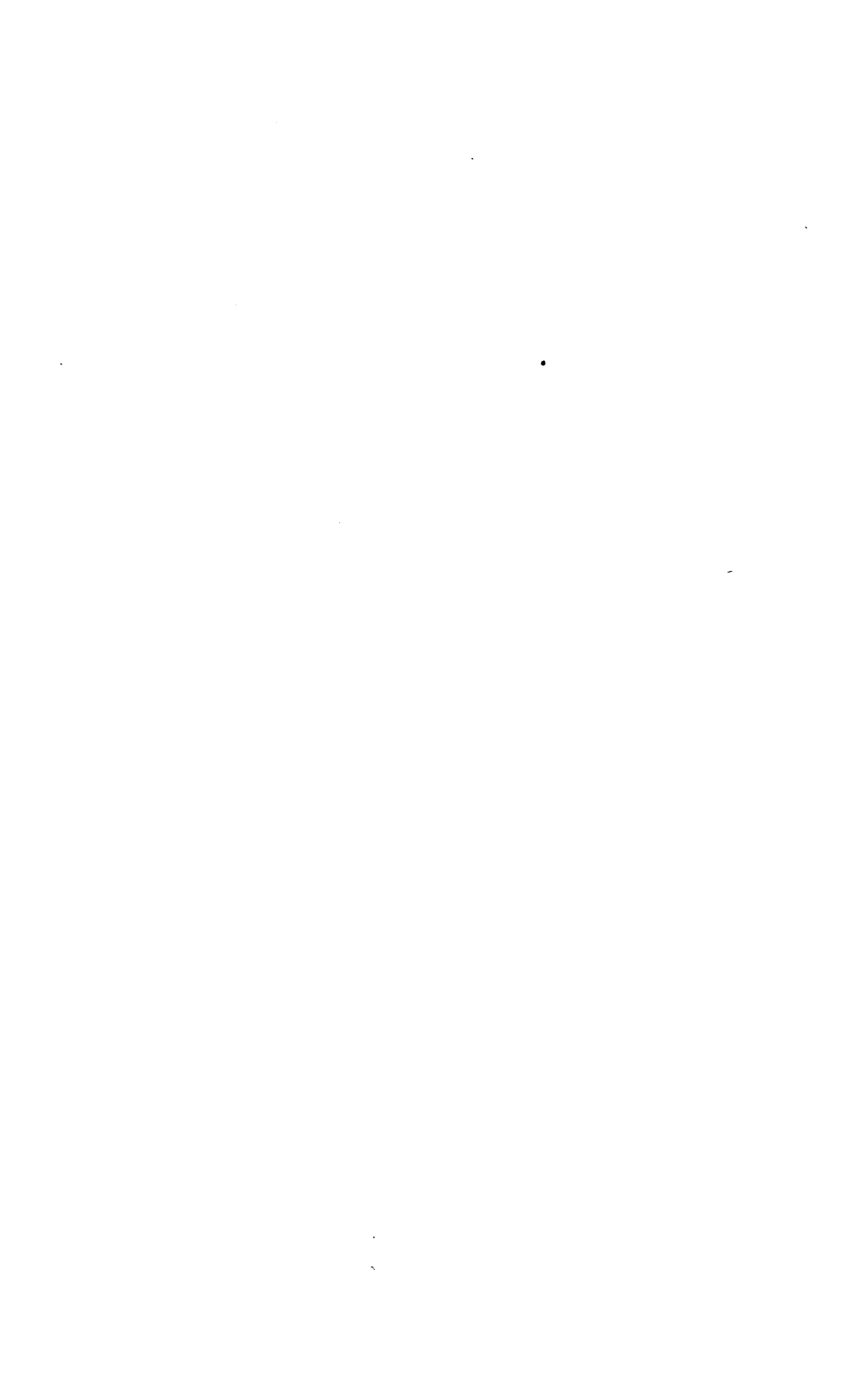
Question. Whether or not, you still have that money, and are ready to pay it over to the State Treasurer?

Answer. I still have the money, and am ready to pay it over to the proper person.

By MR. SPRINGER :

Question. You believe the State Treasurer to be that person?

Answer. I have no doubt of it, as matter of law.



APPENDIX.

Affidavit of Anson P. Bowler, Town Clerk of Somerville.

[Exhibit "C," G. D. B., Clerk of Committee. See pp. 62-87.]

I, Anson B. Bowler, Town Clerk of Somerville, Lincoln County, State of Maine, hereby certify that at the State election, held in said Somerville on the 8th day of September, A. D. 1879, for the election of State and county officers, in making the official returns of said election, returned the name of the Senator, Andrew R. G. Smith, as it appeared upon all the ballots cast for said Smith; that said return was made up and signed by myself and selectmen, in open town meeting, and delivered by myself, in person, to the Secretary of State at Augusta, Maine, on the *ninth* day of said September. And if said Senator's name appears with different initial letter or letters in said return, they were changed after leaving my hands.

ANSON B. BOWLER,
Town Clerk of Somerville.

LINCOLN, ss.—December 27th, A. D. 1879.

Personally appeared, Anson B. Bowler, and made oath that the foregoing affidavit, by him signed, is true.

Before me,

ALBERT L. SOULE,
Justice of the Peace.

**Affidavits of J. C. Whitmore, Nathaniel Harding, John G.
Brown and Lewis K. Cram.**

[Affidavits of the Selectmen and Town Clerk of New Sharon, Franklin County, showing that the returns were not only signed by each Town Officer in person but were actually sealed up in open town meeting. See page 26, also Governor Garcelon's testimony, — pages 570, 571; also Councilor Moody's testimony, page 470; also pages 9 and 28 of the so-called defence of Governor Garcelon and Council.]

I, J. C. Whitmore of New Sharon, county of Franklin and State of Maine, do solemnly swear, that I am Town Clerk of said New Sharon; that on the eighth day of September, A. D. 1879, in open Town Meeting, holden at Lancaster Hall in said New Sharon, for the election of State and County Officers, I signed the several election returns for State and County Officers, and that the same were sealed in open town meeting, and put into the hands of Nathaniel Harding, First Selectman, to be mailed; that I made out and sealed the statement of the vote required by statute of Town Clerks in open Town Meeting on said eighth day of September, and handed the same to said Harding to be mailed.

J. C. WHITMORE.

FRANKLIN, ss.—New Sharon, December 31, 1879.

Personally came the above named J. C. Whitmore and made oath that the above affidavit by him subscribed is true.

Before me,

R. D. TRASK,

Justice of the Peace.

I, Nathaniel Harding of New Sharon, in the county of Franklin and State of Maine, do solemnly swear, that I am the First Selectman of the town of New Sharon, that on the eighth day of September, A. D., 1879, in open Town Meeting, holden at Lancaster Hall, in said New Sharon, for the election of State and County Officers, I signed the several election returns for State and County Officers, and that I signed only my own name to each return; that we sealed the returns in open Town Meeting, and that I with my own hands mailed said returns at our Post-office in said New Sharon, on the evening of the said eighth day of September.

NATHANIEL HARDING.

FRANKLIN, ss.—New Sharon, December 31, A. D., 1879.

Personally came Nathaniel Harding and made oath that the above affidavit by him subscribed is true.

Before me,

R. D. TRASK,
Justice of the Peace.

I, John G. Brown, of New Sharon, county of Franklin, and State of Maine, do solemnly swear that I am second Selectman of said New Sharon, that on the eighth day of September, A. D. 1879, in open town meeting, holden at Lancaster Hall in said New Sharon, for the election of State and county officers, I signed the several election returns for said State and county officers, and that I signed only my own name to each return; that we sealed said returns in open town meeting.

JOHN G. BROWN.

FRANKLIN ss.—New Sharon, Dec. 31, 1879.

Personally came the above named John G. Brown and made oath that the above affidavit by him subscribed is true.

Before me,

R. D. TRASK,
Justice of the Peace.

I, Lewis K. Cram, of New Sharon, in the county of Franklin and State of Maine, do solemnly swear that I am one of the Selectmen of New Sharon, that on the evening of the eighth of September, A. D., 1879, I signed the election returns of said New Sharon, and that I saw the other two members of the board of Selectmen, viz: Nathaniel Harding and John G. Brown, sign the same, and that I saw the Town Clerk seal up said returns.

LEWIS K. CRAM.

FRANKLIN ss.—New Sharon, Dec. 13, 1879.

Personally came Lewis K. Cram and made oath that the above affidavit by him subscribed is true.

Before me,

R. D. TRASK,
Justice of the Peace.

The Burnham-Cushman Case, in Aroostook County.

[Exhibit 38, G. D. B., Clerk of Committee.]

Report of the Council Committee on Elections in Aroostook County for Representatives,—showing that the Committee on Elections reported John Burnham elected, and not Alfred Cushman, and that the report was not accepted by the Governor and Council. See page 27.

STATE OF MAINE.

IN COUNCIL, December, 10, 1879.

The Standing Committee on Election Returns, to which was referred the Election Returns from Aroostook County for Representatives to the Legislature, for that County, report that the following named persons appear by said returns to have been elected Representatives to the Legislature from the several Districts of said County of Aroostook, as follows :

District No. 7. Hodgdon and other towns, John H. Brown, Haynesville.

District No. 8. Houlton and other towns, Cyrus M. Powers, Houlton.

District No. 9. Presque Isle and other towns, Joel Howard, Westfield Plantation.

DISTRICT No. 10. SHERMAN AND OTHER TOWNS, JOHN BURNHAM, SHERMAN.

District No. 11. Fort Fairfield and other towns, Washington Long, Fort Fairfield.

District No. 12. Van Buren and towns, John B. Farrell, Van Buren Plantation.

District No. 13. Fort Kent and other towns, William Dickey, Fort Kent.

They also report that the votes and the return from No. 11, R. I. Plantation cannot legally be counted, inasmuch as the law requiring

a list of the voters to be returned to the office of Secretary of State in August of each year, from Plantations, has not been complied with.

Which is respectfully submitted.

•E. C. MOODY, *Chairman.*

IN COUNCIL, ——— 18 .

Read and accepted by the Council and by the Governor approved.

Attest :

—————
Secretary of State.

The Henry G. Walker Case, in Oxford County.

[Communication in Oxford Democrat, in its issue of December 16, 1879, giving result of Mr. Farrington's examination of Oxford County returns, made by him December 8th. See Farrington's testimony, page 139.]

OXFORD COUNTY RETURNS.

Hon. E. C. Farrington of Fryeburg, gave the returns for county officers from Oxford County, a careful examination Monday evening, at the Council Chamber. He finds errors that if *not corrected* by the Council, will elect the whole board of Republican county officers. The town clerks of Buckfield and Brownfield omit to state in the returns the name of the town from which they came. The town of Hebron gives Henry C. Walker, candidate for Commissioner, seventy-two votes, instead of Henry G. Walker.

Communication of C. B. Rounds to the Governor and
Council, asking permission to examine Returns.

[Exhibit 11, G. D. B., Clerk of Committee. See pp. 266-278, 279.]

AUGUSTA, ME., December 3, 1879.

*To the Honorable, the Governor and Council
of the State of Maine :*

Your Honorable Board has repeatedly, and now formally declined to permit any Republican Senators or Representatives elect to see the returns affecting him. Your ground for this refusal is understood to be your conclusion formally expressed by His Excellency the Governor, that you have no Constitutional power to make corrections in the returns in any instance.

I now offer on behalf of the Republican Senators elect from Washington, if your Honorable Board will open the subject for investigation, to prove that in the case of returns from Democratic towns for Senators and Representatives there have been changes made; that these changes were made to supply defects discovered by the surreptitious and premature opening of returns, and that they must involve in some form the collusion or connivance of persons connected with the State Government.

And in the facts which I think are susceptible of proof, will be found the basis of that boast so widely made by certain persons, that the returns from Democratic towns are all correct, and that errors and omissions are found only in the returns from Republican towns.

I shall subject your Honorable Board, if you will order the investigation, to very little trouble, and to an expense so trifling that if you have no appropriation applicable to this end of justice, I will supply the necessary funds.

The witnesses I shall desire to have summoned are principally persons connected with the State Government, officers in Democratic towns, and a few others who have competent knowledge on which to testify.

Assuming that your Honorable Board will gladly unite with me, and with all others who can aid in discovering and exposing a nefarious plot to thwart the expressed will of the people at the late election, I await your commands.

Your obedient servant,

C. B. ROUNDS,
County Attorney of Washington.

Order of Governor Carcelon upon which Gen. Chamberlain
took possession of the Capitol.

STATE OF MAINE.

ADJUTANT GENERAL'S OFFICE, }
Augusta, January 5, 1880. }

SPECIAL ORDERS No. 45 :

Major General J. L. Chamberlain is hereby authorized and directed to protect the public property and institutions of the State, until my successor is duly qualified.

ALONZO GARCELON, *Governor.*

S. D. LEAVITT, *Adjutant General.*

Official : FRANK E. NYE, Major, and A. A. G.

Copy of Letter sent to Governor Garcelon and Council,
except Moody and Parker.

[Exhibit "37," G. D. B., Clerk of Committee. See Bisbee's testimony, pp. 49, 50.]

AUGUSTA, March 4, 1880.

Sir:—I am directed by a unanimous vote of the Committee on Investigation into Election Returns and Expenditure and Appropriation of Public Moneys, to inform you that the Committee has investigated into and taken testimony upon the subject matter committed to it by the Legislature, including the acts of the Governor and Council upon said election returns and the appropriation of public moneys under their control, and that an opportunity will be offered for you to appear before said Committee on Monday, the eighth day of March, inst., at the Capitol in Augusta, to testify and make explanation upon the matters before said Committee. Parties appearing before the Committee will be allowed the usual fees for travel and attendance.

Very respectfully yours,

GEORGE D. BISBEE,

Clerk of the Committee.

Councillor Foster's Reply to Letter marked Exhibit 37.

[Exhibit 40, G. D. B., Clerk of Committee. See page 37.]

CHICAGO, March 10, 1880.

GEORGE D. BISBEE, Esq., Clerk.

Dear Sir :—I am just in receipt of your favor of the 4th, informing me that by “a unanimous vote of the Committee on Investigation into Election Returns, and Expenditure and Appropriation of Public Moneys—that an opportunity will be offered me to appear before said Committee, on Monday the eighth day of March, inst., at the Capitol in Augusta, to testify and make explanation upon the matters before said Committee.”

I regret that it is impossible for me to avail myself of the privilege so kindly offered. Allow me to express my thanks to you and through you to the Committee for the courtesy extended.

Very respectfully yours,

J. B. FOSTER.

**Councillor Fogg's Reply to Invitation of Clerk of Committee
to Appear and Testify before Committee.**

[Exhibit 39, G. D. B., Clerk of Committee. See pp. 49, 50.]

AUBURN, ME., March 9, 1880.

GEORGE D. BISBEE, Esq., Augusta, Maine.

Sir:—Your communication stating that the Committee on Election Returns and Expenditures, had directed you by an unanimous vote, to inform me that they had investigated the acts of the late Governor and Council on Election Returns, and that an opportunity will be offered me to appear before the Committee on Monday, March 8th, to testify, did not reach me till a late hour of that day. Had you desired my presence you should have given me timely notice. I am left, therefore, to conclude that the communication is a mere matter of form, not intended to reach me in season to make it possible for me to attend.

But this caution was wholly unnecessary, for, under no circumstances would I treat any communication emanating from a Committee of a bogus and revolutionary body, such as that is now assembling in the State House at Augusta, with anything save supreme contempt. I would no more recognize the validity of the pretended State government by any act of mine, than I would have recognized that of the Southern Confederacy during the late war. Jefferson Davis was no more rebel to the general government then, than the other Davis is to the legal government of the State, now. A company of Grant's Louisiana Carpet Baggers might come into the State and set up a government that would be as good as the one your Committee represents. I am a loyal citizen of the State of Maine—a staunch defender of the Constitution. I am not willing to allow that treason has succeeded, but am ready to meet it as the loyal North met it in '61.

The legal Legislature, whose Committee I shall feel honored to wait upon at any time I may be called, adjourned some time—some weeks,—ago. The Governor and Council, after performing their Constitutional duty in canvassing the election returns, and issuing certificates of election to those who to them (by the Constitution, the laws, the Opinions of the Court, and other relevant authorities,

and the precedents of the Republicans for many years) appeared to be elected to the Senate and House of Representatives, delivered to that Legislature all the returns and an official report of the result of their canvass. It is their province to determine who were really elected, as provided by the Constitution that they shall do, as the final arbitrators of its membership, confirming, amending or reversing the action of the Governor and Council, as they shall find it necessary to do, by their wider latitude of action, and for taking testimony, to secure justice to the electors of the State, and to carry out the provisions of the Constitution.

The returns and report were placed in the hands of the Election Committee of the legal Legislature. That Committee is the only committee which has any right to inquire into the acts of the Governor and Council, and that Legislature the only Legislature that can pass upon them. Until that Legislature reverses the decisions of the Governor and Council, they will stand impregnable and unchallenged, as the Constitutional acts of a legally elected State executive. Whatever acts your rebel Committee of a rebel Legislature may perform, will not amount to a bunch of feathers in a gale of wind, when that gale shall come to them, as come it will.

There is, then, a remedy provided by the Constitution for doing injustice that may result from the action of the Governor and Council as canvassers of the election returns, whether wilfull or otherwise through the limitations of the Constitution; and that remedy is *not* the Supreme Court; but the Supreme Court usurped this constitutional right, and becoming for the time a dictatorship assumed the prerogatives of the other two co-equal departments of the government, and presumed to dictate who was, and who was not, elected to the Legislature, instead of giving their advice within the limits of the powers conferred on them by the Constitution.

The mob which you represent, took advantage of this dictatorial usurpation, and, by military force and the treachery of its Commanders, took and held forcible possession of the State House, and driving out the legal Legislature, installed themselves in its place. This is revolution; and I do not hesitate to so characterize it, and those who have done it are revolutionists; and I am not afraid to call them by their proper names. The usurpations of the Court are all your revolutionary body have to stand upon. It has not got a single Constitutional prerequisite or qualification. The organic law of Maine provides that the Legislature shall meet the first Wednes-

day in January. The legal Legislature did so meet. The body which you represent met on the 12th of January. That was a revolutionary gathering. That law provides that, pending the organization of the Legislature, it shall adjourn from day to day. The legal Legislature did so adjourn. The body which you represent adjourned for seven days. This was a revolutionary action. That law provides that members of the Legislature shall take and subscribe an oath of office before the Governor and Council. The legal Legislature did all this. The body which you represent refused to do so. It is therefore a revolutionary body. That law and the statutes enacted under it, provide that the names of members who take part in the organization of the Legislature shall be on the certified roll made by the Secretary of State, and have certificates from the Governor. The legal Legislature had these certificates of election and such a roll, and its members' names are on the roll. The body which you represent has no such roll or certificates. It is, therefore, an illegal and revolutionary body.

From whence comes the authority, then, by which your Committee presumes to summon loyal citizens to testify before them? They have no authority save that derived from revolutionary acts, as stated above. But they want to temper their usurpation by assuming a degree of fairness they do not possess, so as to entrap the unwary into recognizing them, and secure testimony to garble and peddle out through their sycophantic press to poison the people against the legal Legislature, and manufacture political buncombe for the Presidential canvass. In my estimation whoever obeys any summons they may issue, recognizes the success of the revolution in the State, and yields to it. Besides, your Committee, not having taken the Constitutional oath, cannot administer one. No one going before it feels any responsibility. Anybody who will lie at all anywhere, will not hesitate to give false testimony to your Committee under any oath they can administer. Witness Wallace R. White, for example.

Moreover, what security could I expect from a Committee confederated with a set of rascals who stole my private correspondence, and who had the cheek to proclaim their rascality by publishing some of it. Guilt usually cloaks itself; hides; creeps; crawls, in the dark; but these men seem to think the people of Maine have been so hardened under Republican rule that they will applaud this villainy. Yet they may be mistaken. If there is as much loyalty left

in the State of Maine, as I believe there is, the revolutionists will get their just deserts.

When a revolutionary mob takes forcible possession of the State Capitol, shuts out the legal Legislature, and attempts to exercise authority over peaceable, law-abiding citizens, they challenge the patriotism of the State—the loyal citizens,—to the rescue. And when such a mob plants itself in the State House, behind a wall of muskets and gatling guns, that patriotism of those loyal citizens ought to meet them with bayonets and cannon. For one, I am ready to do so. And this is the only testimony I am willing to give to your Committee or the revolutionary body which it represents,—testimony of my loyalty to the Constitution and the laws.

With respect for the legal government of my State, and the sentiments that a loyal citizen ought to have for a rebel government,

I am, sir,

F. M. FOGG.

Affidavit of P. A. Sawyer.

[See Expert Holt's testimony, pp. 457-464. Also, Exhibit 35, p. 20, Perkins Plantation.]

AUGUSTA, Me., March 19, 1880.

Having seen and read the testimony of W. C. Holt, expert witness, before the Hale Investigating Committee, so-called, regarding the alleged forgeries in Election Return from Perkins Plantation, also the remarks of the Committee in connection with the same, I have applied to, and asked permission of said Committee, to appear before them and testify fully and freely.

Such request the Committee inform me they are unable to comply with at present.

I say that I never wrote a word, letter, or figure, upon said return, nor upon any other return, nor ever procured or advised such a thing to be done in any instance or respect whatever.

P. A. SAWYER.

STATE OF MAINE.

KENNEBEC COUNTY, ss.

Personally appeared the above named P. A. Sawyer, and made oath that the foregoing statement by him signed is true.

E. S. MORRIS,
Justice of the Peace.

Letter of Councillor Foster to Governor Garcelon, proposing a Compromise.

CHICAGO, December 23, 1879.

Dear Governor :

I have just arrived here, 10 A. M. I find the political situation in Maine is the prevailing topic of conversation everywhere. The action of the Governor and Council is generally misjudged, every one getting their idea of the matter from the Associated Press dispatches. I regret to say that I am afraid that we are not fully sustained, even by the Democrats; and only two parties seem to be recognized, viz: Republicans and Democrats. The position we assume, and *know to be right*, that the Governor and Council act in the matter of canvassing the returns, *as a judicial body and have not equity powers*, is not fully understood. It is rather supposed by people generally, that it is simply ministerial, or clerical. It must be admitted that as a party we are in an unpleasant position. I am afraid that unless some compromise is made, that we shall suffer next year.

The way out of the dilemma honorable to us as a party, and especially to the Governor and Council, is a question which has been constantly upon my mind since I saw you on Saturday.

I assume, and fully believe that our action as Governor and Council must be sustained by law; that the position we have taken of what our duties are, is the correct one, and the only safe one to be followed; and that those who condemn us now will hereafter approve our course, and strictly adopt it, in the matter of treating the returns. It will have the effect to educate the people to the importance of making legal returns.

But we say the Legislature have *full equity power*, and that they can exercise it without reflecting in the least upon our action.

We fully understand (if we do not take into account the frauds which are said to have been committed in the election), that the Republicans would have had the organization of the Legislature if the returns had been legal. That equity gives them the advantage.

Would it not be right, and also politic, looking to the future of the party, for the Legislature to exercise that power which we did not possess, and deal equitably?

This, then, in brief, is what I would suggest, viz: Let those to whom the Governor and Council have issued certificates take their seats and organize the Legislature, by electing as President of the Senate whoever the Republicans nominate. Let them have the minor offices of the Senate. Let the opposition have the organization of the House. Let Mr. Davis' name be one of two that shall be sent up to the Senate, for the candidate for Governor, and let the Senate elect Mr. Davis. Give three of the seven councillors to the Republicans, and divide the State offices as nearly equal between the parties as possible. Let the Representatives of the cities which were deprived of their seats by the illegality of their returns, be admitted; and let the Committees be made up of the best men of both parties, with reference to the important business of the State, and not to politics. In following substantially this plan, we will go to the people next year, and I believe receive their verdict of approval.

I assume, of course, that the Legislature would carry out such a programme if requested by the opposition candidates for Governor. I have no doubt they would do so. At any rate, so far as the office of Governor is concerned, it is in the hands of the opposing candidates. If you and Major Smith, and Mr. Bradbury, should concur in the views expressed, you could of course compel such a result. Without some compromise, I see before the opposition an overwhelming defeat next year. It seems to me some such compromise as I suggest must be regarded as honorable; and in view of the important business to be transacted by the Legislature the coming winter, it is of great importance.

I hope you will not consider me as imposing my views upon you, but receive what I have said as prompted on my part by an honest desire to get out of our difficulty in an honorable way.

Very truly yours,

J. B. FOSTER.

My daughter is very sick, I am sorry to say.

Cost of Tabulating Election Returns,

NOT INCLUDING PER DIEM AND TRAVEL OF MEMBERS WHEN IN REGULAR SESSION.

Nov. 19.	Charles H. Chase was paid.....	\$59 50
Dec. 2.	Charles H. Chase "	31 50
Dec. 18.	Charles H. Chase " for Clerk hire.....	125 00
Nov. 21.	F. M. Fogg "	67 00
Dec. 13.	F. M. Fogg "	39 00
Nov. 18.	E. C. Moody "	74 00
Dec. 1.	E. C. Moody "	11 50
Nov. 18.	S. S. Brown " for Committee work.....	71 85
Dec. 2.	S. S. Brown " " "	19 40
Dec. 13.	S. S. Brown " " "	13 20
Dec. 24.	S. S. Brown " " "	44 00
Dec. 13.	H. H. Monroe " " "	44 00
Dec. 24.	H. H. Monroe " " "	44 00
Dec. 24.	Charles H. Chase " " "	44 00
Dec. 24.	F. M. Fogg " " "	44 00
Dec. 10.	F. G. Parker " " "	70 00
Nov. 21.	J. B. Foster " " "	45 00
Dec. 24.	H. M. Pishon " as Clerk.....	25 00
		\$857 45

RECAPITULATION.

Chase.....	260 00	
Fogg.....	150 00	
Moody.....	85 00	
Brown.....	148 45	
Monroe.....	74 00	
Parker.....	70 00	
Foster.....	45 00	
Pishon.....	25 00	
		\$857 45

Expenses of Councillors in Investigating State Liquor Agency.

CHAS. H. CHASE.

May 20, 1879. 4 days..... \$22 00

FRANK M. FOGG.

April 24, 1879. 3 days (April 21, 22, 23)..... \$24 00

To Boston for expert..... 10 00

May 23, 1879. 4 days..... 29 00

\$63 00

E. C. MOODY.

May 20. 1 day (May 2nd)..... \$11 40

H. H. MONROE.

April 24, 1879. 3 days (April 21, 22, 23)..... \$25 50

Cash pd. H. M. Hunt (expert)..... 32 00

“ “ F. J. Rollins..... 1 00

\$58 50

F. G. PARKER.

April 24, 1879. 3 days (April 21, 22, 23)..... \$24 00

COST OF INVESTIGATING STATE LIQUOR AGENCY.

Charles H. Chase..... \$22 00

Frank M. Fogg..... 63 00

E. C. Moody..... 11 40

H. H. Monroe..... 58 50

F. G. Parker..... 24 00

\$178 90

Councillors who drew per diem and expenses for Committee work, at the same time drawing per diem and travel for attendance on sessions of the Council, with dates of said service.

S. S. Brown, Jan. 16, 17, 18—Visiting W. Normal School. April 21, 22, 23—Visiting State Liquor Agency.

Charles H. Chase, April 21, 22, 23—Visiting Reform School and State Liquor Agency.

F. M. Fogg, Jan. 16, 17, 18—Visiting W. Normal School. April 21, 22, 23—Visiting State Liquor Agency.

H. H. Monroe, April 21, 22, 23—Visiting State Liquor Agency.

F. G. Parker, April 21, 22, 23—Visiting State Liquor Agency. Dec., 1879, Committee work, for which he received \$70.00.

Copy of Receipt taken by Councillor Moody when he gave up the Custody of the Election Returns to Councillor Fogg.

[See testimony of Edward C. Moody, pp. 476, 499.]

STATE OF MAINE.

[Coat of Arms.]

COUNCIL CHAMBER,

Augusta, Nov. 21, 1879.

Received of E. C. Moody, keys to the receptacle containing the Legislative Election Returns.

(Signed)

F. M. Fogg.

INDEX.

	PAGE.
Abbott, Benjamin F. , Albion, town clerk of..99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115	
testimony of	115-126
suggested taking returns to his house to make up.....	116
omitted to sign Representative return.....	115, 116
Adams, A. M. , Perkins Plantation, Assessor	360
Adjutant General, S. D. Leavitt , furnished blank election return to James R. Talbot in November.....	14, 24, 315, 316, 317, 320
\$1,000 paid to, on pay roll.....	669
received \$1,000 to pay unauthorized force at the State House, 33, 641, 654, 661, 663	
returned \$1,000 to State Treasury.....	375, 654, 661, 662, 663, 672
drew money for military purposes.....	372
employed men at State House.....	660
Council Committee on Warrants, report in favor of.....	661
vouchers from to Gov. Garcelon.....	668
portion of State House forces under immediate orders of....	663
referred to by Ephraim K. Smart..223, 224, 227, 228, 238, 258, 259	
James R. Talbot...315, 316, 317, 318, 319, 320, 321	
James R. Milliken.....	372
Bradford T. Lancaster.....	421, 425
Alonzo Garcelon...619, 620, 623, 641, 653, 659, 664, 667, 675, 705, 716	
Advertiser, Evening , referred to by George G. Stacy.....	401
Daily, referred to by " " "	401, 403, 404, 405
Portland, referred to by George G. Stacy.....	401, 403, 404, 405
Boston, " " " "	405
Addison, town of ..12, 13, 14, 155, 166, 169, 177, 178, 187, 199, 208, 211, 277, 281, 284, 285, 286, 290, 294, 296, 298, 301, 302, 303, 307, 309, 311, 312, 313, 320, 321, 322, 584	
election returns from.....	155
Senatorial return from	155, 162, 167
democratic majority in.....	312
defect in Senatorial Return from.....	156, 178, 208
Point	155
residence of Edward A. Austin.....	155
Gilbert L. Tabbut.....	166
George W. Drisko, carried blank election return to.....	13, 296
testimony of concerning Senatorial return from..	271-313

	PAGE.
Addison, Geo. W. Drisko learned of defects in Senatorial return from.....	277
heard that town record differed from return from...	284
told Gilbert L. Tabbut of defect in return from...	298, 311
Selectmen of	161, 165, 166, 173, 296
testimony of	161-166; 166-185
Town Clerk of.....	162, 163, 164, 165, 167, 170, 171, 172, 173, 176, 177, 290,
296, 297, 299, 300, 301, 303, 304, 305, 306, 312, 313	
testimony of.....	155-161
Affidavit of Anson B. Bowler, Somerville, town clerk.....	765
J. C. Whitmore, New Sharon, town clerk.....	766
Nathaniel Harding, New Sharon, selectman.....	766
John G. Brown, New Sharon, selectman.....	767
Lewis K. Cram, New Sharon, selectman.....	767
Prince A. Sawyer, Phillips.....	780
Agricultural Report, printing and binding of.....	388, 394, 395, 406
Appendix to or Abstract of....	394, 395, 396, 397, 398, 399, 400
distributed by State Librarian.....	406
Agriculture, Secretary of the Board of.....	393
testimony of.....	393-400
Agricultural College Appropriation.....	640
Albion, town of.....	99, 105, 112, 113, 115, 122, 123, 126
Representative return from, not signed by town clerk,.....	115, 116
Selectmen of	99, 105, 106, 112
testimony of	99-105; 105-112; 112-115
Town Clerk of.....	99, 100, 101, 102, 103, 105, 106, 107, 108, 109, 110,
111, 112, 113, 114, 115	
testimony of.....	115 126
Corner.....	122
Postmaster at.....	126
Alterations, Erasures and Forgeries in Election Returns.....	16
Allen, Harper, Fusion candidate for representative from the Fairfield, Mercer and Smithfield District.....	340, 600
counted in, in place of Andrew B. Cole.....	600
Amended Election Returns, Dallas Plantation.....	444, 453
American Express Co.....	369
paid money from Free High School Fund.....	369
Andover, town of.....	611
votes thrown for Senator in.....	611
ditto marks in return of votes from.....	611
Anthony, Ebenezer, Dennysville.....	231
John N., Dennysville.....	231
Andrews, Albert F., Republican Representative, for the Norway District, testimony of.....	752 754
counted out.....	749, 753
Appendix to Report.....	765-786
Application of the Rules and Principles laid down by the Governor and Coun- cil in counting and tabulating votes.....	26
Appropriations, The.....	29
mode of keeping accounts with.....	365, 366, 367

	PAGE.
Appropriation for Free High Schools.....	30, 385, 386, 389, 390, 669, 670, 671, 672
\$4000 drawn from, to pay the expenses of the State House guard	669
Appropriation for Printing.....	30, 684, 702
Military purposes.....	31
Contingent expenses.....	31
Binding and Stitching	378, 381-393; 386, 387
Arms in State House	32, 650, 658, 659, 671
from Bangor Arsenal,.....	413, 414, 415, 418, 715
number of	650
loaded with nails and slugs.....	659
used by Capt. Black's men at night.....	415
and ammunition received from Bangor Arsenal.....	413, 414, 415, 418, 647, 649, 650, 715
Argus, Eastern The.....	213, 432
Ashland, town of.....	27, 625, 748
votes for John "Burnam" in.....	27
Atkins, Charles J.....	369
paid money from Free High School Fund.....	369
Auburn, City of	592, 725
First National Bank of.....	689, 719
Augusta, City of.....	25, 423, 552, 651, 652, 691, 711
seat of Conspiracy at	25
clerical error in Representative return from.....	532
Mayor of	651, 652, 691, 711
Communication from to Governor Garcelon.....	651
Police of	423, 651
City Marshal of.....	651
deputation of citizens wait upon Governor Garcelon.....	651
Austin, Edward A., Addison, Town Clerk..	162, 163, 164, 165, 167, 170, 171, 172, 173, 176, 177, 290, 296, 297, 299, 300, 301, 303, 304, 305, 306, 312, 313
testimony of.....	155 161
Avery, George, ex-convict, County Jail, member of Capt. Black's company at State House,.....	702
Batchelder, Amasa, Albion, Selectman.....	99, 100, 103, 112, 120
testimony of	112-115
heard Benj. F. Abbott, Town Clerk, say the defective return was "all right".....	103
Baker, Orville D., Augusta, counsel for Republican members elected to the Senate and House.....	22, 23, 150
testimony of.....	744 752
Baker & Baker, attorneys	533
applied to Council to examine Election returns.....	533
Baker, Chandler.....	340
Baker, Henry C., Republican candidate for Representative.....	597, 598
counted out.....	598
Bangor, city of.....	757

	PAGE.
Bass, J. P., Bangor.....	377
& Co.....	377
Bath, city of.....	27, 28, 330, 539, 592, 653
no certificate of election issued to Representative by Gov. Garcelon.....	27, 28, 539
Barbour, Mr., Portland, referred to by George W. Drisko.....	275
Bates, William.....	472
Barrett, Gilbert, votes for.....	611
Bank Commissioners' Report.....	391
in hands of State Binder.....	391
First National of Auburn.....	689, 719
Caseo National of Portland.....	689
Granite National of Augusta.....	689, 718
First National of Portland.....	717, 719
Waterville.....	718, 720
Bangor Arsenal, arms from in State House.....	413, 414, 415, 418, 715
used by Capt. Black's men at night.....	415
city of.....	457, 647, 653, 666
removal of arms and ammunition from.....	647, 649
Whig and Courier.....	656
Beal, Leonard H.....	748
Bean, Eli B., Brownfield, Selectman.....	20, 147, 462
testimony of.....	152-155
S. P.....	147
Belcher, Major.....	667
on staff of Governor Garcelon.....	667
Belcher, Major, referred to by Gov. Garcelon.....	734
S. Clifford.....	372, 440
Benson, John, Jr., Plymouth.....	23, 24, 60, 427, 688, 509, 703, 740, 741, 759
Deputy Secretary of State under Fusion Government.....	23, 24
received money from State Treasury.....	427
present at session of Governor and Council, Oct. 30.....	466
received \$85 from Gov. Garcelon.....	703
abstraction of original tabulation of votes from room of Edwin C. Moody at Augusta House.....	509
testimony of.....	759-763
took tabulations to Simon S. Brown.....	761
warrant issued for arrest of.....	760
State's money in possession of.....	762, 763
Bearce, Mr., of Meddybemps, referred to by Eph. K. Smart.....	265
Belfast, city of.....	743
Berwick, town of.....	323, 329, 330, 463
Selectmen of.....	323
Town Clerk of.....	323
Senatorial Return from.....	463
forgeries in.....	18, 463
George H. Wakefield changed to George "A." Wakefield.....	463
Beal, Leonard H., substituted for William H. Thomas and counted in as Representative from the Lisbon and Webster District.....	468, 479, 543

	PAGE.
Beddington, town of.....	597
Bisbee, George D., of Buckfield, appointed Permanent Clerk of the Joint Select Committee.....	4
oath of office administered to.....	
received Election Returns of James R. Milliken.....	7
addressed letters of notification to Gov. Garcelon and members of his Council	36, 37, 774
letter of to Gov. Garcelon and Council.....	37, 774
sworn and examined.....	47
testimony of.....	47, 48
recalled	48
March 4	49
17.....	49, 50
testimony of.....	132, 139
recalled	136
recalled	139
protest by to Governor Garcelon and Council.....	474
referred to in testimony of Sumner J. Chadbourne.....	50, 51
Albion P. Bonney.....	129
Enoch C. Farrington.....	140, 147
George C. Wing.....	150, 151
Eli B. Bean.....	153
Edward C. Moody,	
474, 477, 495, 500, 501	
Alonzo Garcelon.....	614, 617
Bickford, J. P., paid \$7.50 by Gov. Garcelon.....	703
Binding and Stitching, appropriation for.....	378, 381-393, 386, 387, 682, 701
warrant drawn from without vouchers	
being filed.....	381, 393, 683, 684
paid for from Free High School Fund.....	386, 387
Black, Captain R. W., Augusta..	32, 74, 83, 87, 413, 414, 415, 416, 420, 427, 691, 692, 693, 702, 703, 709, 710, 711, 716
one of the State House Guard.....	32, 414
Anson B. Bowler, acquainted with.....	74, 87
had charge of men at State House in Dr. Lancaster's absence nights.....	416
recommended persons to Dr. Lancaster.....	420
roll of men engaged by	413
body of men under.....	415
had charge of men at Capitol.....	691
force under, distinct from Dr. Lancaster's.....	692
paid off by Adjutant General Leavitt	693, 702
roll of men of.....	702
received \$60 from Governor Garcelon.....	703
received \$80 from " "	703
bill of for services as police.....	709
had general oversight of State House forces.....	710
invoice to of Police Badges and Clubs.....	716
sort of "Chief of Police" at Capitol.....	711

	PAGE.
Black, Capt. R. W., referred to by John Benson, Jr.....	762
Blanchard, Mr., Perkins Plantation, Assessor.....	360
Blank Election Returns, taken by Edward C. Moody to Wiscasset.....	491
Bliss and Poland Case.....	474
Bonney, Albion P., Buckfield, Selectman.....	127, 128, 133, 134
testimony of	127-129
Bowler, Anson B., Somerville, town clerk,	
61, 62, 63, 88, 89, 90, 91, 92, 93, 94, 95, 96, 98, 99	
testimony of.....	62-87
town clerk for 12 or 15 years.....	62
made out Senatorial and Representative returns from his	
town.....	63
referred to by Morrill Glidden.....	61, 62
affidavit of.....	765
wrote names of Selectmen in returns.....	63
signed affidavit for Dr. Smith.....	64
delivered returns in person at Secretary of State's office....	65
received duplicate election blanks by mail.....	67
filled out second return and wrote Andrew "A. R." Smith in-	
stead of Andrew R. G. Smith.....	81, 82
Boutelle and Burr.....	376
Boston Globe, editor of.....	503
Boardman, Samuel L.....	393
Secretary of Board of Agriculture.....	393
testimony of.....	393-400
ordered by P. A. Sawyer, Deputy Secretary of State, to	
furnish copy for Abstract to be published with the	
Agricultural Report.....	398
Boston Herald.....	401
Bradbury, O. N.....	137, 749
Bradley, Frank G., Republican candidate for County Commissioner....	138, 142, 614
Bradbury, Bion, Portland.....	275, 323, 590, 627, 629, 675, 677
correspondence with Governor.....	590
consulted by Governor and Council.....	627, 628, 629
consulted in Mandamus Case.....	673
Bradford, Alden, Senator.....	160, 162, 167, 189, 201, 202, 209, 211, 212, 235, 320
"Bradford, Allen," town of Danforth tabulation.....	212
Briggs, Hiram W., Republican candidate for County Commissioner, name given	
as "Hiram Briggs," in East Livermore return.....	26, 608
counted out.....	609, 610
Bristol, town of.....	491, 494, 496, 497, 503, 504, 505
Senatorial Return from.....	491, 496
Representative Return of.....	504
town record of.....	491, 497
votes thrown for Senator in.....	494
Bridges, Mr., of Marion, referred to by Ephraim K. Smart.....	251
Britt, William, ex-convict from State Prison, member of Capt. Black's company,	702
Britt, Charles W., ex-convict from State Prison, a member of Capt. Black's com-	
pany at the State House.....	702

	PAGE.
Bragdon, Oliver P., Gouldsborough, name first written in list of Representatives and then erased, and James Flye, Fusionist, substituted, 11, 17 name altered to Oliver "B." Bragdon.....	16, 17, 357, 358, 359
referred to by Sumner J. Chadbourne.....	52
James S. Rowe.....	54
Samuel W. Libby..	356, 357
Edward C. Moody.....	479, 480, 481, 505
Alonzo Garcelon	543, 544
counted out.....	479, 480, 543
Brooks, Dr., of Belfast, referred to by Attorney General McLellan.....	742
Brown, Simon S., Councillor, with John B. Foster, Councillor, added to the Council Committee on Election Returns.....	8, 9
referred to in connection with Senatorial Return from Jones- borough.....	12, 13
informed of error in the return from Fairfield.....	15
referred to by John Benson, Jr.....	23, 24
Benj. F. Abbott.....	122, 125
Frank E. Nye.....	60
George B. Pray.....	109
George D. Bisbee.....	133
Enoch C. Farrington.....	144
George C. Wing.....	149
Herbert M. Heath.....	201, 202, 204, 205, 209
Frank M. Totman	337, 341
Flavius E. McFadden.....	342, 345
John W. Channing.....	347, 348
Edward C. Moody...370, 371, 372, 486, 498, 499, 508	
B. Emery Pratt.....	437
Alexander J. Cameron.....	386, 387
Alonzo Garcelon,	
511, 512, 606, 627, 648, 640, 669, 682, 708, 738	
Orville D. Baker.....	748, 749
John Benson, Jr.....	760, 761
extra charges in accounts of.....	28, 785
refused to appear before Committee.....	37
town agent of Fairfield.....	336, 346
law partner of.....	341
pay of.....	370, 371, 372
Free High School Fund.....	386, 387, 498, 508
added to Election Returns Committee.....	499, 512
assisted in tabulating returns.....	499
member of the bar.....	627
Committee on Warrants.....	640, 669, 682, 708
advised removal of arms and ammunition from Bangor.....	649
extra pay of for committee work.....	724, 725, 785
pay of for visiting State Prison.....	726
Reform School.....	727
Insane Hospital.....	728
tabulating returns.....	783, 785

	PAGE.
Brown, Simon S., received tabulations from John Benson, Jr.	761
proposed to burn tabulations.....	762
Brown, John G., New Sharon, Selectman, affidavit of.....	767
Brown, Gen. John Marshall.....	419, 421
Brown, John G., New Sharon and Farmington.....	451, 452
Brown, Wallace.....	243
Mr., of Bangor, member of House of Representatives.....	729
Brownfield, town of.....	19, 20, 137, 138, 141, 144, 146, 147, 152, 153, 154, 155, 475, 495, 500, 501
alteration in County Officers' Return from,	
19, 20, 462, 475, 476, 495, 496, 555	
Brunswick, town of.....	332, 630, 757
Bruce, Josiah, Somerville.....	80, 98
Oakes, Somerville.....	80
Buckfield, town of.....	127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 140
141, 147, 464, 474, 475, 495, 499, 500, 501, 613, 614	
selectmen of.....	128, 129, 130, 131, 152
town clerk of.....	123, 130, 152
County Officers' Returns from.....	464, 475, 612, 618
apparent alteration in return from.....	20, 464, 477, 499
Buck, Mr., referred to by Ephraim K. Smart.....	234
Buffum, Mr., referred to by George H. Stillings.....	328
Bugbee, D. & Co.....	369
Bulletin, Commercial.....	402, 403, 404, 405
Bunker, Benjamin, telegraph operator, paid by Governor Garcelon.....	704
Burleigh, H. C., Fairfield, Selectman.....	15, 334, 335, 337, 339, 340, 346, 349, 602
signed letter to Secretary of State.....	15, 602
Burlington, town of, return from.....	576
Burnham, John, Republican candidate for Representative in the Ashland District.....	27
counted out.....	543, 565, 567, 568, 748
" Burnam," John, votes for in Ashland District not counted for John Burnham.....	27
Burnham and Cushing District.....	470
town of.....	472
Burns, Mr., referred to by Ephraim K. Smart.....	221, 223, 227, 228, 229, 246, 256
Butler, O.....	377
Hon. Moses M., Portland, deceased.....	768
Caldwell, William, Clerk in State Treasury.....	386, 401
Calais, City of.....	212, 224, 227, 228, 229, 242, 243, 254, 258, 266, 271
Times, newspaper.....	226
Cambridge, Mass., counsel in, consulted by Gov. Garcelon.....	676
Cameron, Alexander J., State Binder.....	369, 375, 378, 388, 729
testimony of.....	381-393
recalled March 8.....	392
money advanced to for work in progress.....	391, 392, 393
letter to Samuel L. Boardman.....	397, 398
Report of Council Committee in favor of.....	682, 683, 684, 686, 699
stitched and bound House Journal.....	729

INDEX.

795

	PAGE.
Carter, Charles, ex-convict from State Prison, member of Capt. Black's company at State House.....	702
Cary, Theo. & Co.....	377
Casco National Bank, Portland, Governor Garcelon received a check on.....	689
Centennial Exposition.....	681
Expenses of Governor and his Staff to.....	681
Chadbourne, Sumner J.....	7, 49, 54, 55, 56, 57, 331
Secretary of State.....	7
received of Prince A. Sawyer Election Returns for Senators and Representatives.....	7, 50
testimony of.....	50-55
served a notice on P. A. Sawyer.....	51, 53
took possession of office of Secretary of State.....	52
admitted to the office by Mayor Nash.....	52
referred to by George D. Bisbee.....	49
James S. Rowe.....	54, 55
James R. Milliken.....	56, 57
James W. Wakefield.....	331
Chadbourne, Reuben.....	328
Chadwick, David, Somerville, Selectman.....	61, 62, 63, 90, 92
testimony of.....	87-89
Chamberlain, Gen. Joshua L.....	57, 59, 138, 415, 419, 420, 423, 659, 666, 690, 699, 704, 710
ordered Black's force to be sent away.....	418
placed in charge of public property.....	690
referred to by Frank E. Nye.....	57, 59
Enoch C. Farrington.....	138
Bradford F. Lancaster... ..	415, 419, 420, 423
Alonzo Garcelon... ..	659, 666, 690, 699, 704, 710, 733, 734, 740
order of Gov. Garcelon giving possession of the State House to.....	773
Mr., Edwin C. Moody's uncle, signature of in the Lisbon case....	469
Channing, Major John W., Fairfield.....	15, 345
testimony of.....	347-349
opposed to the fraudulent count.....	348
on Joseph L. Smith's staff.....	349
received election blank from office of Simon S. Brown, Councillor, and gave it to Town Clerk... ..	15, 347
employed at State House.....	416
referred to by Gov. Garcelon.....	732
Chandler, David H., Justice of the Peace.....	456
Charlotte, town of.....	232
Selectman of.....	232
Clerk of.....	232
Chase, Charles H., Councillor,	
8, 9, 37, 144, 149, 275, 388, 437, 465, 466, 469, 509, 511, 515, 785	
moved that John B. Foster and Simon S. Brown be added to the Council Committee on Election Returns.....	8, 9

	PAGE.
Chase, Charles H., present at session Oct. 30.....	466
member of Council Committee on Election Returns.....	9, 465
refused to appear before the Committee.....	37
advised removal of arms from Bangor.....	469
pay of.....	370, 371, 785
assisted in tabulating returns.....	499
referred to by Enoch C. Farrington.....	144
George C. Wing.....	149
George W. Drisko.....	275
B. Emery Pratt.....	437
Alexander J. Cameron.....	388
Edwin C. Moody.....	465, 466, 469, 509
Alonzo Garcelon.....	511, 515
extra pay of for tabulating returns.....	722, 783, 785
pay of for visiting State Liquor Agency.....	725, 784
State Prison.....	726
Reform School.....	727
received money of Gov. Garcelon.....	732
signed report in case of Byron D. Verrill.....	768
Chase, Solon.....	614
Cherryfield, town of.....	25, 210, 221, 222, 223, 267, 277, 593, 597, 625
Selectmen of.....	596
Samuel Ray, Selectman of.....	25
Election Returns from.....	593, 594, 595
Representative District.....	597
Chicago Tribune.....	573, 574
China, town of.....	123
Church, C. E., Cherryfield.....	221, 222, 223
Cities and towns, number of rejected in the tabulation of votes.....	626, 627
Clark, Henry D., Somerville, Selectman.....	61, 63, 92
testimony of.....	90-93
Moses E., Berwick, Selectman.....	323
John W., Dayton, Town Clerk.....	332
James W.....	569, 570
James W. Clarke tabulated for.....	569
General George W.....	449, 450, 451
Clerk of Committee, George D. Bisbee, Esq., of Buckfield, appointed.....	4
oath of office administered to.....	4
Coincidence, most remarkable.....	625
Cole, Albert B.....	340
Andrew, B., Republican candidate for Representative.....	340, 600
counted out.....	600
Columbia, town of.....	290, 300
Falls, town of.....	286, 294, 296, 301, 309
Commercial Bulletin.....	402, 403, 404, 405
Committee of sixteen.....	657
Committee, Joint Special, appointed to examine into the condition of the Election Returns, etc.....	3
waited on Governor Garcelon.....	476, 520, 521, 522

INDEX.

797

	PAGE.
Conclusions of Committee.....	40, 41
Contingent Fund of Governor and Council	370, 371, 372
appropriation.....	31, 640, 666, 671, 672
exhausted.....	671, 701
Collins, Mr., referred to by Ephraim K. Smart.....	251
Dennis, Pembroke	265
Clerk Dallas Plantation.....	362, 363, 364
Cook, Silas W. of Lewiston, appointed by the House on Joint Special Committee to examine into the condition of Election Returns.....	3
present at the meeting of the Committee, Feb. 11.....	4
signature of to Report.....	41
referred to by Sumner J. Chadbourne.....	51
Interlocutor. Anson B. Bowler	78, 79, 80, 86, 87
Albert L. Soule.....	97, 98
Benjamin F. Abbott	125
Enoch C. Farrington.....	143
Edward A. Austin.....	160
Asa W. Trickey.....	192
Herbert M. Heath.....	209
George W. Drisko.....	312
John H. Stillings.....	328
Edward C. Moody.....	471, 488, 496, 503, 505, 506
Alonzo Garcelon.....	609
Cost of tabulating election returns.....	783
Council, Executive, for 1879, at session beginning Oct. 28, Councillors Foster and Brown added to the Committee on Election Returns	8, 9
Pay Roll of.....	486
Original Committee of on Election Returns.....	512
Committee as enlarged.....	499
Committee tabulating returns.....	516, 541
reported at November session.....	521
Representative list, names of persons of the "right stamp" marked with letter G.....	11
Extract from Report of.....	542
report of reason for action of.....	550
Order of referring to Herbert M. Heath and returns for County Officers in Cumberland.....	530
Order of referring to examination of returns for Senators, Representatives and County Officers.....	531
drawing per diem pay.....	721
extra compensation of.....	724
double mileage of, paid back.....	730
Counsel Fees, paid by Governor Garcelon.....	672, 673, 674, 675, 676, 677, 678, 679
members of, who drew per deim pay and expenses for Committee work, and at same time drew pay and travel for attendance on sessions of Council.....	769
Counted Out, thirty-seven Republican Senators and Representatives.....	8
Republicans in every case.....	625

	PAGE.
Counted Out, Andrew R. G. Smith, Republican Senator from Lincoln County . . .	14, 26
Andrew B. Cole, Republican Representative from the Smithfield, Fairfield and Mercer District	15, 16
Oliver P. Bragdon, Republican Representative from the Goulds- borough District	11, 17
George H. Wakefield, Republican Senator from York County, by altering name to George "A." Wakefield in the Berwick return, 18, 324, 325, 326, 327	18, 324, 325, 326, 327
John Burnham, Republican Representative from the Sherman District	543
Eaton, John R., Republican Representative from the Jay District,	543
George S. Hill, Republican, from the Exeter District	28, 542
John R. Eaton, Republican Representative from New Sharon	26, 440, 470, 471
Cyrus A. Thomas, Republican Representative from Farmington District	468, 479, 494, 495, 543, 586, 587
Francis W. Redlon, Republican Senator from Oxford	27, 563, 564, 611
William H. Thomas, Republican Representative from Lisbon and Webster District	468, 479, 543, 748
Albert F. Andrews, Republican Representative	749, 752, 753, 754
Byron D. Verrill, Republican Representative	768
Representatives from the city of Portland	27, 28
Lewiston	27, 28
Rockland	27, 28
Representative from the city of Saco	27, 28
Bath	27, 28
Counted In, Isaac T. Hobson as Senator, Lincoln county	14, 26
Harper Allen, Representative	15, 16
James Flye, Representative	11, 17
O. N. Bradbury, Representative	37, 749
Ira S. Libby, Senator, York county	18
James R. Talbot, Senator	27
Leonard H. Beal, Representative	468, 479, 543, 748
Henry G. Walker, County Commissioner in Oxford county, by altering return	17, 18
Lewis Voter, Representative	468, 479, 494, 495, 543, 586, 587
Alfred Cushman, Representative	543
majority of Democrats and Greenbackers	540, 545, 625
James O. White, Representative	543
Francis W. Hill, Representative	28, 542
Lincoln H. Leighton, Representative	597, 598
Fusion Representative from the New Sharon District	26, 440, 470, 471
Charles Rankins, Senator	563, 564
County Commissioner, Oxford County, Henry G. Walker's name originally re- turned as Henry C. Walker	17, 18
officers' returns, report of the Committee of Council on	507
Cox, J. W., affidavit of	556
Cram, Lewis K., New Sharon, Selectman, affidavit of	767

	PAGE.
Crane, Winfield I., of Whiting, town clerk.....	214, 318
testimony of.....	214-220
Crandon, George R., Jonesborough, Selectman.....	185, 187, 188, 194, 196, 294
Crosby, Mr., Whiting, Selectman.....	215, 218, 219
Cushman, Alfred, Fusion candidate for Representative, substituted for John Burnham, and counted in.....	543
Cutler, town of.....	169, 178, 277, 281, 285, 473
Selectmen of.....	473
Town Clerk of.....	473
Senatorial return from.....	473
Daily Advertiser, Portland.....	401, 403, 404, 405
Boston.....	405
Kennebec Journal.....	656
Bangor Whig and Courier.....	656
Dallas Plantation, amended returns from.....	441, 442, 443, 453, 454
Clerk of.....	362, 364
Dana, Mr., Portland, Chairman Democratic City Committee.....	275
Danforth, town of.....	212, 554, 626
N. F., ex-prisoner County Jail, member of Capt. Black's State House Guard.....	702
Davis, Daniel F., Governor.....	85, 742
referred to by Attorney General McLellan.....	742
Dayton, town of.....	332, 333
Selectmen of.....	334
Town Clerk of.....	332
Senatorial return from, altered.....	19
Dearborn, Jeremiah W.....	326, 350
Deblois, town of.....	555, 556, 597
Democrats and Greenbackers, majority of certificates issued to.....	540, 545, 625
Denmark, town of.....	27, 575
Representative return from.....	575
Dennett, John Q., Fusion candidate for Senator, name of John "L." Dennett changed to, in Dayton return.....	19, 326
Dennysville, town of.....	223, 224, 231, 234
Selectmen of.....	270
Town Clerk of.....	224
Deputy Secretary of State, 1879, Prince A. Sawyer.....	21
John Benson, Jr., under Fusion Government.....	23, 24
Dexter, town of.....	665
Dickey, William.....	369
Dingley, Nelson, referred to by Gov. Garcelon.....	551
Nelson, Jr., waited upon Governor Garcelon with S. D. Lindsey and L. A. Emery, and asked permission to look at Election Returns..	9, 476, 520, 521, 522, 526, 528, 529, 643, 657
Dixmont, town of, Councillor Parker told John Benson, Jr. of defect in returns from.....	23, 24, 759, 760
Docket, Senate and House of Representatives.....	466, 467, 503, 508
Dodge, John B., Somerville, Selectman.....	61, 63
testimony of.....	92, 93

	PAGE.
Drake, Charles	104
Drew, George A.	369
Drisko, George W., Machias, received blank Election Returns and envelopes from James R. Talbot and carried them to the towns of Addison and Jonesborough.....	13, 14, 24
testimony of.....	271-313
referred to by Edward A. Austin.....	158, 160
Henry Nash.....	164, 165
Gilbert L. Tabbut..	167, 171, 172, 173, 175, 176, 177, 179, 181, 182, 183, 184
Asa W. Trickey.....	187, 190, 191
Jotham L. Merritt..	195, 196, 198, 199, 200
James R. Talbot.....	319, 320, 321, 322
Edward C. Moody.....	507
Dunn, James, affidavit of taken by Ephraim K. Smart.....	231, 232
East Livermore, town of, County Officers' return from.....	608
Machias, town of.....	201, 308, 314, 315, 472, 473, 577, 620, 754
Senatorial return from.....	472, 577
similarity of hand writing.....	472
not rejected.....	576, 577
Eastern Argus.....	213, 432
Eastport, town of.....	227, 228, 245, 258, 315, 653
Eaton, Joseph D., Wells, Selectman.....	350
John R., Republican candidate for Representative.....	468, 543
counted out.....	543
Edes & Barrows.....	377
Edmunds, town of, Clerk's record of.....	230, 255, 257, 264
Election Returns, etc. Joint Special Committee appointed to examine into ...	3
for Senators and Representatives, retained possession by Prince A. Sawyer.....	6
returned to Sumner J. Chadbourne, Jan. 31.....	7
placed in custody of James R. Milliken, clerk.....	7
turned over by James R. Milliken to George D. Bisbee, Clerk of the Committee.....	7
for County Officers, found Feb. 15, concealed in the Governor's Room.....	7
Councillors Foster and Brown added to the Council Com- mittee on.....	8, 9
Committee of Council in possession of from October 31, to November 17.....	9
Nelson Dingley, Jr., S. D. Lindsey and L. A. Emery, waited upon Governor Garcelon.....	9
Order of Council, November 22, in reference to examination of by candidates or counsel.....	10
for Senators and Representatives, tabulation of completed by Council Committee, December 13.....	10
tampering with or altering, on part of Governor and Council, must have been before December 13.....	10

	PAGE.
Election Returns, tabulations and lists made from by Council Committee, com- ments on.....	10, 11
alterations, erasures, and forgeries in.....	11, 12, 16
applications to examine denied.....	476
blanks, Edwin C. Moody took to Wiscasset.....	491
County officers, report of Council Committee on.....	507
Representatives' report " " ".....	507, 508
Senators' " " ".....	508
tabulations of.....	521
cost of tabulating.....	783
Ellsworth, city of.....	592
Emery L. A., waited upon Governor Garcelon with Nelson Dingley, Jr., and S. D. Lindsey.....	9, 476, 521, 522, 526, 529, 643, 657
Charles P.....	326
Embden, town of.....	544
Enfield rifles at State House.....	417
loaded with cut lead.....	417
Exeter, town of, the Hills case in.....	542
and Garland Representative District.....	28
Ex-convicts, State Prison and County Jail, employed by Captain R. W. Black at the State House.....	419
Exhibit 1, G. D. B., Clerk of Committee.....	188, 189, 197, 198, 202, 205
2,	188, 197, 206
3,	205, 207, 468
4,	208, 560
5,	59
6,	216, 765
7,	324, 463
8,	327, 330
9,	234, 556
10,	252, 259, 265
11,	268, 771, 772
12,	182
13,	336, 341
14,	338, 343
15,	350
16,	354
17,	355, 463
18,	439
19,	364, 440
20,	445
21,	447
22,	449, 450, 458
23,	450
24,	453, 458
25,	456
26,	456
26-2,	456

	PAGE.
Exhibit 26-3, G. D. B., Clerk of Committee.....	456
26-4,	456
27,	397
28,	397
29,	398
30,	398
31,	400
32,	400
33,	402
34,	405
35,	360, 458
36,	624
37,	49, 774
38,	50, 769
39,	50, 776
40,	50, 775
A,	61, 63, 66, 69, 70, 71, 77, 91
B,	63, 91
C,	63, 93
D,	63, 77, 91
E,	466
F,	100, 108
G,	100, 769, 770
H,	100
J,	507
K,	507, 748
L,	508, 542
M,	508
N,	468
O,	509
P,	127, 130, 133, 140
Q,	129
R,	129
S,	129
T,	141
U,	145, 152
V,	137
W,	149, 150
X,	154
Y,	155
Z,	155, 162, 167, 178
Expenditure of Public Moneys, testimony of Governor Garcelon concerning...	637
Expert, William C. Holt, Bangor.....	457-464
Express Company, American.....	360
Homer's	369
Eastern.....	379
Extra force to protect State House, testimony of Gov. Garcelon concerning....	641
Fac simile of report of the Executive Council Committee on Election Returns, showing erasures, alterations and method of distinguishing the politics of the Representatives, "Exhibit L"; opposite page.....	11

	PAGE.
Fac simile of a portion of the final Representative tabulation, showing erasures of figures opposite the towns of Lisbon and Webster; opposite page.....	14
of Senatorial tabulation of the town of Somerville in the Eleventh Senatorial District; opposite page.....	14
of a portion of the Representative Return from the town of Brownfield, Oxford County, showing the forgery of the words "Brownfield" and "Oxford;" and also the same words on the back of the return in the hand writing of the town officer, "Exhibit U;" opposite page.....	17
of County Officers' Return from Hebron, Oxford County, showing the letter "C" in the name—"Henry C. Walker," changed to G, in order to count the vote of the town for Henry G. Walker, the Fusion candidate for County Commissioner, "Exhibit G;" opposite page.....	17
of Senatorial Return from Berwick, York County, showing the change in the letter H, in the name of George H. Wakefield, Republican, made in order to throw out George H. Wakefield and count in Ira S. Libbey, Fusionist, "Exhibit 7;" opposite page.....	18
of a portion of the Senatorial Return from Wells, York County, showing the insertion of the letter S, in the name "Josiah Stover," so as to save the vote of the town for Josiah A. Stover, Fusion candidate, "Exhibit 15;" opposite page.....	19
of a portion of the Senatorial Return from Dayton, York County, showing the alteration of the letter H, in the name "Josiah H. Stover" to A, in order to count the vote of the town for Josiah A. Stover, Fusion candidate. In the same return the letter Q in the name of John Q. Dennett was originally L, but was changed so as to save the vote of the town for Dennett,—“Exhibit 15;” opposite page.....	19
of a portion of the Representative Return from Berwick, York County, showing a change (in order to cure a fatal defect) in the whole number of votes since the return was originally made out by John H. Stillings, town clerk; see his testimony, pp. 327-329, "Exhibit 8;" opposite page.....	19
of a portion of the Representative Return from Gouldsborough, Hancock County, showing a tampering with the letter P—changing it partially to B—in the name of Oliver P. Bragdon, Republican candidate, in order to count him out and count in James Flye, Fusionist, "Exhibit 17;" opposite page.....	20
of a portion of the Senatorial Return from Perkins Plantation, Franklin county, showing the forgery of the words and figures "Twenty-Seven, 27," in order to cure a "fatal defect;" (charged by William C. Holt, expert, pp. 457 464, to be in the hand-writing of P. A. Sawyer;) "Exhibit 35;" opposite page.....	20
of the County Officers' Return from Buckfield, Oxford County, showing the forgery of the word "Buckfield," while the return was in the custody of the Governor and Council; also an attempt to fill out the blank by beginning the word "Oxford" in one of the spaces which the town officers failed to fill. "Exhibit P;" opposite page,	20

	PAGE.
Fac simile of a letter of B. Emery Pratt, Democratic politician, to Governor Garcelon and Council, enclosing affidavits of the Clerk of Rangely and Jay, "Exhibit 18;" opposite page.....	42
of a letter of B. Emery Pratt to the Governor and Council after having been to Dallas Plantation and arranged for "returns to be amended," "Exhibit 19;" opposite page.....	42
of a letter from Eben F. Pillsbury to B. Emery Pratt, asking for information on which to "calculate results," "Exhibit 21;" opposite page.....	42
of the letter written by Judge Wing (see pp. 148-151) to Governor Garcelon and Council, asking permission to examine election returns, "Exhibit W;" opposite page.....	44
of the Reply of the Governor and Council to Judge Wing, in the hand writing of Councillor Fogg, "Exhibit W;" opposite page..	44
Fairfield, town of, 15, 16, 334, 335, 337, 338, 341, 345, 347, 348, 559, 600, 601, 602, 606, 608, 625, 735, 738	
Selectmen of.....15, 334, 340, 346	
wrote letter to Secretary of State.....15, 340	
town clerk of.....335, 337, 340, 341, 347	
received blank returns from Maj. John W. Channing.....15, 345	
error in first return from..... 15	
amended returns from.....15, 339, 340, 600, 601, 602	
Representative Return from.....599, 600	
returns from rejected because there were two sets.....15, 599, 600	
memorandum attached to second set of returns from...15, 603, 604	
memorandum torn from returns.....604, 605	
*vote of the town thrown out..... 15, 16	
Report of Council Committee on returns from..... 599	
two sets of returns from.....600, 601	
County Officers' Return from..... 602	
affidavits not admitted..... 608	
<i>"Probably they wanted to get a Representative of the right stamp."</i>	608
Fair, State, Portland..... 433	
Farmington, town of,	
208, 299, 431, 432, 438, 439, 493, 494, 503, 580, 583, 584, 585, 586, 587, 625	
Farmington, town of, report of Council Committee on return from..... 581	
Representative Return from.....494, 580, 586	
rejected..... 581	
842 votes thrown out.....580, 581	
affidavits from admitted by Governor..... 607	
Selectmen of..... 583	
affidavit of..... 583	
why vote of was rejected..... 584	
William H. Thomas counted out and Lewis Voter counted in,	468, 479, 542
Farnsworth, Albert S.....251, 265	
Farrington, Enoch C., Fryeburg, referred to by Committee..... 19	
George D. Bisbee..... 134	
Edward C. Moody..474, 500, 613, 615	

	PAGE.
Farrington, Enoch C., testimony of.....	139-148
referred to in the Oxford Democrat as discovering that the vote of Hebron was for "Henry C. Walker," Fusion candidate for County Commissioner.....	770
Member of House of Representatives.....	729
Farrar, Merritt.....	128
Fernald, George R.....	361
Fenderson, Mr., referred to by Ephriam K. Smart.....	245, 246, 251, 262
Field, Mr., County Attorney Franklin county.....	442
First National Bank of Auburn, Governor Garcelon received a check upon....	689
Fisher, Charles H.....	85
Flye, James, substituted for Oliver P. Bragdon in the Gouldsbrough Repre- sentative District.....	11, 17, 356, 358, 359, 479, 480, 481, 543, 544
Forgeries in Election Returns, referred to by Committee.....	16
Fogg, Frank M., Councillor, received keys, and custody of Election Returns from E. C. Moody.....	9
member of Council Committee on Election Returns.....	9, 465
exhibited alleged blank return at public meeting in Port- land.....	13, 214
pay of.....	370, 371, 372, 486, 785
extra charges in account of.....	28, 785
letter from declining to appear before the Committee.....	37, 50, 776-779
<i>"God damn you, Rounds! we'll take your scalp," etc.</i>	271
referred to by Frank E. Nye.....	60
Benjamin F. Abbott.....	119
George D. Bisbee.....	132, 137
George C. Wing.....	149, 150
Ephraim K. Smart.....	254
Bradford F. Lancaster.....	420
B. Emery Pratt.....	437
Edward C. Moody.....	469, 486, 499, 509
Alonzo Garcelon.....	515, 649, 698, 737, 738
Orville D. Baker.....	748
Austin Harris.....	755, 756
John Benson, Jr.....	761, 762
assisted in tabulating returns.....	499
signed report in case of Byron D. Verrill.....	768
advised removal of arms and ammunition from Bangor.....	649
recommended Haskell, the Auburn pugilist, for State House Guard.....	420, 733
pay of for tabulating returns.....	783, 785
extra committee work.....	724
visiting State Liquor Agency.....	725, 738, 739, 784
State Prison.....	726
absent during time of original tabulation.....	737
receipt of to Edward C. Moody for the keys to the returns....	786
Fogg, Blood & Co.....	370, 377

	PAGE.
Folsom, Maj. M. M., Oldtown.....	372, 416, 429, 669, 688, 694, 711
connected with R. W. Black's force.....	416
had some authority over police.....	691
pay of.....	372
was paid money by Governor Garcelon.....	704
referred to by Governor Garcelon.....	740
Foster, John B., Councillor, added to Council Committee on Election Returns,	
	8, 9, 499, 512
present at session Oct. 30.....	466
pay of.....	370, 371, 372
attention of called to the "Henry C. Walker return".....	17, 18
assisted in tabulating returns.....	499
referred to in connection with the Brownfield return.....	19
Chairman of Committee on Accounts.....	701
absent in distant State.....	37, 50
President of Senate.....	670
referred to by George D. Bisbee.....	132
Enoch C. Farrington.....	139, 140, 143, 144, 146
George C. Wing.....	149
Herbert M. Heath.....	202, 205, 206, 210
James R. Milliken.....	370, 371, 372, 376
B. Emery Pratt.....	437
Edward C. Moody.....	497, 498, 499, 505
Alonzo Garcelon.....	511, 515, 569, 649, 670, 724,
	729, 738, 741
extra pay of for Committee work.....	724
pay of for visiting Insano Hospital.....	728
reply of to letter from the Committee.....	775
letter of to Gov. Garcelon proposing a compromise.....	781, 782
Foye, Joseph, paid \$7.50 by Gov. Garcelon.....	703
French, Maj. G. W., received money for staff duty.....	35
received money.....	372
Clerk in Adjutant General's office.....	429, 688
was paid money by Gov. Garcelon.....	704
acting Adjutant General.....	705
referred to by John Benson, Jr.....	762
Mr., referred to by Ephraim K. Smart.....	227, 228
Free High School Fund.....	30, 640, 669, 670, 671, 672, 684, 699, 700, 701
drawn from to pay expenses for Stithing and Binding,	
	385, 386, 389, 390, 682, 700
Account of 1879.....	369
\$4000 drawn from to pay the extra police force at the	
Capitol under Capt. Black.....	669
Frye, William P., Speech of, referred to by Gov. Garcelon.....	644
Fryeburg, town of.....	139, 224
Fusion Legislature, chose Prince A. Sawyer, Secretary of State.....	6
referred to by Committee.....	31
candidates counted in every time.....	15, 25

	PAGE.
Gallagher, Samuel J., Augusta Pension Office.....	14, 212 220, 507
saw the arrival of the second Jonesborough return at the Secretary of State's office.....	14
testimony of.....	212-220
Garcelon, Alonzo, Governor, testimony of.....	509-741
resumed March 12.....	541
13.....	593
15.....	637
16.....	690
advised his Council that Representatives from Port- land should receive their certificates.....	28
warrants of, how drawn.....	29
form of.....	367
money drawn by.....	31, 32, 33, 34, 35, 36
appeared before Committee.....	37
and his Council, referred to.....	36, 37, 38, 39
referred to by Benjamin F Abbott.....	122
Herbert M. Heath.....	202, 205, 208, 209
Ephraim K. Smart.....	230, 254, 256, 257, 259, 262, 263, 264
Charles B. Rounds.....	268
George W. Drisko.....	272, 279, 291, 293
James R. Talbot.....	314, 322
John H. Stillings.....	329
Flavius E. McFadden.....	345
George G. Hatch.....	350, 353
Gilbert L. Tabbut.....	179
Alexander J. Cameron.....	385, 387, 389, 390
Bradford F. Lancaster.....	410-431
B. Emery Pratt.....	437, 439, 440, 441, 442, 452, 455, 456
Edward C. Moody.....	465, 484, 489, 497, 502, 505
J. S. Harriman.....	741, 742, 743
Wildes P. Walker.....	757, 758, 759
Governor, "Jackson look" of.....	208
received \$4,000 from Free High School Fund.....	369, 370, 371, 372
received vouchers from Bradford F. Lancaster.....	410, 411
authorized Lancaster to increase force at Capitol and load guns.....	417, 418
paid money to Lancaster for State House forces.....	425, 654
and the Lisbon case.....	469
order of—"As at present advised".....	477
employed A. P. Gould, as counsel.....	483
payment of A. P. Gould.....	483
two returns from Jonesborough.....	505, 506
residence in Lewiston.....	509
Governor of Maine, 1879, term of office of.....	510
generally present at sessions of Council.....	510
candidate of Democratic party for re-election.....	511

	PAGE.
Garcelon, Alonzo, Governor, present at session of, Oct. 28.....	512
Nov. 17	513, 520
hardly took a newspaper.....	517
present at Maine State Fair.....	518
opening of Election Returns.....	520
consented personally to give access to returns.....	525
ignorant of the political status of the Senators and Representatives elect.....	538, 539, 540, 541, 545
withheld Representative certificates from Lewis- ton, Portland, Rockland, Bath and Saco.....	539
mentioned on title page.....	3
requested opinion of Justices of the Supreme Court.....	6, 630
unusual additions to Council Committee on Elec- tion Returns.....	9, 514, 515, 516
up to Nov. 17, no person outside of Council Com- mittee had seen returns.....	9
waited upon by N. Dingley, Jr., S. D. Lindsey and L. A. Emery.....	9, 10, 520
referred to by Committee in connection with offi- cial envelope and blank Senatorial Return from Jonesborough.....	12, 13
referred to by Committee in connection with the Fairfield Representative Return..	16
caused correction in tabulation.....	542
gave certificate to Leonard H. Beal in place of William H. Thomas.....	543
gave certificate to Alfred Cushman in place of John Burnham.....	543
gave certificate to James O. White in place of John R. Eaton.....	543
gave certificate to James Flye in place of Oliver P. Bragdon.....	543
gave certificate to Lewis Voter in place of Cyrus A. Thomas.....	587
gave certificate to Lincoln H. Leighton in place of Henry C. Baker.....	598
gave certificate to Harper Allen in place of Andrew B. Cole.....	600
had no knowledge of the tearing of town officers' memoranda from amended returns from Fair- field.....	605, 606
“Probably they wanted to get a Representative of the right stamp.”.....	608
decided, after contest with the Council, that votes for “Hiram Briggs” should be counted for Hi- ram W. Briggs.....	609
overruled by Council in the Briggs and Piper case,	609
never authorized anybody to tamper with returns,	613

	PAGE.
Garcelon, Alonzo, Governor, never solicited votes	614
found memorandum of political result in Council Chamber.....	546, 547
purpose of to carry out the Constitution and the laws.....	547, 548
presumed his Council were honorable men.....	549
views of, embodied in report of Council Committee on Election Returns.....	550
rules of, claimed to be applied in issuing certificates.....	549, 550, 551, 552, 553, 554, 555, 559, 560
rule violated by Council in adding "Jr" in the tabulation.....	556, 557
wrote to Lewis Voter.....	588
corresponded with Bion Bradbury.....	590
A. P. Gould.....	590
put question to Council whether upon their honor, the county returns had been correctly returned and properly made up.....	617
received Letter from Lot M. Morrill.....	483, 630
applied to A. P. Gould to frame Questions.....	631
object of in submitting the Questions to the Judges, 631, 632, 633	
receipt from Adjutant General for \$1,000.....	641
feared capture of State House	641, 642, 643, 664, 665
drew \$1,000 without filing voucher.....	642, 654, 661
ordered arms and ammunition from Bangor Arsenal, 649	
ordered Superintendent of Public Buildings to repel any attack, with arms	651, 661
received Communication from Mayor Nash.....	652, 653
waited upon by Augusta citizens.....	651, 652
summoned to appear before the Committee.....	655, 668
saw indications of unusual public excitement.... 641, 643, 644, 645, 646, 647, 648, 649, 650	
purpose of in ordering arms and ammunition from Bangor	658
ordered the Adjutant General to take measures to protect the Capitol.....	661
drew \$1000 for the Adjutant General, no voucher filed for.....	661, 669, 671, 705
paid \$2,200 or \$2,300 to Dr. Lancaster.....	669
M. M. Folsom, money.....	669
report of Committee on Warrants in favor of. 640, 669, 672	
drew \$4000 from Free High School Fund to pay State House forces.....	669
no vouchers filed for money drawn.....	671, 672
drew \$6,000 in all.....	671, 672, 689, 705
reason of for misappropriating Free High School Fund.....	671
paid A. P. Gould \$500 for counsel fees, without voucher.	673, 707

	PAGE.
Garcelon, Alonzo, Governor, employed A. P. Gould in the Mandamus Case....	673
consulted Bion Bradbury, counsel.....	673
John H. Webster, “	673
Wm. D. Northern, “	677
Cyrus W. Woodman, “	678
drew \$2,000 from Free High School Fund for Binding and Stitching bills, without vouchers being filed.....	683, 684
drew warrants on Printing appropriation without vouchers being filed.....	684, 685, 686
received money in checks from the State Treasury,	688
paid out money as demanded.....	688
some \$1,200 in Lewiston.....	689, 698, 699
administration of ceased.....	690, 693
became a private citizen	694, 699
list of military men brought to.....	691
amount of vouchers produced, \$3,744.....	705, 706
money remaining in hands of.....	707
paid members of Council, without vouchers.....	707, 730
paid special police, without vouchers.....	707
vouchers of, for money paid R. W. Black.....	703
Bradford F. Lancaster.....	703, 704
J. P. Bickford.....	703
Joseph Foye.....	703
William Smith.....	703
F. Rollins.....	703
J. J. Trainer.....	703
George W. Harriman.....	703
John Benson, Jr.....	703
C. H. Osgood.....	703
G. B. Hartwell.....	704
Samuel C. Hartwell..	704
S. D. Leavitt.....	704
H. Haskell.....	704
Melville M. Folsom..	704
Benjamin Barker	704
G. W. French	704
drew warrant for E. F. Pillsbury & Co.....	708
gave Capt. Black instructions to take charge of State House forces.....	711
reason of, for establishing State House police— “necessity knows no law.”	712
refused assent to formation of Military Company.....	710, 713
paid out money after term of office expired.....	717
cashd check for \$2,000 at Waterville.....	718
forbade drilling with the Bangor Arsenal arms.....	715
“I do not think I shall give these returns into the hands of a mob”	657

	PAGE.
Garcelon, Alonzo, "I have been called a natural born fool in some papers"....	549
gave certificates to seventy-eight Democrats and Greenbackers and sixty-one Republicans.....	545
Specific money in hands of.....	721
knew nothing of manipulations of returns.....	735
did not approve of exorbitant charges by Council.....	727, 728
<i>"Whatever was done I must think was done by some Judas in the camp"</i>	737
<i>"I never dreamed of such a thing"</i>	738
paid John Benson, Jr., \$85.....	740
order of giving Gen. Chamberlain possession of the State House.....	773
Garland and Exeter Representative District.....	28
Getchell, Herbert D.....	56, 407
testimony of.....	407-409
bought a carpet of Dr. Lancaster.....	407
Gibbs, Lincoln W.....	85
Gilman, W. B., Farmington, Selectman, affidavit of.....	583
Glidden, Morrill, Somerville.....	64, 66, 75, 80, 89, 92, 96, 97
testimony of.....	61, 62
Goodale, S. L., hand writing of.....	400
Goodwin, James R.....	124
Richard L., Berwick, Selectman.....	323
candidate for County Commissioner.....	329
Gould, A. P., counsel.....	34, 224, 332, 483, 484, 485, 590, 674, 675, 676
received \$500 counsel fee.....	34, 224, 332, 673, 707
advised Sawyer not to surrender returns.....	332
letter of in Bangor Commercial.....	484
corresponded with Governor Garcelon.....	590
consulted by Governor Garcelon.....	627
framed Questions to the Judges.....	631
counsel in mandamus case.....	673
no bill rendered for services.....	690
Gouldsborough, town of.....	16, 355, 356, 358, 479, 480, 481, 501
Selectmen of.....	355
Town Clerk of.....	16, 355
return from, tampered with.....	16, 463, 501
Oliver P. Bragdon, counted out.....	480, 463
Gove, E. H., Secretary of State, 1879.....	6, 47, 52, 135, 370, 535, 598, 624
Deacon.....	330
Governor and Council, written to by B. Emery Pratt.....	439, 440
messenger of.....	467, 478, 490, 507, 508, 535, 536
Opinion of Court disregarded by.....	633, 634, 635, 636, 637
Contingent Fund of.....	370, 371, 372
Granite National Bank, Augusta.....	689, 718
Governor Garcelon received check upon.....	689
Greene, C. J., Fairfield, Selectman.....	15, 334, 335, 339, 340, 346
signed letter to Secretary of State.....	15, 340

	PAGE.
Greenvale Plantation.....	364, 455
representative return from.....	473
Greenbackers and Democrats, majority of certificates issued to.....	540
seventy-eight certificates issued to.....	545
counted in.....	625
Guild, Curtis & Co., Boston, letter from to Andrew Hawes, Chairman of Committee.....	405
Hale, Eugene, Ellsworth, appointed the House Chairman of Joint Special Committee to examine into the Condition of the Election Returns, etc.....	3
present at meeting of Committee Feb. 11.....	4
moved adjournment of Committee to Feb. 12.....	4
that George D. Bisbee of Buckfield be appointed Permanent Clerk of the Committee.....	4
signature of to Report.....	41
presented Report of the Committee to the House of Representatives.....	42
Interlocutor. Sumner J. Chadbourne.....	52
Andrew B. Bowler.....	71, 72, 73, 74, 77, 81, 85
James R. Milliken.....	36, 380
Albert L. Soule.....	95, 96, 97, 99
George C. Pray.....	110
Llewellyn Libbey.....	126
Edward A. Austin.....	159
Henry Nash.....	161
Gilbert L. Tabbut.....	166, 184
Asa W. Trickey.....	193
Jotham L. Merritt.....	193, 197, 199
Herbert M. Heath.....	208, 211
Winfield I. Crane.....	219
Ephraim K. Smart.....	220, 222, 234, 239, 247, 252
George W. Drisko.....	271, 313
James R. Talbot.....	314
John H. Stillings.....	323, 328
George G. Hatch.....	351, 352, 353
Samuel W. Libby.....	355
Alexander J. Cameron.....	381, 388, 391, 392
Samuel L. Boardman.....	393
Bradford F. Lancaster.....	427, 430
William C. Holt.....	463, 464
Edward C. Moody.....	475, 482, 488, 490, 495, 498, 500, 501 502, 503, 506, 556, 559
Alonzo Garcelon.....	509, 617, 618, 735, 741
James S. Harriman.....	741
Austin Harris.....	754
Mark Harden.....	756
Hale, E. K.....	570
Haley, W. S., Brownfield, Selectman.....	152
John, Rangely, Town Clerk.....	361, 362, 442, 444, 445
John T.....	369

	PAGE.
Hall, Edward K., Fusion candidate.....	85, 570, 627
" E. K. Hall " tabulated for.....	570, 627
Nelson, Whiting, Selectman.....	215
Brackett, candidate for County Commissioner.....	329
Harlow M., drill master of Black's forces at the State House.....	415
Hallowell, city of.....	292
Ham, Capt., referred to by Governor Garcelon.....	732
Hancock Publishing Company.....	377
Hanover, town of.	27, 563, 564
error in election return from.....	27
Hampden, town of, Senatorial vote in.....	579
Harris, Austin, Senator from Washington County, appointed by the Senate on the Joint Special Committee to examine into the condition of the Election Returns, etc.....	3
testimony of.....	754-756
applied to see the returns, and was refused.....	754
present at meeting of the Committee, Feb. 11.....	4
referred to by Henry Nash.....	160
Gilbert L. Tabbut.....	167
Asa W. Trickey.....	189
Herbert M. Heath.....	201, 202, 209, 211
Ephraim K. Smart.....	235, 246
James R. Talbot.....	320
Edward C. Moody.....	473
Alonzo Garcelon.....	561, 577, 578
ran ahead of his ticket.....	578
Interlocutor. Henry D. Clark.....	91
Albert L. Soule.....	95
Gustavus B. Wood.....	104
George D. Bisbee.....	136, 138
Edward A. Austin.....	159, 160
Jotham L. Merritt.....	197, 198
Herbert M. Heath.....	206, 207, 210, 212, 214
Edward C. Moody.....	502, 505, 507, 555
signature of to Report.....	41
Harris, Gen. B. F., Supt. Pub. Buildings, found Election Returns concealed in Governor's Room.....	758
Harden Mark, Messenger to Gov. Garcelon and Council, referred to in connection with the Senatorial return from Jonesborough.....	12, 13
testimony of.....	756, 757
pay of.....	370, 371, 372, 723
referred to by Committee.....	24, 28, 29
George C. Wing.....	150
Herbert M. Heath.....	203, 204
Edward C. Moody.....	467, 478, 490, 507, 508
Alonzo Garcelon.....	535, 623
Docket in hand writing of.....	467
had free access to Council Room.....	623
Harding, Nathaniel, New Sharon, Selectman, affidavit of.....	766

	PAGE.
Harnden, Joshua, Brownfield, Town Clerk.....	152
Harriman, George W., State House Guard, paid money by Gov. Garcelon.....	703
Brothers, Belfast, referred to by the Committee.....	23
James S., Belfast, testimony of.....	741-743
George F., Belfast, testimony of.....	743
Hartwell, G. B., Watchman at State House, paid by Gov. Garcelon.....	704
Samuel, Watchman at State House, paid by Gov. Garcelon.....	704
Haskell, H., Auburn, State House Guard, recommended by Councillor Fogg... paid by Gov. Garcelon.....	733 704
referred to by Gov. Garcelon.....	733
Hastings, D. R., Fryeburg, Reporter of Decisions.....	224
Hatch, George G., Wells, town clerk.....	19, 349
testimony of.....	349-355
Postmaster.....	351
the change in "Josiah Stover" a forgery.....	350, 351
declined to change record.....	352
Hawes, Andrew, Senator from Cumberland county, appointed the Senate Chair- man of Joint Special Committee to examine into the condition of the Election Returns, etc.....	3, 4 4
present at meeting of Committee, Feb. 11.....	4
Interlocutor. Edward C. Moody.....	48, 487, 488, 505, 506
application of, to Governor Garcelon and Council to ask the opinion of the Court.....	481, 482
referred to by Sumner J. Chadbourne.....	51
signature of, to Report.....	41
Hayward, Mr., of Edmunds, Trial Justice.....	234
Heath, Herbert M., Augusta, counsel, saw official envelope from Jonesborough containing blank Senatorial Return, in Council Chamber, December 9.....	12, 13 201-212
testimony of.....	201-212
referred to by Austin Harris.....	754
order of Council referring to.....	530
permitted to examine returns.....	533, 534
asked question by Gov. Garcelon.....	205
referred to by Committee.....	23
George C. Wing.....	150
Edward C. Moody.....	468, 473, 505
Alonzo Garcelon.....	534, 617
Hebron, town of.....	17, 137, 138, 141, 143, 495, 614, 615, 616, 617, 735, 736
forgery in County Officer's return from.....	17, 614, 615, 616, 617
Hersey, town of.....	470, 471
Selectmen of.....	472
returns from.....	571
rejected.....	470
Charles N., communication of to Eben F. Pillsbury.....	25, 599
Mr., Deputy Sheriff.....	220
Herald, Boston.....	401, 402, 403, 404
New York.....	401, 402
Hersom, George, discharged from County Jail, a member of Captain Black's State House forces.....	702

	PAGE.
High School Fund, \$4000 drawn from to pay Black's men.....	669
Hight, Samuel C., Dayton, Selectman.....	334
Hill, George F., Corinth, Representative appointed by the House on Joint Special Committee to examine into the condition of the Election Returns, etc.....	3
present at meeting of the Committee Feb. 11.....	4
Interlocutor. Anson B. Bowler.....	86
Albert L. Soule.....	97
Gustavus B. Wood.....	102, 104
George B. Pray.....	111
George D. Bisbee.....	47, 48, 137, 138
Enoch C. Farrington.....	145, 148
Herbert M. Heath.....	209, 210
Samuel J. Gallagher.....	213
signature of to Minority Report.....	43
"Hill, F. W.," certificate of election as Representative, issued to.....	28
George S., Exeter, Republican candidate for Representative.....	28, 542
counted out.....	28, 542
Francis W., Exeter, Fusionist, counted in.....	28, 542
Daniel A.....	325, 326
D. A.....	326
Hilton, Amos W., stricken out and "Amos Hilton" written in.....	544
Hobbs, J. S., assisted George D. Bisbee, Clerk of Committee.....	49
George.....	352, 353
Hobson, Isaac T., counted in Senator from Lincoln County, 26, 64, 70, 84, 494, 496, 572 vote for, thrown in Bristol.....	494
Somerville.....	574
House of Representatives, order of, for Joint Special Committee to examine into condition of the Election Returns, and expenditure of public moneys.....	3
Clerk of, Oramandal Smith.....	3
Docket of.....	466, 467
Holt, William C., expert.....	21, 547, 457-464
pronounces the forgery in the Perkins Plantation return to be in the handwriting of P. A. Sawyer.....	461
pronounces a forgery in the Brownfield return.....	462
testified that a change was made in the Gouldsbrough Rep- resentative return.....	463
that a change was made in the Berwick Senatorial return...	463
that a change was made in the Buckfield county officers' return.....	464
Holbrook, S. A., State Treasurer.....	662, 735
received \$1,000 from S. D. Leavitt.....	662
Hotel in St. Croix.....	254, 255
Homer's Express Company.....	369
Hoskins, S. W.....	369
Howard, Mr., referred to by Frank M. Totman.....	341, 347
Hovey, J. L., Gouldsbrough, Selectman.....	355

	PAGE.
Hunt, Hiram, affidavit of.....	556
Hussey, Walter.....	109, 114, 119
Hutchins, James E., votes for in the Denmark return.....	575
Jasper, candidate for County Attorney.....	610
Ingalls, Henry, Wiscasset, Representative, appointed by the House on Joint Special Committee to examine into the condition of Election Returns.....	3
present at meeting of Committee Feb. 11.....	4
moved that Charles C. Springer act as Secretary of the Committee.....	4
Interlocutor. Sumner J. Chadbourne.....	52
Anson B. Bowler.....	75, 78, 84, 85
David Chadwick.....	89
Albert L. Soule.....	95, 96, 97, 98
George B. Pray.....	111
Amasa Bachelder.....	115
Benjamin F. Abbott.....	123
Enoch C. Farrington.....	142, 144, 145, 147, 148
George C. Wing.....	150
Eli B. Bean.....	155
Edward A. Austin.....	159, 160, 161
Asa W. Trickey.....	191
Herbert M. Heath.....	201, 207
Samuel J. Gallagher.....	213
Winfield I. Cram.....	214, 217, 218, 219, 220
George G. Hatch.....	353
J. R. Milliken.....	380
Alexander J. Cameron.....	387, 390, 392
Samuel L. Boardman.....	400
Edward C. Moody,	
468, 475, 487, 495, 496, 497, 498, 500, 501, 504, 506	
Austin Harris.....	755
present at interview between Governor Garcelon and Bradford F. Lancaster.....	410
signed Minority Report of Committee.....	43
presented Minority Report to House.....	44
Improper use and Expenditure of Public Moneys under the control of Governor Garcelon and his Council, the comments of the Committee on.....	28
Insane Hospital, pay of Councillors for visiting.....	725, 726, 728
Investigation, subject matter of, stated by the Committee.....	7, 8
Jacobs, A. H.....	372
Jail, County, persons discharged from, employed at the State House, 32, 419, 420, 702	
Avery, George, discharged from.....	702
Danforth, N. F., discharged from.....	702
Hersom, George, discharged from.....	702
Lombard, Thomas, discharged from.....	702
Moore, Sylvester, discharged from.....	702
McClusky, John, discharged from.....	702
Ripley, Frank, discharged from.....	702

	PAGE.
Jay, town of, Representative return from rejected.....	581
Jewell, Harvey	369
Joint Special Committee appointed to examine into the condition of the Election Returns and the Expenditure of Public Moneys.....	3
Johnson, John C., discharged from State Prison, member of Capt. Black's State House company.....	702, 703
Jonesborough, town of...59, 169, 178, 185, 189, 193, 197, 199, 200, 203, 205, 206, 207, 210, 281, 285, 286, 287, 290, 295, 296, 297, 298, 301, 302, 309, 321, 322, 505, 506	
two sets of returns from.....	505, 506
Selectmen of.....	13, 14, 185, 194, 320
Town Clerk of.....	13, 185, 194, 205, 290
return from, received by P. A. Sawyer, Nov. 17.....	212
alleged blank return from, shown by Councillor Fogg at a public meeting in Portland.....	214
suppression of original return.....	12, 13, 14
Herbert M. Heath, saw official envelope and blank Senatorial return.....	12, 13
George W. Drisko took blank return to.....	13
second set of returns from.....	14, 25
Jonesport, town of.....	171, 214, 277
Journal of the Joint Select Committee, extract from.....	4
Kennebec	279, 418, 431, 656
Lewiston	738
Journals of the House and Senate, distributed by State Librarian.....	406
Joy, R. R., Gouldsborough, Selectman	355
Justices of the Supreme Court, their three Opinions referred to ..6, 465, 482, 483, 451, 567, 568, 599, 630, 633, 634, 635, 636, 637, 674, 675	
Opinions disregarded by Governor Garcelon and Council.....	633-637
Kennebec Journal.....	279, 418, 431, 656
Kelley, Jones S.	369
Kelloch, Mrs., Augusta, referred to by Herbert D. Getchell.....	407
Kimball, Alfred S., Waterford, Fusion candidate for County Attorney, affidavits taken by.....	25
referred to in testimony	137, 146, 147, 154, 500, 501, 753
Kossuth, town of.....	27, 208, 209, 211, 473, 560, 562
"poor return" from.....	209
Senatorial return from.....	27, 473
similarity of signatures in return from.....	473
Lamson Government, the.....	31
Lancaster, Bradford F., Superintendent of Public Buildings.....	33, 421
referred to by Committee.....	33, 34, 35, 36
Sumner J. Chadbourne	52
James R. Milliken.....	56
Herbert D. Getchell.....	407, 408, 409
Alonzo Garcelon ..648, 654, 655, 658, 659, 669, 682, 687, 690, 703, 714, 731, 732, 733, 740	
increased force at State House.....	413, 646, 647
remonstrated against drilling in the Capitol.....	416
ordered arms loaded with cut lead.....	416, 417

	PAGE.
Lancaster, Bradford F., forbade the removal of arms from Capitol.....	420, 421
not had final settlement with State.....	430
Roll of men under.....	648, 654, 660, 692, 693
approved the bills for State House Guard.....	712
went to Lewiston to see Governor Garcelon.....	411, 689, 699
sold carpet to Herbert D. Getchell.....	407, 408, 409
receipts of for money paid.....	421, 659, 703
Larrabee, Mr., of Bath, referred to by Governor Garcelon.....	631
Law Reports, distributed by State Librarian.....	406
Leavitt, Samuel D., Eastport, Adjutant General, referred to by the Committee,	14, 24, 33
referred to by Eph. K. Smart.....	223, 224, 227, 228, 238, 258, 259
James R. Talbot.....	315, 316, 317, 318, 319, 320, 321
James R. Milliken.....	372
Bradford F. Lancaster.....	421, 425
Alonzo Garcelon, 620, 623, 641, 653, 659, 664, 667,	675, 619, 705, 716
sent blank Election Returns to James R. Talbot in Novem-	
ber.....	14, 24, 315, 316, 317, 620
received \$1000 to pay unauthorized force.....	33, 641, 654, 661, 663
returned \$1000 to State Treasury.....	375, 654, 661, 662, 663, 672
drew money for military purposes.....	372
employed men at State House.....	660
Council Committee on Warrants, report in favor of.....	661
portion of the State House force under the immediate	
orders of.....	663
voucher from to Governor Garcelon.....	668
\$1000 paid on pay-roll.....	669
Leighton, Mr., Addison, Selectman.....	165, 177, 296
Lincoln H., Fusion candidate for Representative, counted in.....	597, 598
Letter sent by the Committee to Governor Garcelon and Council, excepting to	
Moody and Parker.....	774
Levi, Mr., Pembroke, referred to by Ephraim K. Smart.....	234, 239, 242, 243, 253
Lewiston, city of, referred to in the testimony,	
412, 426, 516, 517, 648, 688, 689, 725, 732, 733	
no certificates of election issued to Representatives from, by	
Governor and Council.....	27, 28, 539
State Liquor Agency in.....	725
Journal.....	738
steamer.....	278
Libby, Ira, Fusion Senator, counted in by changing the name of the Republi-	
can candidate so as to count him out in the Berwick return.....	18, 326
William H., Sheriff Kennebec county, served demand on Prince A.	
Sawyer for the Senatorial and Representative returns.....	51, 332
Llewellyn, Albion, Postmaster.....	109, 124, 125, 126
testimony of.....	126
Samuel W., Gouldsborough, Town Clerk.....	355
testimony of.....	355-360
denied writing "B" in the name of Oliver P. Bragdon....	359
Librarian State, compensation of.....	406

	PAGE.
Library, State, arms and ammunition stored in.....	418, 419
Lincoln, town of.....	562, 610
Senatorial return from.....	562
County officers' return from.....	610
Lindsey, S. D., Committee to wait upon Gov. Garcelon.....	9, 476, 521, 522, 526, 529, 643, 657
Linn, Archibald, candidate for Senator in Somerset county.....	340
Liquor Agency, State, visited by Council.....	725, 738, 739
Lisbon, town of.....	468, 469, 584, 746, 747, 748
Representative's return from rejected.....	581
and Webster Representative District.....	468, 469
Leonard H. Beal substituted for William H. Thomas.....	468
Lists and Tabulations found in the reports of the Council Committee on Election	
Returns, referred to by Committee.....	10, 11
show repeated cases of erasures, interlineations and sub- stitutions.....	11
Littlefield, Howard W., Wells, Selectman.....	350
Livermore, town of.....	617
East, error in return from.....	142
Locke, Joseph, candidate for Senator, votes for in Westbrook.....	612
Lombard, Thomas, discharged from County Jail, member of the State House forces.....	702
Longfellow, P. H., Machias, Clerk of Courts.....	227, 248
Mr., watchman at State House.....	429
Lord, Charles V., Bangor, Representative, appointed by the House on the Joint Special Committee to examine into the Condition of the Elec- tion Returns, etc.....	3
present at meeting of Committee Feb. 11.....	4
Interlocutor. Henry D. Clark.....	92
Albert L. Soule.....	96, 97
Edward C. Moody.....	503, 504
signature of to Report.....	41
Loring, Robert M.....	233
T. G., Portland.....	275
Short & Harmon, Portland.....	369
Lovell, town of.....	142
John P. & Sons, Boston, wholesale dealers in Firearms, made invoice of Police Clubs and Badges to R. W. Black.....	716
Lovering, Gardner.....	371
Lubec, town of, depositions taken in by Ephraim K. Smart.....	227
Lyman, S. R., Portland.....	275
Lynch, Mr., referred to by Ephraim K. Smart.....	248
Mace, Benjamin H., candidate for County Attorney, votes for "B. H. Mace" counted for.....	27, 610, 611, 627
Machias, town of.....	167, 170, 190, 242, 271, 277, 281, 226, 313, 319
East, town of.....	201, 308, 314
home of J. R. Talbot, counted in Senator.....	308, 314
Republican.....	314
Union.....	158, 191, 195, 226, 271, 272

	PAGE.
Mahar, J. F., Charlotte, Selectman.....	232, 233
Maine Standard.....	279, 402, 403, 404
State Press.....	402, 403
Year Book.....	406
distributed by State Librarian.....	406
Historical Society's Volume 2 distributed by State Librarian.....	406
Mandamus Case, The.....	673, 674, 676, 705
A. P. Gould, counsel in.....	673, 674
John H. Webster, consulted.....	673
Bion Bradbury, consulted.....	673
Massachusetts consulted.....	676, 677
\$1,000 drawn to pay expenses of.....	705
Marion, town of.... 178, 208, 211, 244, 245, 251, 255, 256, 258, 259, 260, 264, 281, 285	
Town Clerk of.....	245, 246, 247, 259, 260, 262, 265
Marshall, M. T., Belfast, referred to by James S. Harriman.....	743
Marshfield, town of.....	224, 271
Martin, Dr. George W., Augusta.....	213, 372, 420, 710
referred to by Alonzo Garcelon.....	710
Samuel J. Gallagher.....	213
Bradford F. Lancaster.....	420
was paid money from military appropriation.....	372
Mason A. F.....	128
Mathews, Captain, referred to by George G. Hatch.....	352
James T., Cutler, Selectman and Town Clerk.....	473
Mattocks, Gen. Charles P., was paid money from military appropriation.....	372
Mayor of Augusta referred to by Sumner J. Chadbourne.....	52, 53
Alonzo Garcelon.....	651, 691, 711
McFadden, Flavius E., Fairfield, Town Clerk.... 15, 335, 336, 337, 338, 339, 340, 347	
testimony of.....	341, 347
signed letter to Secretary of State.....	15, 602
attached memoranda to amended returns.....	343
McLellan, William H., Belfast, Attorney General, referred to by the Committee, 23	
referred to by Alonzo Garcelon.....	627, 628, 674
Jas. S. Harriman.....	741-743
Geo. F. Harriman.....	743
<i>"We are going to count you out,"</i>	742
<i>"Stiffened up" the Governor</i>	742
McNichol, Mr., member of Democratic State Committee.. 229, 230, 235, 242, 248, 253	
McClosky, John, discharged from County Jail, member of Capt. Black's company at the Capitol.....	702
Mercer, town of, Representative Return from.....	599
Medway, town of.....	469
Meddybemps, town of.....	265
Merrill, I. Warren, Farmington, town clerk.....	444
Merritt, Joshua L., Jonesborough, Selectman.... 13, 185, 187, 188, 190, 193, 287, 288,	
289, 290, 291, 293, 294, 295, 313	
testimony of.....	193-201
recalled.....	199
George W. Drisko pointed out defects to, in Jonesborough	
return.....	13, 195

INDEX.

821

	PAGE.
Method of Investigation stated by the Committee.....	7, 8
Michaud, Mrs. Ellebert.....	370
Militia, State.....	649, 650, 651, 712
Military Purposes, appropriation for.....	31, 372, 640, 670, 671, 672, 701, 702
\$1,000 drawn from for the protection of public property..	640, 661
appropriation exhausted.....	671, 672
company organized by Capt. Black, Dr. Martin, Col. Morton and others, referred to by Governor Garcelon.....	710, 711
Milbridge, town of.....	597
Milliken, James R., Clerk in Secretary of State's Office...7, 47, 48, 49, 52, 55, 56, 57	
testimony of.....	56, 57
recalled	365
recalled.....	379
testimony of.....	365-381
manner of keeping account with the appropriations.....	365
Judge, referred to by Ephraim K. Smart.....	248
Minority Report of the Committee.....	43
ordered to be incorporated with Majority Report.....	42
Minot, George E., Belgrade, clerk	55, 233
Misappropriation of Public Moneys referred to by the Committee.....	41
Mode of paying bills by the Governor and Council.....	29, 637-640
on contracts.....	487, 488, 685
Moneys drawn by Gov. Garcelon during the last two weeks of his administra- tion.....	31, 32, 33, 34, 35, 36
Monroe, Halsey H., Councillor, referred to by the Committee.....	37
Enoch C. Farrington.....	144
George W. Drisko.....	272
Edward C. Moody...466, 471, 484, 500	
Alonzo Garcelon.....	511
extra pay of for Committee work.....	724, 785
visiting State Liquor Agency.....	725, 784
State Prison.....	726, 739
Insane Hospital	728
pay of for tabulating returns.....	783, 785
present at session October 11.....	466
assisted in tabulating returns, pay of.....	370, 371, 499, 785
refused to appear before the Committee.....	37
Moody, Edward C., Councillor, member of the Council Committee on Election Returns.....	9, 36, 465, 504
discontented at the change in the Council Committee on Election Returns and gave up custody of returns to F. M. Fogg.....	9
referred to by Committee in connection with the Senatorial Return from Jonesborough.....	12, 13
referred to by the Committee.....	36, 42
George D. Bisbee.....	50, 132, 133
Frank E. Nye.....	59, 60
Herbert M. Heath.....	202, 203, 204, 205, 207, 209
George G. Hatch.....	352

	PAGE.
Moody, Edward C., referred to by B. Emery Pratt.....	437
Alonzo Garcelon.....	649, 511, 513, 514, 515, 516
John Benson, Jr.....	760
assisted in tabulating returns.....	499
testimony of.....	464-509
recalled Feb. 25.....	468
Feb. 26.....	468
pay of.....	370, 371, 372, 485, 486
member of Council Committees.....	465
duties of as Councillor ceased.....	465
the New Sharon and Stoneham cases.....	470
the Lisbon and Webster case.....	468
Cushman and Burnham case.....	470
Hersey, return from.....	471
East Machias, return from.....	472
Medway return rejected.....	471
Buckfield return altered.....	474, 475
Brownfield return altered.....	475, 495, 496
Gouldsborough return altered.....	479
the Skowhegan case.....	484
took blank return for Bristol to Wiscasset.....	49
original tabulation of votes stolen from room of at Augusta House.....	508, 509
enlargement of Council Election Returns Committee not pleasing to.....	513, 514
extra pay of for Committee work.....	724
pay of for visiting State Liquor Agency.....	725, 784
State Prison.....	726
Reform School.....	727, 739
signed Council Committee report in case of Byron D. Verrill extra pay of for tabulating returns.....	768 783
signed report in case of Aroostook County Representatives, reporting John Burnham elected, and not Alfred Cush- man.....	770
receipt of F. M. Fogg to, for the keys to the Election Returns, House crew.....	768 702
Moore, Sylvester, discharged from County Jail, member of Capt. Black's State House crew.....	702
Morrill, Anson P., Augusta, Ex-Governor, petitioned Governor Garcelon to ask the opinion of the Judges.....	482
Morrill, Lot M., Augusta, Ex-Governor, referred to by Edward C. Moody.....	483
Gov. Garcelon....	630, 631, 634
wrote letter to Gov. Garcelon suggesting that "quiet might be restored and the public mind pacified by the submission of certain questions of law" to the Judges.....	483, 630
Morton, Col. Charles B., Augusta, money paid to.....	372, 379
referred to by Bradford F. Lancaster.....	420
Gov. Garcelon.....	710
Murch, George.....	369

	PAGE.
Murray, Gen. B. B., U. S. Marshal, referred to by Ephraim K. Smart.....	229, 257
George W. Drisko.....	278
Nash, Charles E., Mayor of Augusta, referred to by Sumner J. Chadbourne....	52, 53
Gov. Garcelon..	71, 651, 652, 691
sent communication to Gov. Garcelon.....	651
Henry, Addison, Selectman.....	156, 157, 158, 159, 161, 162, 163, 164, 165, 166
	167, 170, 171, 172, 173, 176, 177, 182, 296, 305, 306, 307
testimony of.....	161-166
recalled.....	165
Lee, Columbia.....	300, 301
National Tribune Company	377
Bank, Casco, of Portland.....	689
First, of Auburn.....	689, 719
Portland.....	717, 719
Granite of Augusta	689, 718
Newcastle, town of, Election Returns from	567
New Gloucester, Senatorial Return from.....	27, 565
Sharon, town of.....	440, 571
Representative Return from, rejected.....	26, 470
affidavits from.....	471
York Herald.....	401
No Democratic or Greenback candidates counted out.....	625, 626
Norway, town of	500, 749
Northern, William D., lawyer, Salem, Mass., consulted by Gov. Garcelon....	677, 678
Northfield, town of, error in Senatorial return from.....	212
Noyes, Mr., of Waterville, consulted by Gov. Garcelon.....	628
Number of cities and towns rejected in the tabulations	624
Nye, Major Frank E., Augusta, found County Officers' Returns concealed in the	
Governor's Room.....	7
referred to by George D. Bisbee.....	48, 49, 137
Edward C. Moody	509
John Benson, Jr	761, 762
testimony of.....	57-61
Oath of Capt. Black's State House men.....	414
office administered to George D. Bisbee, Clerk of Committee	4
Pitman Pulsifer, Stenographer of Committee....	4
O'Brien, S., Robbinston, affidavit of taken.....	233, 235, 556
Opinion of the Supreme Court.....	465, 482, 483, 551, 567, 568, 599
solicited by Andrew Hawes, Senator elect.....	481, 482
Lot M. Morrill.....	483, 630
disregarded by Governor Garcelon and Council,	
	633, 634, 635, 636, 637, 675
Order of House of Representatives for Joint Special Committee to examine into	
condition of the Election Returns and the Expenditure of Public	
Moneys	3
Senate, concurring with House for Joint Special Committees.....	3
of Council passed Nov. 22, referring to examination of Election	
Returns by candidates and counsel.....	10, 531
giving Herbert M. Heath, counsel, permission to examine	
County Officers' returns from Cumberland.....	530

	PAGE.
Order of Gov. Garcelon upon which Gen. Chamberlain took possession of the Capitol.....	773
Osgood, C. H., State House Policeman, paid money by Gov. Garcelon.....	703
Owen & Sprague, referred to by Gov. Garcelon.....	708
Barbour, Portland.....	275
“Oxford,” forgery of, the County Officers’ return from Brownfield.....	462
Democrat published facts about the Brownfield County Officers’ Return, Dec. 16.....	20
referred to in testimony.....	141, 143, 147
paragraph in referring to the Henry C. Walker case....	770
Paris, town of, referred to.....	401
Parker, Frederick G., Councillor, referred to by Committee.....	23, 24, 36, 37
referred to by George D. Bisbee.....	50
in testimony of J. R. Milliken... ..	370, 371, 372, 377
to by Edward C. Moody.....	466, 471, 511
John Benson, Jr.....	759, 760, 761
mileage of.....	730, 785
present at session, Oct. 30.....	466
notified by telegraph to appear before the Committee.....	36, 50
refused to appear.....	37
pay of.....	370, 371, 372, 377, 785
extra, for Committee work.....	724
for visiting State Prison.....	726
Liquor Agency.....	784
Reform School.....	727
Insane Hospital.....	728
tabulating returns.....	783, 785
F. G. & Co., paid money by State.....	369, 370, 377
Parlin, Amos F.....	340
Patterson, Andrew, Jr.....	85
Pay Roll of the Executive Council.....	486
Peavey, William S., Whiting, Selectman.....	215, 216, 217, 218, 219, 220, 318
wished town clerk to correct return.....	216
signed second return.....	216
Pembroke, town of.....	220, 234, 254, 263, 278, 556
Perkins Plantation, Clerk of.....	360
Assessors of.....	360
Senatorial return from.....	457
Representative return from.....	495
forgery in return from.....	20, 360
affidavits collected in.....	362, 363, 364
Lewis Voter counted in on vote of... ..	360, 362, 363, 364, 453, 457, 495, 586
Permanent Clerk of Committee, George D. Bisbee, Esq., Buckfield, oath administered to.....	4
Perry, W. W., received money from State Treasury.....	377
town of, town clerk of.....	264
Peters, Hon. John A., Judge S. J. C., referred to by Ephraim K. Smart.....	247, 266
Phillips, town of.....	438, 449

INDEX.

825

	PAGE.
Pierce, Mr., referred to by Ephraim K. Smart.....	243
Pike, Fred A., Calais.....	267
Pillsbury, Eben F., editor of Maine Standard and lawyer, referred to by the Committee.....	25
referred to by Herbert M. Heath.....	208, 211
Ephraim K. Smart.....	224, 225, 257
Geo. W. Drisko.....	277
Edward C. Moody.....	488, 489, 490
Alonzo Garcelon ..	588, 589, 590, 596, 597, 599, 627, 684, 686
Bradford F. Lancaster.....	413, 429, 430
B. Emery Pratt.....	435, 439, 443, 447, 448, 449
Orville D. Baker.....	746, 749
letter of to B. Emery Pratt.....	448
received naturalization papers of Samuel Ray from Charles N. Hersey.....	25
written to by Ephraim K. Smart.....	225
“ <i>Damn them! let them sweat</i> ”.....	490
& Company, referred to by Committee.....	30, 36
in testimony of James R. Milliken.....	375, 377
Gov. Garcelon.....	684, 685, 686
drew money without vouchers.....	375
received money for work in progress.....	684, 685, 686
printed House Journal.....	729
Piper, George T., Damariscotta, candidate for County Commissioner and counted in.....	608, 609, 610
Somerville.....	80
Pishon, Henry M., Clerk, 1879.....	371, 443, 467, 531, 542
made tabulation of votes.....	535, 724
extra pay of for Committee service.....	724
tabulating returns.....	783
Pitman, P'ulsifer, Deering, Stenographer of Committee, oath administered to.	4
testimony of.....	214
Plantation, Unity, referred to in testimony.....	111, 113, 123, 124, 126
Plymouth, town of.....	759
Perkins, referred to.....	20, 360, 362, 363, 364, 453, 457, 495, 586
Poland and Bliss case, the.....	474
Police Clubs and Badges bought by R. W. Black.....	716
Position of the Governor and Council in the Investigation, referred to by the Committee.....	36, 37
Postmaster of Albion, Llewellyn Libby.....	126
Portland, city of, Councillor Fogg exhibited alleged blank Senatorial Return from Jonesborough at public meeting in.....	13, 214
referred to in testimony, 177, 274, 275, 277, 278, 285, 286, 313, 332, 401, 539, 554, 612, 634, 688, 768	
no certificates issued to Representatives elected in.....	27, 28, 539
Casco National Bank of.....	689
First National Bank of.....	717, 719

	PAGE.
Portland Press.....	214, 656
Argus.....	213, 432
Advertiser.....	401, 403, 404, 405
State Liquor Agency in.....	725
Pote, F. W., Belfast, referred to by James S. Harriman.....	743
Powers, Mr., referred to by Edward C. Moody.....	470, 472
Alonzo Garcelon.....	536, 542, 543, 576
Pratt, B. Emery, Farmington, lawyer, referred to by Committee as taking affidavits to cure defects in returns from Democratic towns. . .	25
testimony of.....	431-457
referred to by John Haley.....	362, 363, 364
Governor Garcelon.....	582, 596
thought majority of Republican Senators and Representatives elected.....	433
referred to "amended returns".....	440, 441, 442
" <i>Agent of Franklin County Conspiracy</i> ".....	455
collecting affidavits in Franklin county.....	362, 363, 364
letters from Prince A. Sawyer to.....	449, 451, 452, 453
wrote letter to Eben F. Pillsbury.....	435
Prince A. Sawyer.....	435, 436, 437
letters of to Governor and Council.....	439, 440
Pray, George B., Albion, Selectman..99, 100, 101, 102, 103, 113, 114, 115, 116, 120, 123	
testimony of.....	105-112
recalled.....	111
Preble House, Portland.....	278
Press, Portland.....	214, 656
Maine State.....	402, 403, 404
Presque Isle, town of.....	751
Printers, Public, referred to by Samuel L. Boardman.....	398
Printing Appropriation, referred to by Committee.....	30
Gov. Garcelon.....	684, 702
account of, 1879.....	376, 377
Prison, State, members of Capt. Black's company at State House discharged from, viz: Britt, Charles W.; Britt, William; Carter, Charles; Johnson, John C.	702
referred to by Edward C. Moody.....	493
pay of Council for visiting.....	726
Protection of Public Property, \$1,000 drawn from Military Appropriation for..	640
Public Moneys misappropriated, referred to by Committee.....	41
Pullen, Stanley, Portland, letter from to Andrew Hawes, Chairman.....	403
Pulsifer, R. M. & Co., Boston, letter from to Andrew Hawes, Chairman.....	404
Queen Victoria, referred to by Gov. Garcelon.....	592
Questions to the Judges, referred to in the testimony....	483, 484, 485, 630, 631, 632, 633, 634, 635, 636, 637, 674
when submitted.....	675
referred to by Edward C. Moody.....	483, 484, 485
Quimby, Isaac F., Fusion candidate for Senator in Cumberland County, referred to by the Committee.....	27
Gov. Garcelon.....	565, 568

	PAGE.
Quimby, Isaac F., votes for "Isaac F. Quimby" in New Gloucester, tabulated for.....	27, 565, 568
Quimby, Rev. Dr. George W., Augusta, editor of the Gospel Banner, referred to in testimony of Gov. Garcelon.....	567
Rankins, Charles, Lincoln Plantation, Oxford County, Fusion Candidate for Senator, referred to by the Committee.....	27
votes thrown for "Charles Rankin," tabulated for.....	562
referred to by Gov. Garcelon.....	552, 563, 564
Rangely, town of.....	364, 445
town clerk of.....	361, 446
Ray, Samuel, Cherryfield, Selectman, naturalization papers of.....	598
Raymond, town of, Senatorial Return from.....	27
Redlon, Francis W., Republican candidate for Senator, name given as "Thomas W. Redlond" in the Hanover return, referred to by Committee.....	27
"Francis W. Redlond," originally tabulated for.....	563
referred to by Governor Garcelon.....	563, 564, 575, 611
counted out, and Charles Rankins counted in.....	563, 564, 611
Reform School, visited by Governor Garcelon.....	518
Council.....	725, 727, 739
appropriation.....	640
Remarkable coincidence.....	625
Report of the Joint Special Committee to inquire into the condition of the Election Returns of Sept. 8th, 1879, and the Expenditure of Public Moneys, under the direction of Governor Garcelon and Council, pp. 5 to 41 inclusive.	
of the Joint Special Committee accepted in the House and Senate.....	44
Minority of the Committee.....	43
ordered incorporated with Majority Report.....	42
of the Council Committee on Election Returns on Senatorial Returns... Representative " County Officers' "	508, 508 507
Council Committee in case of Byron D. Verrill of Portland.....	768
Council Committee on Aroostook Representatives showing that the Committee did not count out John Burnham, Republican, and that the Council did not accept the report.....	769, 780
Representative Returns.....	11, 507, 508
Representatives and Senators, 37 Republicans counted out.....	8, 15, 25, 625
of the right stamp referred to by Governor Garcelon.....	608, 629
Republicans, 61 certificates issued to.....	545
Resolves concerning the printing of the Report.....	45
Returns, Election, for Senators and Representatives, retained by Prince A. Sawyer when the Fusion Legislature broke up.....	6
delivered by Sawyer to Sumner J. Chadbourne, Secretary of State.....	7
referred to by Committee.....	6, 7, 8, 9, 10, 11, 12
for County Officers found concealed in the Governor's Room, order of Council passed Nov. 22, referring to.....	7, 48, 49, 57-61 10
suppressions and substitutions.....	11, 12

	PAGE.
Returns, Election, original Senatorial from Jonesborough suppressed and blank substituted for	12, 13, 14
Rice, Richard D., Ex-Judge S. J. C., consulted by Gov. Garcelon	629
Ripley, Frank, Ex-Convict County Jail, member of Black's crew	702
Robbinston, town of	25, 229, 233, 234, 235, 237, 255, 256, 258
clerk of	233, 264
Senatorial return from	555
Rockland, city of, no certificates of election issued to Representatives elected in	27, 28, 539, 726
Rodik, Mr., of Lewiston, referred to by Governor Garcelon	732
Rogers, Mr., referred to by Ephpaim K. Smart	233, 251
Barnard, Pembroke	265
Rollins, Mr., referred to in the testimony	106, 112, 116, 117, 118
F., State House Guard, paid money by Gov. Garcelon	703
Rounds, Charles B., County Attorney for Washington county, referred to by Committee	23
referred to in testimony	222, 224, 227, 248, 258, 266
testimony of	266, 271
letter of, to Governor and Council, asking permission to examine returns	629, 771
Rowe James S., Bangor, Clerk in Secretary of State's office, referred to by Sumner J. Chadbourne,	51
James R. Milliken	56, 57
testimony of	54-56
Rowell, Maj. Eliphalet, Hallowell, referred to by Geo. W. Drisko	292
Royal, Ebenezer, Charlotte, Selectman	232, 235
Rules claimed to be applied by Gov. Garcelon and Council in counting votes,	16, 549, 550, 551, 552, 553, 554, 555, 559, 560, 625
Russell, C. B., Farmington, Selectman, affidavit of	583
Saco, city of, no certificate to Representatives elected in	27, 28, 539
Sanford Steamship Company	372
Salem, Mass., counsel in, consulted by Gov. Garcelon	676
Savage, Mr., of Auburn, referred to by George C. Wing	149, 150, 151
Savage, Mr., referred to by Edward C. Moody	477
Governor Garcelon	609
Sawyer, Prince A., Deputy Secretary of State, 1879	6
chosen Secretary of State by Fusion Legislature	6
affidavit of	780
retained possession of Election Returns for Senators and Representatives, when the Fusion Legislature broke up. G, 331 delivered returns to Sumner J. Chadbourne, Secretary of State, January 31, 1880	7, 50, 51, 52, 53, 330, 331, 332
similarity of hand writing to that in the alteration in Perkins Plantation Return, referred to by Committee	21
referred to by George D. Bisbee	47
Sumner J. Chadbourne	50, 51, 52, 53
James S. Rowe	54
James W. Wakefield	330, 331, 332
Samuel J. Gallagher	213, 214

	PAGE.
Smith Government, the.....	31
Andrew R. G., Republican Senator, lost vote of Somerville by his name in second return being changed to Andrew A. R. Smith.....	14
referred to by Morrill Glidden.....	61, 62
Anson B. Bowler, 62, 64, 72, 73, 75, 76, 77, 78, 81, 82, 83, 85, 765	
David B. Chadwick.....	89
Henry D. Clark.....	91
Albert L. Soule.....	93, 94, 97, 99
Edward C. Moody.....	494, 496
Gov. Garcelon.....	541, 572, 573, 574
vote thrown for in Bristol.....	494
Somerville.....	572
Oramandal, Clerk of House.....	3, 42, 44
Everett.....	369
& Mayo.....	370
George S.....	372
Horace.....	372
Mr., town clerk of Marion.....	246, 251, 263
Joseph L., administration of.....	465
Benj. F., of Gov. Garcelon's staff, told Edward C. Moody of error in Bristol return.....	494
Smith & Company, Binding and Stitching.....	388, 389, 392
E. H. W. & Co.....	378, 382
William.....	703
Thomas.....	592
Smithfield, town of, Representative District.....	599
Solon Chase.....	614
Somerville, town of, Senatorial Return from, referred to by Governor Garcelon, 571, 572, 573 referred to in testimony.....	61, 62, 63, 64, 67, 87, 90, 91, 92
names of Selectmen of.....	61
fraudulent return from filled up.....	14, 26
names of Selectmen affixed to returns by the Town Clerk.....	14, 26
in original return from, the name of Andrew R. G. Smith properly inserted.....	14
in second return from, name of Andrew R. G. Smith changed to "Andrew A. R. Smith".....	14
Andrew R. G. Smith, Republican, counted ont in favor of Issac T. Hobson.....	14
Soule, Albert L., Somerville, Postmaster.....	72, 73, 81
testimony of.....	93-99
Justice of the Peace.....	762
Spaulding, Cyrus B., Buckfield, Town Clerk.....	128, 130, 133, 134
testimony of.....	130-132
Sprague, Owen & Nash.....	377, 388, 487
& Son, printers to the State.....	Title-Page
& Owen.....	687, 708

	PAGE.
Springer, Charles C., of Yarmouth, Representative appointed by the House on the Joint Special Committee to examine into the condition of the Election Returns, etc.....	3
present at the meeting of the Committee Feb. 11.....	4
appointed Secretary on motion of Mr. Ingalls.....	4
Signature of, as Secretary.....	4
Interlocutor. Andrew B. Bowler.....	86
George D. Bisbee.....	134
Enoch C. Farrington.....	147
Herbert M. Heath.....	207
John Benson, Jr.....	763
signature of to Report.....	41
Springfield rifles at State House.....	417
Stacy, George G., Portland or Paris, State Librarian.....	223, 224, 379, 380, 381, 401
testimony of.....	401-407
distributed documents.....	402
account of.....	402
Stacyville, town of.....	561, 562
Standard, Maine,.....	279, 402, 403, 404
"Standley," return of votes for, tabulated for <i>Stanley</i>	575
Starbird, Mr., referred to by Flavius E. McFadden.....	335
State Fair, Portland.....	433
Librarian, testimony of.....	401-407
Prison, ex-convicts employed to protect the State House.....	419, 653, 702
referred to by Edward C. Moody.....	493
Alonzo Garcelon.....	726, 739
pay of Council for visiting.....	726
Treasury, mode of paying claims from.....	29
Liquor Agency, visited by Council.....	725
expenses of investigation of.....	784
Printing appropriation.....	30, 684, 702
warrants drawn on, without vouchers being filed..	685
Association.....	377
St. Croix Hotel.....	254, 255
Stenographer to the Committee, Pitman Pulsifer, oath administered to.....	4
Steuben, town of.....	597
Stillings, John H., Berwick, town clerk, testimony of.....	323-332
Stilwell, E. M.....	369
Stockton, town of.....	553
Stoneham, town of.....	25, 470, 581
Representative return from rejected.....	581
Stover, Josiah A., Fusion candidate for Senator, name of given in the Wells return as "Josiah Stover,"	
18, 19, 325, 326, 333, 350, 352, 353, 354, 355, 619, 620	
counted in.....	19
name of given as "Josiah H. Stover" in the Dayton return, changed to Josiah A. Stover.....	19
referred to by John H. Stillings.....	325, 326
John W. Clark.....	333

	PAGE.
Stover, Josiah A., referred to by George G. Hatch.....	350, 352, 353, 354, 355
Gov. Garcelon.....	619, 620
Stow, town of, Representative Return from.....	27, 574
Stratton, James W., referred to in testimony.....	103, 114, 115, 124
Strickland, L. S., of Aroostook, Senator, appointed by the Senate on the Joint Special Committee to examine into the Election Returns and the Expenditure of Public Moneys.....	3
present at meeting of Committee, Feb. 11.....	4
Interlocutor. Gilbert L. Tabbut.....	183, 185
Ephraim K. Smart.....	221
George W. Drisko.....	312, 313
John H. Stillings.....	328
John Haley.....	364
Herbert D. Getchell.....	409
Alonzo Garcelon.....	559, 616, 617, 618, 637
Strout, Almon A., Portland, Representative, appointed by the House on Joint Special Committee to examine into the condition of the Election Returns and the Expenditure of Public Moneys,.....	3
present at meeting of Committee, Feb. 11.....	4
Interlocutor. George D. Bisbee.....	47, 49, 132, 135, 136
Sumner J. Chadbourne.....	50, 52, 53
Frank E. Nye.....	57
Morrill Glidden.....	61
Anson B. Bowler.....	62, 64, 66, 72, 73, 75, 80, 84
Henry D. Clark.....	90
John B. Dodge.....	92
Albert L. Soule.....	93, 96, 97, 98, 99
Gustavus B. Wood.....	99, 102, 104
George B. Pray.....	105, 111
Amasa Bachelder.....	112, 115
Benjamin F. Abbott.....	115, 117, 123, 125
Llewellyn Libby.....	126
Enoch C. Farrington.....	139, 142, 143, 145, 147, 148
George C. Wing.....	148, 150
Eli B. Bean.....	152
Edward A. Austin.....	155, 160, 161
Gilbert L. Tabbut.....	178, 185
Herbert M. Heath.....	208, 210
Samuel J. Gallagher.....	212
Pitman Pulsifer.....	214
Winfield I. Crane.....	217, 218, 219
Ephraim K. Smart.....	236, 248
Charles B. Rounds.....	266
George W. Drisko.....	310
John H. Stillings.....	327, 328
James W. Wakefield.....	330
Frank M. Totman.....	334, 339
Flavius E. McFadden.....	341
John W. Channing.....	347
George G. Hatch.....	349, 351, 354

	PAGE.
Strout, Almon A., Interlocutor. George G. Stacy.....	401
Herbert D. Getchell.....	407, 408, 409
Bradford F. Lancaster.....	409, 419, 421, 422
B. Emery Pratt.....	431, 439, 448, 451
William C. Holt.....	457, 463
Edward C. Moody.....	467, 468
Alonzo Garcelon.....	716, 740
Orville D. Baker.....	751
Wildes P. Walker.....	757
John Benson, Jr.....	759
signature of to Report.....	41
Subject matter of the Investigation stated by the Committee.....	6
Substitution of blank Senatorial return in Jonesborough.....	12, 13, 14
Substitutions and suppressions, comments on by Committee.....	11, 12
Supreme Court, Justices of, their three opinions referred to by Committee.....	6
Swasey, John P., referred to by Enoch C. Farrington.....	147
Swasey, Alfred, drew money from Free High School Fund.....	369
Sweet, Charles T., Deputy Clerk of Courts.....	598
“Tabbot, James R.,” the Kossuth vote.....	211, 212
John R.”.....	27, 211
Tabbut, Gilbert L., Addison, Selectman, referred to by Committee.....	13, 14
testimony of.....	166-185
recalled March 2.....	181
referred to by Edward A. Austin.....	156, 157, 158, 160
Henry Nash.....	163, 164, 165
Geo. W. Drisko. 296, 297, 298, 300, 301, 302, 303, 304, 305, 306,	307, 309, 311, 313
Tabulations and Lists made by the Council Committee on Election Returns,	
referred to by the Committee.....	10, 11
of votes for Senators, Representatives and County Officers.....	535
abstraction of, from the room of a Councillor, at the Augusta House,	24, 508, 509, 759-763
final, submitted by Council Committee.....	532, 539
“Talbart, James R.,” returned by town of Kossuth, counted by Governor and	
Council for James R. Talbot.....	27, 210, 560, 561
“Talbot, James R.,” tabulated for James R. Talbot.....	210
Talbot, James R., East Machias, Fusion candidate for Senator, referred to by	
Committee.....	27
testimony of.....	314-323
furnished blank returns and envelopes to George W. Drisko	13
contradicted George W. Drisko’s testimony.....	13
received blank return from Samuel D. Leavitt, Adjutant	
General.....	14, 24
wrote to have Whiting return corrected.....	216
referred to by Henry Nash.....	160, 162
Gilbert L. Tabbut.....	167
Asa W. Trickey.....	189, 192

	PAGE.
Talbot, James R., referred to by Herbert M. Heath.....	201, 209, 210, 211
Winfield I. Crane.....	216, 218, 219
Ephraim K. Smart.....	235, 245, 246, 247, 262, 263
George W. Drisko.....	274, 280, 281, 285, 286, 287, 292, 293, 308, 309, 310
Governor Garcelon.....	555, 560, 561, 577, 578, 620, 623
Edward C. Moody.....	473
James R. "Talbart" and James R. "Talbot" tabulated for,	
Thomas L.....	27, 210, 560, 561 369
John C.....	472
Talmadge, town of, returned vote for "John R. Tabbot," which Governor and Council counted for James R. Talbot.....	27, 555
Telegraph Company, W. U.....	370, 371
Testimony of George D. Bisbee.....	47-50; 132-139
Sumner J. Chadbourne.....	50-53
James S. Rowe.....	54-56
James R. Milliken.....	56, 57; 365-381
Frank E. Nye.....	57-61
Morrill Glidden.....	61-62
Anson B. Bowler.....	62-87
David Chadwick.....	87-89
Henry D. Clark.....	90-93
Albert L. Soule.....	93-99
Gustavus B. Wood.....	99-105
George B. Pray.....	105-112
Amasa Bachelder.....	112-115
Benj. F. Abbott.....	115-126
Llewellyn Libby.....	126
Albion P. Bonney.....	127-129
Cyrus S. Spaulding.....	130-132
Enoch C. Farrington.....	139-148
George C. Wing.....	148-151
Eli B. Bean.....	152-155
Edward A. Austin.....	155-161
Henry Nash.....	161-166
Gilbert L. Tabbot.....	166-185
Asa W. Trickey.....	185-193
Jotham L. Merritt.....	193-201
Herbert M. Heath.....	201-212
Samuel J. Gallagher.....	212-214
Pitman Pulsifer.....	214
Winfield I. Crane.....	214-226
Ephraim K. Smart.....	220-266
Charles B. Rounds.....	266-271
George W. Drisko.....	271-313
James R. Talbot.....	314-323
John H. Stillings.....	323-329
James W. Wakefield.....	330-332

	PAGE.
Testimony of John W. Clark.....	332-334
Frank M. Totman.....	334-341
Flavius E. McFadden.....	341-347
John W. Channing.....	347-349
George G. Hatch.....	349-355
Samuel W. Libby.....	355-360
Charles L. Woodward.....	360-361
John Haley.....	361-365
Alexander J. Cameron.....	381-393
Samuel L. Boardman.....	393-400
George G. Stacy.....	401-407
Herbert D. Getchell.....	407-409
Bradford F. Lancaster.....	409-431
B. Emery Pratt.....	431-457
William C. Holt.....	457-464
Edward C. Moody.....	464-509
Alonzo Garcelon.....	509-741
James S. Harriman.....	741-743
George F. Harriman.....	743
Orville D. Baker.....	744-752
Albert F. Andrews.....	752-754
Austin Harris.....	754-756
Mark Harden.....	756-757
Wildes P. Walker.....	757-759
John Benson, Jr.....	759-763
Thomas, Cyrus A., Republican candidate for Representative, votes thrown for in Farmington and counted out.....	494, 495, 586
William H., Republican candidate for Representative in the Lisbon District and counted out.....	468, 479, 543, 748
Thomaston, town of.....	726
Thompson, William, Jonesborough, Selectman.....	185, 187
Mr., of Marion, referred to by Ephraim K. Smart.....	251
Rodolphus P.....	361, 445
Tilden, C W., Secretary of the Senate.....	3, 42, 44
Tobie, E. S., Boston, money paid to.....	380, 405
Toothaker, Daniel H., Berwick, Selectman.....	323
Torry, Mr., referred to by Gov. Garcelon.....	591, 593
Totman, Frank M., Fairfield, Selectman.....	15, 334, 339, 340, 342, 344, 346, 602
testimony of.....	334-341
signed letter to Secretary of State.....	15, 602
Towns and cities, number of, rejected in tabulations.....	624, 626, 627
Tracy, S. L., Gouldsborough, Selectman.....	355
Trask, R. D., New Sharon, Justice of the Peace.....	767
Trainer, J. J., State House Guard, paid money by Gov. Garcelon.....	703
Treasurer of State.....	29, 367, 682, 683
Governor's warrants directed to.....	367
mode of paying claims from.....	29
Tribune, Chicago.....	573, 574

	PAGE.
Trickey, Asa W., Jonesborough, town clerk.....	194, 195, 197, 202, 205, 290, 294
testimony of.....	185-193
recalled.....	192
Turner, C. W.....	369
"Twenty-seven, 27," forgery of, in the Perkins Plantation Return... 458, 459, 460, 461	
Unity Plantation, referred to.....	111, 113, 123, 124, 126
Upton, E. & Son.....	377
Veazie, National Bank.....	457
Verrill, Byron D., elected Representative in Portland, report of Council Committee on.....	509, 768
Victoria, Queen, referred to by Gov. Garcelon.....	592
Virgin, Hon. William Wirt, Judge S. J. C.....	139, 210
Voter, Lewis, Fusion candidate for Representative.....	494, 495, 587
votes thrown for, in Farmington.....	494
counted in.....	495, 587
Wait, William, votes for.....	611
Wakefield, George H., Republican candidate for Senator, name of changed to George "A." Wakefield in the Berwick return.....	18, 324, 325, 326, 327
tabulation of changed to Ira S. Libby, Fusionist.....	18
referred to by John H. Stillings.....	324, 325, 326, 327
counted out.....	18, 324, 325, 326, 327
James W., Bath, Postmaster, testimony of.....	330-332
Walker, Henry G., Fusion candidate for County Commissioner in Oxford, name of, originally returned as Henry "C." Walker in the Hebron return.....	17, 18, 614, 615, 736
seventy-two votes saved to, by changing name of, and counted in.....	17, 18
referred to by George D. Bisbee.....	137, 138
Enoch C. Farrington.....	142, 143, 146
Gov. Garcelon.....	614, 615
change made in return previous to tabulation.....	736
Augustus H., referred to by Enoch C. Farrington.....	148
George, Mayor of Portland.....	275
Wildes P., Topsham, referred to by Gov. Garcelon.....	518, 519
testimony of.....	757-759
Wallace, John T., Jr., Democratic candidate for Senator in Washington county, referred to by Henry Nash.....	160, 162
Gilbert L. Tabbut.....	167
Asa W. Trickey.....	189, 192
Herbert M. Heath.....	209, 210, 211
Ephraim K. Smart.....	221, 222, 223, 233, 235, 236, 238, 257
George W. Drisko.....	274, 295
James R. Talbot.....	320
Gov. Garcelon, 551, 555, 556, 557, 559, 561, 621	
voted for under name of "John T. Wallace".....	210, 235
votes for "John T. Wallace" tabulated and counted for,	
	556, 557, 621

	PAGE.
Wallace, John T., Jr., affidavit concerning.....	629
Mr., referred to by Ephraim K. Smart.....	221
Warrants, Governor's, how drawn	29
form of.....	367
drawn without vouchers being filed.....	373, 374, 375, 387, 388
Watchmen at the State House, number authorized by law.....	713
Waterhouse, Mr., (firm of E. F. Pillsbury & Co.).....	685
Waterville, town of.....	413, 485
Bank.....	718, 720
Watkins, George H.....	135, 377
William S.....	369
Watts, Henry L.....	274
Watson, Will H.....	377
Webster, town of	746, 747, 748
and Lisbon Representative District.....	468, 469
Representative return from rejected.....	581
Leonard H. Beal substituted for William H. Thomas.....	468
John H., lawyer, Norridgewock, consulted by Gov. Garcelon in Mandamus Case.....	673
Wellington, Nathan.....	122
Wells, town of, forgery in Senatorial return from..	18, 19, 349, 350, 352, 618, 619, 735
name "Josiah Stover" in the return, altered to Josiah A. Stover, 18, 19	
Selectmen of.....	350
Town Clerk of.....	349
Joseph D., Wells, Selectman	350
Wentworth, Mr., Perkins Plantation, Assessor	360
Westbrook, town of.....	611, 612
Senatorial return from, figures in not carried out.....	611
votes in for Joseph Locke.....	612
three Republican candidates counted out.....	612
Wheeler, Mr., of Whiting, referred to by Ephraim K. Smart.....	265
When and where the returns were altered, and was the counting out a pre-meditated plan or conspiracy?.....	21, 22, 23, 24, 25
Whidden, Judge, Calais.....	221, 223, 227, 235, 258
Charles R., editor Calais Times.....	221, 228, 234, 236, 242, 253, 258
Rose & Co.....	377
Whig & Courier, Bangor.....	656
Whitcomb, Mr., referred to by Ephraim K. Smart.....	441, 449
White, Daniel.....	372
Charles A., State Treasurer.....	695, 696
James O., Fusion candidate for Representative counted in over John R. Eaton	543
Peregrin G., candidate for County Attorney.....	610
Whiting, town of.....	169, 178, 214, 265, 281, 285, 318
Selectmen of.....	215
Town Clerk of.....	215
new return from, made and substituted for the original....	14
Whitmore, J. C., New Sharon, town clerk, affidavit of.....	766
Whitneyville, town of.....	301

	PAGE.
Wilder, Joseph, Jr., referred to by Ephraim K. Smart.....	233, 237, 257
George W. Drisko.....	274
Wilson, George H.....	103
Fred, mail carrier, took Jonesborough return from Augusta post office to the Secretary of State's office.....	213, 214
Wing, Mr., referred to by Benj. F. Abbott.....	125
George C., Auburn, member of Republican State Committee, testimony of.....	133, 139, 150, 477, 609 148-151
Wiscasset, town of.....	49, 493, 503
Wood, Gustavus B., Albion, Selectman.....	106, 110, 112, 114, 116, 117, 120
testimony of.....	99-105
Woodman, J. C., watchman at State House.....	429
Cyrus W., Cambridge, Mass., counsel consulted by Gov. Garcelon..	678
Wright, James S., Clerk of Courts, Oxford county, referred to.....	495, 500
Young, Stephen J., Brunswick, member of the House.....	42
John N., Baring.....	235
York, town of.....	464