

# MAINE STATE LEGISLATURE

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# FIFTIETH LEGISLATURE.

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HOUSE.

No. 26.

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The Committee on Elections, to which was referred the remonstrance of Gideon A. Hastings of Bethel, against the right of Moses C. Foster to a seat in this House, have had the same under consideration and ask leave to report.

The following table contains an exhibit of the votes cast at the September election for Representative to the Legislature from the several towns and plantations composing the district for which Moses C. Foster is the sitting member, as appears from the returns made to the office of the Secretary of State.

	Moses C. Foster.	Gideon A. Hastings.	A. Hastings.	Maj. A. Hastings.	Maj. Hastings.
Bethel,	232	217	—	1	1
Hanover,	21	29	—	—	—
Newry,	30	47	—	—	—
Grafton,	9	10	—	—	—
Upton,	18	11	—	—	—
Lincoln Pl.,	2	—	—	—	—
Hamlin Gt. Pl.,	6	—	14	—	—
	<hr/>	<hr/>	<hr/>	<hr/>	<hr/>
	318	314	14	1	1

The only point of controversy in the case, which appeared before your committee was, whether the votes of Hamlin's Grant plantation, cast for "A. Hastings," should be counted and allowed for Gideon A. Hastings. If so counted and allowed, Gideon A. Hastings has a right to a seat in this House; if not so counted and allowed, the sitting member is entitled to retain his position.

The evidence presented to the committee, consisting of two affidavits which are made a part of this report, was very limited, and not of the most satisfactory quality, but the sitting member waived all objections to their admission and the committee considered them as legal evidence, notwithstanding their *ex parte* character.

The following are the affidavits referred to :

We, J. B. Merrill, J. G. Burns, Stilman Blanchard, Harrison Buck, Peter Brooks, John A. Buck, Prescott F. Brooks, John Buck, P. W. Brooks, O. G. Swan, Alonzo D. Morgan, A. S. Richards, Cyrus Cole and Hiram Day, of Hamlin's Grant in the County of Oxford and State of Maine, on oath depose, make affidavit and say that we were lawfully qualified voters of Hamlin's Grant, aforesaid, under the constitution and laws of the State of Maine, on the second Monday of September, A. D. 1870, and that we did vote on said second Monday of September, A. D. 1870, for State and County officers and Representative to the next Legislature of this State, and that we severally voted for A. Hastings for Representative to said Legislature, we severally believing and intending to vote for Major Gideon A. Hastings of Bethel, in the County of Oxford and State of Maine, that we have severally known Major Gideon A. Hastings many years, and have always heard him called and known by the name of Alphonso Hastings, and supposed that he had not any other name than Alphonso, and that if we had known that the said Alphonso's name was Gideon A. Hastings, we should all and each of us severally voted for said Hastings, by the name of Gideon A. Hastings instead of A. Hastings, as we then and there did ; that the Bethel representative district is composed of the following towns and plantations, to wit : Bethel, Newry, Hanover, Grafton, Reily Plantation, Lincoln Plantation, No. 5, Range 1 plantation, and Hamlin's Grant plantation, as we understand the limits of the district, and that there is not any other man in this district by the name of A. Hastings or Gideon A. Hastings.

J. B. Merrill,	John Buck,
J. G. Burns,	P. W. Brooks,
Stilman Blanchard,	O. G. Swan,
Harrison Buck,	Alonzo D. Morgan,
Peter Brooks,	A. S. Richards,
John A. Buck,	Cyrus Cole,
Prescott F. Brooks,	Hiram Day.

State of Maine, Oxford ss.

On this seventeenth day of September, 1870, personally appeared the parties who signed the foregoing affidavit, and severally made oath that the same was signed by them, and is true.

Before me,            DAVID F. BROWN, *Trial Justice.*

We, William H. Pearson, Clerk, Ansel Moody and J. B. Merrill, Assessors of Hamlin's Grant, in the County of Oxford, on oath depose, make affidavit and say, that we are Clerk and Assessors of Hamlin's Grant plantation in the County of Oxford and State of Maine, that we acted as such at the election held in said plantation on the second Monday of September, A. D. 1870, for State, county officers and Representative to the next Legislature of this State, and that the following names of persons resident in this plantation were on the check list used in said election, and that they were present and voted: J. B. Merrill, J. G. Burns, Stilman Blanchard, Harrison Buck, Peter Brooks, John A. Buck, Prescott F. Brooks, John Buck, P. W. Brooks, O. G. Swan, Alonzo D. Morgan, A. S. Richards, Cyrus Cole, Hiram Day.

(Signed)

W. H. PEARSON, *Clerk.*

ANSEL MOODY, } *Assessors of*  
J. B. MERRILL, } *Hamlin's Gt. Pl.*

State of Maine, Oxford ss.

On this seventeenth day of September, 1870, personally appeared the parties who signed the foregoing affidavit, and severally made oath that the same was signed by them, and is true.

Before me,      DAVID F. BROWN, *Trial Justice.*

The only other piece of evidence presented to the Committee was the return of the votes given in Hamlin's Grant Plantation for Representative to the Legislature, on the second Monday of Sept. A. D. 1868, as made to the Secretary of State, at which election Gideon A. Hastings, the present remonstrant was a candidate for the same office, as at the last election, and this return is as follows:

Israel G. Kimball,      ten votes.

Gideon A. Hastings,    eleven votes.

This evidence was considered carefully, and after repeatedly unavailing efforts to obtain a full meeting of the committee the subject was taken up at a meeting held on the second instant, and voted upon, six members being present.

Messrs. Harriman, Perkins and Bonney voted that the remonstrant have leave to withdraw, and that the sitting member, Moses C. Foster, retain his seat.

Messrs. Carleton, Jenkins and Clook voted that Gideon A. Hastings was legally elected Representative to the Legislature from

the Bethel class, and that he is entitled to take his seat in this House.

Mr. Knapp was absent.

The Committee being thus equally divided and unable to make either a majority or a minority report, ask to be excused from the further consideration of the matter, and beg leave to submit the facts to the House for its action thereon.

PERCIVAL BONNEY,

For Committee.

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STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }  
February 4, 1871. }

Reported from the Committee on Elections by Mr. BONNEY,  
and ordered printed.

S. J. CHADBOURNE, *Clerk.*