

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

FIFTY-NINTH LEGISLATURE.

HOUSE.

No. 130.

REPORT OF COMMITTEE ON LOSS OF STATE SEAL AND PUBLIC DOCUMENTS AND OTHER PUBLIC PROPERTY.

To the Hon. Speaker of the House of Representatives :

On January 26, 1880, it was found that certain valuable property (including the broad seal of State, and many important documents) was missing from the State House, although it was not known, at least to the majority of the House, who had the temerity to thus insult the dignity of the State by removing public property from its legitimate place, neither was it known where said property had been lodged. That this impudent taking of public property might be investigated, a joint special committee was appointed, as follows :

Hawes of Cumberland,	}	<i>of the Senate.</i>
Bradford of Washington,		
Cornish of Kennebec,		
Bradstreet of Bridgton,	}	<i>of the House.</i>
Jordan of Auburn,		
Rowell of Hallowell,		
Loring of Perry,		
Baker of Steuben,		

And your Committee having attended to their duty, beg leave to submit the following report :

Your Committee first inquired what was missing, and found that the broad seal of the State, the original records of the

Council for 1879, all reports of the Executive Council relating in any way to the election returns of 1879, and the tabulation of said returns, the combination key to the safe, and keys to all the drawers, desks, and cases belonging to the office of Secretary of State, were missing.

It was suspected that this property was in the possession of Prince A. Sawyer, to whom a demand for the property was sent, together with a warrant for his arrest if he should refuse to deliver it up to Sumner J. Chadbourne, the Secretary of State. Under this pressure Prince A. Sawyer returned everything which he had taken to its legitimate place in the office of Secretary of State. As your Committee was raised especially to discover this lost property, after its return there seemed to be nothing left for your Committee to do except to discover if possible the motives and circumstances which prompted such unwarranted transactions. To facilitate such discovery, Prince A. Sawyer was summoned to appear and testify, but refused to obey the summons, returning a discourteous and defiant reply, in which he stated that he should not respond to the call of your Committee, on the ground that it was a committee appointed by an illegal House.

By order of the House, he was thereupon arrested and brought by an officer before the Committee, but refused to testify, whereupon he was adjudged by the House to be in contempt, and ordered to be closely kept and confined until he should purge himself of the contempt. Driven at length by imprisonment, he decided to testify, and his testimony is herewith submitted, and marked "A." It is very briefly as follows: He claimed that he became Secretary of State on January 17th, 1880, and that he is still entitled to the charge of that office; he denied that any election return was sent

from the office after Sept. 8th, 1879, either by him or to his knowledge; he admitted that he took away the property which was found missing, but claimed that he took it that it might not fall into what he considered illegal hands; that he took the State seal, intending to use it, but did not use it, because he had no opportunity; that some of this property was in his own hands, and the balance in the hands of the following parties: Senator Patten, Chas. B. Morton of Augusta, R. W. Black of Augusta, and Dr. Martin of Augusta; that many consulted with him about this removal of property, but that he remembered who none of them were except Ex-Secretary Gove and A. P. Gould; that in removing the State seal he acted largely on the strength of a telegram which advised that the most valuable thing in the office of Secretary of State be looked out for, although he stated that he neither knew where the telegram was sent from, nor who sent it, nor to whom it was sent.

Your Committee felt justified in asking the House to sanction stringent measures in relation to the arrest and imprisonment of Prince A. Sawyer, for it seemed to them that no leniency should be shown to a man who openly defied the legal authorities of this State; to one who still claims to be Secretary of State in defiance of the opinion of the Supreme Court; and that as being the only person who has openly defied the legal House of Representatives by refusing to obey its summons until compelled to do so by arrest, Prince A. Sawyer deserves the indignation of the members of this Legislature and the people of the State of Maine.

It will be seen from Sumner J. Chadbourne's testimony, herewith submitted, and marked "B," that the office of Secretary of State was depleted of stationery and books in a

manner not accounted for, and by no means justifiable; that because of this he was obliged to make extra purchases, amounting to nearly \$800.00, to supply the legislature; that such a state of things cannot be justified, inasmuch as the same amount was appropriated last year for stationery and books as in 1878, and there should have been enough on hand to supply the legislature.

Your Committee did very little work in comparison with what was intended, inasmuch as the early return of the property avoided the necessity.

All of which is very respectfully submitted.

A. G. BRADSTREET,

For Committee.

STATE OF MAINE.

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

Ordered printed.

ORAMANDAL SMITH, *Clerk.*

TESTIMONY.

“A.”

FRIDAY, MARCH 12, 1880.

Mr. HAWES (to Mr. Sawyer). The Committee are in session, Mr. Sawyer. Are you ready to answer whatever questions the Committee may ask you relating to the matter before the Committee?

Mr. SAWYER. Yes, all proper questions, as I told you last night in my letter. I should not want to answer improper questions, and of course you would not want to ask any.

Testimony of Prince A. Sawyer—Affirmed.

Mr. SAWYER. In relation to the statement I gave you last night, that will go on record, I suppose?

Mr. HAWES. Your letter will not go on record. You are simply to answer the questions.

Mr. BRADSTREET. I have seen no statement.

Mr. HAWES. We understand that you are ready to testify and answer all proper questions asked you by this Committee, in regard to the matter before it.

Mr. SAWYER. Well, I don't know. I am under imprisonment. Perhaps it would be well enough for me to make a little statement to the Committee.

Mr. HAWES. The question is just here. Are you ready to testify or are you not, and answer all proper questions. Please answer me directly?

Mr. SAWYER. I want to consider that, and consult with my counsel.

[Mr. Sawyer then retired, but returned in a few minutes.]

Mr. SAWYER. I am ready to testify before the Committee. I have a right to say why I am ready, and I shall say it, that is, the reasons why I testify. They are that I may disabuse any feeling in the public mind to the effect that I possess anything that I do not want the public to know, and for the further reason that I am under imprisonment and I wish to be released, and for the purpose of denying any aspersions which may have been cast upon my character by the testimony of any witness who may have testified before you heretofore. Now I am ready.

Q. (By Mr. Hawes) You are ready to testify.

A. Now I am ready to testify.

Q. (By Mr. Bradstreet) Your name.

A. P. A. Sawyer.

Q. Residence.

A. Phillips.

Q. Occupation.

A. Lawyer.

Q. What office did you hold under the State during the political term when Garcelon was Governor.

A. Deputy Secretary of State.

Q. When did you enter on the duties of your office as Deputy Secretary of State.

A. I am not certain, but my impression is that it was the 9th of January, 1879, according to the best of my recollection.

Q. When did your office as Deputy Secretary of State expire.

A. Well, I am not certain of that; but my impression is that it expired on the 17th of January, 1880.

Q. Seventeenth day.

A. My impression is to that effect.

Q. Have you held any State office since.

A. I was elected by what I understood the legal Legislature of the State to the position of Secretary of State, I think on the 16th of January. On the 17th of January elected by the Fusion Legislature, so-called, and before Governor Smith and his Council I took and subscribed the oath of office. I filed a bond which was approved by that council. Then I entered upon the discharge of the duties of Secretary of State. I have claimed that I still hold the office. That is all I know about it.

Q. In your opinion, then, you became acting Secretary of State on the 16th of January, 1880.

A. In my opinion I became acting Secretary of State on the 17th of January.

Q. 1880.

A. Yes, sir.

Q. Just exactly, as near as you can tell, what time will you state to the Committee that your office as Secretary of State began, in your opinion.

A. It is impossible for me to give you the time of day, impossible.

Q. You have no idea.

A. I have no idea at present.

Q. You know it was the 17th.

A. According to my best recollection.

Q. Not certain of that.

A. Not certain of it here, without something to refresh my memory.

Q. It was, however, the next day after you subscribed to the oath.

A. No, the same day I subscribed to the oath, I think. I subscribed to the oath, and immediately, as I understood my action, entered upon the discharge of my duties.

Q. Did you take possession of the office after you had subscribed to the oath.

A. Yes, sir.

Q. Then you would claim that your office as Secretary of State hadn't expired now, that you are still——

A. That is my understanding of it, yes, sir.

Q. Did you, as Deputy Secretary of State, have charge of the office of Secretary of State, including the records, State seal and public property in that office.

A. I can say that I had charge of those matters to the extent that a Deputy Secretary of State does have charge of them. Perhaps I had charge. I considered the Secretary of State in charge of them, always.

Q. You was in charge in his absence.

A. Yes, sir.

Q. At any rate.

A. Yes, sir, generally. Sometimes both of us were away at once.

Q. (By Mr. Hawes) Who had charge then.

A. Mr. Pishon was there generally, I believe.

Q. Who was he.

A. Clerk in the engrossing department.

Q. What is his given name.

A. Henry M.

Q. (By Mr. Bradstreet) Did you, as Deputy Secretary of State, after September 8th, have charge of the election returns sent to the office of Secretary of State, and after being sent there, of course being State property.

A. No, not as Deputy Secretary of State. The returns of the elections came into the office, and were, I think, by the mail carrier, carried below.

Q. Into the engrossing room.

A. Into the engrossing department.

Q. Doesn't the secretary have charge of the engrossing room.

A. Yes, he has charge of that constructively, of course; but the clerks below have direct charge of it; and the returns were not in my possession any more than they were in the possession of the Secretary of State. They were really in the office below, and the clerk also held the key, I think.

Q. Were they subject to your orders.

A. Subject to the orders of the secretary or deputy, I suppose.

Q. That is, the clerks below who had directly the returns, were subject to your orders and the orders of the Secretary of State.

A. I understand so, yes.

Mr. HAWES. They were practically in your hands?

WITNESS. Well, you may place what construction you choose to upon it.

Q. (By Mr. Bradstreet) What construction do you place upon it.

A. I place the construction that they were under the control, or rather at the dictation of the Secretary of State, always, and I understand that the Deputy Secretary of State is legally and properly authorized to perform the duties of Secretary, except in certain matters. And the Constitution, I believe, makes the Secretary responsible for the doings of the Deputy, and such a construction as you may choose to place upon the law you may.

Mr. HAWES. As matter of fact, practically, were they or not in your charge while you were there?

WITNESS. They were in the office in charge of any one connected with the office.

Mr. HAWES. And you were connected with and in charge of the office at times?

WITNESS. I was connected with it and in charge of it at times.

Q. (By Mr. Bradstreet) Did you, while Deputy Secretary of State, take away any documents, records, instruments, returns of votes or property belonging to that office? By "taking away," I mean taking from the office while Deputy Secretary of State.

A. It is impossible for me to answer that question. I will tell you why. The last day that I was in the office, I think it was the Saturday, perhaps, when the Republicans broke in, or at night—during that day I had sent from the office for safety the State seal and some records.

Q. You do remember then of taking away certain things at that time.

A. I took them away during that day; my impression is that it was during that day.

Q. Do you know that you had taken nothing from the office but that.

A. I don't think that I had.

Q. Do you state before the Committee that you never took away or sent from the office after September 8th, and before this day that you speak of, any election returns.

A. According to the best of my recollection I never did until the day I speak of.

Q. And do you state in addition that none were taken from or sent away by your direction or to your knowledge.

A. To my knowledge none were sent away or taken from.

Q. Nor by your direction, of course.

A. Nor by my direction.

Q. On this day you speak of, when you took the State seal, &c., as you say for safety, did you take anything else from the office in addition to what you have stated.

A. Nothing that I recollect of.

Q. Will you state once more to the Committee just what you did take away on that day.

A. As near as I can recollect I took the State seal, the Council blotter of 1879, the report of the Governor and Council upon elec-

tion returns—report of the Council, rather, I suppose, for County Officers, Representatives and Senators, and some other things I will give in a minute. I took away the returns of votes for Governor, I believe. The returns of votes for Senators and Representatives were then in the hands of the Committee on Elections, if I recollect, of the Fusion Legislature. I don't know certainly, but my impression is that the Representative returns were in the safe—had been taken out and returned as they had used them. I don't recollect certainly of that; and whatever were there were taken by me. And the Senatorial votes, or returns, were largely in the hands of the Committee on Elections; that is, practically. And afterwards they were returned to me. In addition to these there was a tabulation; I think I took that away, and yet I cannot say certainly. The tabulation might not have been returned there. I will qualify that. It was the Senatorial tabulation, and I think that was in the hands of the Committee on Elections of the Fusion Legislature. I am frank to say I cannot remember about the tabulation. But some of the tabulations got into my possession afterwards and I returned them when I did the other things. And whether I took them out or whether they were out of the hands of the Committee, I cannot say honestly, at present.

Q. You stated to the Committee, did you not, that neither to your knowledge nor by your direction or advice was any election return taken from or sent from the office of Secretary of State, between September 8th and this day.

A. Not that I recollect of at all.

Q. Did you return any or all of these articles which you have just enumerated to the office of Secretary of State, on or before your term as Deputy Secretary came to a close.

A. Please repeat that question again.

Q. Did you return any or all of these articles which you have just specified, to the office of Secretary of State on or before your term as Deputy Secretary of State came to a close.

A. That question seems a little dark.

Q. I only wish to determine whether or not when your term as Deputy Secretary came to a close, and the time when you say you were elected and qualified as Secretary—whether or not you had returned everything to the office which you say you had taken from it.

A. As I thought. I stated previously I ceased, in my judgment, to be Deputy Secretary of State sometime during that day, January 17th. I may mistake dates; but the Committee will understand what I mean. And at the time I ceased to be Deputy Secretary of State, in my judgment I became Secretary of State.

Q. Now, on the morning of January 17th was there anything, to your knowledge, missing from the office of Secretary of State, that you had taken from it, or that had been taken from it by your advice or to your knowledge.

A. No, I don't think there was; I have no recollection of anything.

Q. At the time when you claim to have been legally qualified Secretary of State, whether or not any returns of votes, records, documents or instruments belonging in the office of Secretary of State, were in any other place than in that office, to your knowledge.

A. Repeat it.

Q. At the time when you claim to have been legally qualified, (which was Jan. 17th) as you say, as Secretary of State, whether or not any returns of votes, records, documents or instruments belonging in the office of the Secretary of State, were in any other place than in that office, to your knowledge.

A. I don't think any article you have enumerated, at that time, or on that day, on the morning, say, of that day,—I don't think any thing of that kind was missing, to my knowledge, unless it might be in the Council chamber. But they were in the departments, I think, of the Secretary of State's office, and I consider the Council chamber one of them.

Q. You state nothing was missing, to your knowledge.

A. Nothing, to my knowledge; no, sir, to my present recollection. I will say, there have been so many things said, and so many statements made, that it may be that I have become somewhat inaccurate in these matters; but according to my best recollection and knowledge I shall state to you truthfully in regard to these things; I want it understood, as near as I can recollect. It is a short time, but still, there have been so many things said that I may mis-state things, but I don't mean to. I think that will disarm perjury, won't it? I mean to any how. I mean to state it just as it is, as I understand it.

Q. While you were in possession of the office of Secretary of State, and claimed to be Secretary of State, were any returns of votes, records, documents, instruments, or property of any kind, taken from that office, to your knowledge or by your advice.

A. Well, during—

Q. While you were in possession of the office, and claiming to be Secretary of State. That is, after you claim you were elected Secretary of State, from that time until you left the office.

A. During Saturday, I caused what returns were there—and what they were I don't know—and the records which I have enumerated here, and the State seal, to be removed to a place of safety.

Q. To what place did you remove them.

A. I removed them to a place I established on Water street. I think I first had them removed to my room in the Augusta House, it seems as though I did. I put them in as safe a place as I could. There was a great deal of excitement here, and I put them where I thought they would not be got at by the opposition to my authority.

Q. Whether or not you took all of these articles to the same place.

A. I would not say that I did. I might have considered it—

Q. Do you know that you did or did not.

A. I might have considered it safe to place them where they would not get hold of them, where I could have the charge of them.

Q. Where, as matter of fact, did you put each one.

A. I kept the seal in my possession; that is, directly, so that I could come to it to use it at any moment. I did not take all the returns from the State House. I think there were some of them in the hands of Mr. Patten. My impression is that some were in the hands of Col. Morton; but I will say that I do not know that he knew what they were.

Mr. HAWES. Who is Col. Morton?

WITNESS. Charles B. Morton, on Water street. In fact, I don't think he did. I told him there was a bundle of matters I wanted safely kept, and I think that is matter of fact.

Q. They were, then, either in your hands or Mr. Patten's hands, or Mr. Morton's hands.

A. My impression is, that Mr. Pishon, who was clerk in the office, had a part of them.

Q. Who is this Mr. Patten.
A. A member of the Senate.
Q. Oh, Senator Patten.
A. Yes, sir.
Q. Do you know what ones were in his possession.
A. I don't know ; I presume they were Senatorial, however.
Q. Did you or he take what he had.
A. He got them from here, and had used them as Committee on Elections of the Fusion Senate, and I guess he had taken them to his house, and was canvassing them, perhaps. And, by the way, I think some of the returns were in the safe of Capt. Black.

Mr. HAWES. Capt. R. W. Black?

WITNESS. I think so.

Mr. HAWES. Capt. Black of this city?

WITNESS. I think so.

Mr. ROWELL. At his office?

WITNESS. At his office. My office was connected with his.

Q. Did any one else have any property.

A. It may be that some others might have had some parts of them, but at the present time I would not be certain. I did what I considered judicious.

Q. You don't know that any one else had any of them.

A. I will try and recollect, because I want to be certain about these matters. I think I have stated Mr. Patten, Mr. Pishon and Mr. Morton.

Q. And Capt. Black.

A. Capt. Black and Dr. Martin.

Q. Dr. Martin.

A. I put some of them at a safe place on his premises.

Q. Who is Dr. Martin.

A. Of this city ; although I don't think he knew anything about what they were.

Q. Those are the only ones.

A. Those are all I recollect. And I will say here that threats were frequently made that the office would be broken into down there, and I put them there for safety.

Q. Were these records, instruments, documents, &c., that you have described, taken away wholly at your own instance, or at the suggestion or by the advice of any others, or after consultation with anybody else.

A. I may have consulted.

Q. Do you know whether you did or not.

A. I don't recollect of consulting with any particular person, and it may be that I talked with a dozen persons of what would be safe keeping; I think I did.

Q. Can you swear you did not talk with Capt. Black, for instance, in regard to that.

A. I don't think I talked with Capt. Black. I might have done it. I might have talked with a dozen. I might have talked with twenty. I got a telegram, I will say, from a place in Penobscot county, I won't state the town, for it doesn't occur to me now, reading this way—

Mr. HAWES. Did you consult Mr. Gove?

WITNESS. He and I had talk about it frequently.

Q. Did he advise you to do that.

A. I could not recollect. My impression is that he was not there on this Saturday, was he? My impression is that he was not in the city on Saturday.

Q. I don't recollect about it, particularly. But whether or not he ever advised you. You know about that.

A. Oh, yes, long before that. I should think it was perhaps a month or more before that that we had been advised to look out for the property there, because the Republicans were threatening to break into the State House and possess themselves of it.

Q. You mean by "look out for it," to put it in a safe place.

A. Yes, sir.

Q. Who advised you to do that.

A. I could not state any particular ones.

Q. Did Mr. Gove, for one.

A. I don't recollect.

Q. Didn't you just state before the Committee that Gove did advise you before that.

A. He and I had talked about it, and he had consulted with me, perhaps, whether or not it was best. My impression is, that he was the first to suggest to me the removal of the State seal. And then, I removed it some weeks before this from its usual place, and locked it up in the safe. And I was about to say, that I had a telegram from some place, one telegram I remember, and I might have had more; the telegram was directed to another gentleman, whose name I don't recollect at this moment, telling Mr. Gove to look out for his

office, and the most valuable thing in it; no name signed to it. It occurred to me that the most valuable thing in the office was the State seal.

Q. Do you imagine the telegram would have read in that indefinite way, with no name signed to it, unless the person had had some consultation with somebody and knew to whom he was telegraphing.

A. I would not state under oath what my imagining would be. I merely state the facts as I recollect them. I am not here as an expert in imagination.

Q. You refuse to state whether or not the signer of that telegram had a consultation with, or there was any understanding between—

A. I had no idea whatever. It was a telegram without a name. I haven't the least idea who sent it.

Q. (By Mr. Hawes) To whom was it directed.

A. I think to some member of the House. Some one, I think, passed it to me.

Q. You do not remember the name.

A. No, not certainly.

Q. How did it come into your possession.

A. Some gentleman during the crowd there passed it to me in the Augusta House. I would not state who passed me the telegram so many were talking and interfering. But I will say that is one of the intimations, and there were a great many of them, that that office was in danger from the mob. And I did what I conceived to be my duty as a State officer, to protect those things that had been intrusted to me.

Q. Was not Gen. Chamberlain in charge of the State House at that time.

A. At what time?

Q. At the time you speak of.

Q. (By Mr. Bradstreet) When you removed the property.

A. I think Gen. Chamberlain was there. I think prior to that I had consulted with Gen. Chamberlain. I considered the superintendent of public buildings constructively in charge, the legal custodian of those things. But I believe that Gen. Chamberlain was practically in charge.

Q. Who was the superintendent at that time.

A. Dr. Lancaster.

Q. Did you advise with him about removing them.

A. No, sir, not that I recollect, I might have counseled with him, but I don't recollect.

Q. (By Mr. Hawes) Then what do you mean by the superintendent being in charge.

A. The law makes him the custodian of them, and I think never before this winter——

Q. All the records in the——

A. Oh, no, Gen. Chamberlain was not in charge of the records in our office. He was in charge of the records in the Council Chamber; that is, he assumed to be and had the key connecting with the Governor's room. But up to this Saturday I don't think General Chamberlain ever interfered with our office.

Q. You thought some place outside of the State House would be safer for the seal, the records and other property of the State than the State House with Gen. Chamberlain in charge of it.

A. Yes, you may draw such an inference as you——

Q. You thought so.

A. No, I could not say, I rather think it was safer.

Q. You thought so, then.

A. I thought so, yes.

Q. You thought so then.

A. I think that I thought so.

Q. (By Mr. Bradstreet) You did have, did you not, the State seal in your custody after it was taken, prior——

A. Certainly.

Q. You state you took it at no one's suggestion or advice.

A. I don't think I stated so.

Q. Except this telegram.

A. I had a great many suggestions and a good deal of advice, and I told you that telegram was one of the many.

Q. But you know of no one that made any such suggestion.

A. I would not state positively of any particular one.

Q. You don't know of any one.

A. I know that there might have been a score.

Q. But you don't know any one man.

A. I shall not name them positively, any one man.

Q. I ask you now if you know of any one man.

A. I don't know as I do, particularly; I cannot recollect.

Q. You cannot recollect.

A. No, sir.

Q. Of any one man that advised with you about taking this State seal.

A. No further than I have stated.

Q. You haven't stated that you could, yet.

A. I think I have stated that a telegram came, and Mr. Gove and I advised in regard to it.

Q. But no other man, to your recollection, advised with you.

A. There were other men advising with me, but I cannot positively recollect their names.

Q. You cannot recollect any one of the names outside of Gove.

A. I would not be positive that I could.

Q. Will you state, then, to the Committee, if you cannot remember absolutely and positively, who, in your opinion, advised with you.

A. As near as I can recollect, my opinion is, and I won't say whether it was advice before or after I had taken it, Mr. Gould, my opinion is, he said I ought to take exceeding good care of that State seal.

Q. A. P. Gould.

A. Yes.

Q. Did he state what he meant by taking exceeding good care.

A. I don't know as he used those words.

Q. (By Mr. Hawes) What did he state.

A. I cannot recollect; my impression, though, is, that he indicated to me, by language, I don't remember, that I was the proper custodian of the seal and it was my duty to protect it.

Q. Can you recollect what other persons besides Gould and Gove consulted with you about it.

A. No, sir.

Q. About the State seal and any of this property that was taken.

A. No, sir, not at the present time.

Q. To your best recollection no one else did.

A. No, sir. I don't wish that answer to go. To my best recollection others did, but I don't recollect the names, not even to give an opinion. I stated to you several times that a great many did.

Q. You took this State seal for the purpose of safely keeping it.

A. For the purpose of safely keeping it, and for using it if I was ousted from my office here. I believe the Constitution provides that the Secretary of State shall have an office at the seat of government.

Q. Did you use it.

A. I had no occasion to use it; I should have used it if I had had occasion to.

Q. You would have used it.

A. Yes, sir.

Q. But as matter of fact you didn't.

A. I don't recollect that I did.

Q. You advertised yourself as Secretary of State; did you not intend to use it if you had business.

A. Most certainly I did.

Q. (By Mr. Bradstreet) Now, between Sept. 8th, and the time when you finally left the office of Secretary of State and Mr. Chadbourne took it, were any election returns, returns of votes from any towns, taken from or sent from the office for correction, or for any other purpose, to your knowledge, or by your advice.

A. To my best recollection nothing of the kind occurred. I know that I sent none away and I don't recollect of advising anybody to.

Q. And you don't recollect that anybody else did.

A. Not to my knowledge, no, sir. It may have been done, but not to my knowledge.

Q. Did Gove ever consult you or talk with you about that being done.

A. He never did it unless he did it to me as a lawyer. He never did it officially, I think.

Q. Did he.

A. If he did it as a lawyer I should not divulge it.

Q. He didn't as Secretary of State.

A. No, sir.

Q. No one, then, to your knowledge, besides yourself, took away any property from the State House.

A. How is that?

Q. I say no one, then, except yourself, to your knowledge, took away any property whatever from the office of Secretary of State, or from either of the other offices, that is, the Governor's room, or Council chamber, or either of the other offices that the Secretary of State has charge of.

A. Not to my recollection, except in the removal of these things on the Saturday. I had others who helped me, but I considered I was the man who was doing it. You understand that.

Q. Yes.

A. I was the principal.

Q. Have you returned everything to this building which you took from it.

A. Yes, I think so.

Q. You have nothing in your possession.

A. Nothing that I recollect of, no, sir.

Q. When you finally left the office of Secretary of State did you leave it locked.

A. I intended to do it, and I think I did.

Q. At just what time did you leave it.

A. I could not state, positively.

Q. As near as you can recollect.

A. It was at night, I should think a little after dark.

Q. Seven, eight, or nine o'clock.

A. I should hardly think it was as late as that.

Q. January 17th.

A. January 17th, I think. That is the time that the office was broken into.

Q. You don't know whether you left it locked or not.

A. I think I did.

Q. Did you take the key.

A. I think I did.

Q. Have you it now.

A. I don't have it now.

Q. Where is it.

A. I cannot say.

Q. Did you deliver it to any one.

A. I did.

Q. To whom.

A. I think I delivered it to a person who is acting as clerk for Mr. Chadbourne, I don't recollect the name. It seems as though I have heard him called Rowe. I think I delivered the key to him; my impression is that I did at Mr. Chadbourne's request.

Q. When was that, some time after the 17th.

A. Oh, yes, some time after.

Q. (By Mr. Hawes) You stated that you have returned all the records, documents, instruments and other property, which you took from the Secretary of State's office.

A. I think so.

Q. When did you return it.

A. I don't recollect the date, but it seems to me as though it was the 31st of January.

Q. How did you return it.

A. I got a person, I don't know his name, a truckman, to bring the property up there, and I went up myself. I think I got there directly after he had got there with the property.

Q. How came you to return it.

A. The body calling itself a Legislature, holding sessions here, passed a law imposing very heavy penalties upon a person who should be adjudged to have offended against it; and through the fear that it might be held that I was an offender and might incur the penalties, and being made aware of the fact that a warrant under that law, had been issued, I, under protest, returned all the property.

Q. To whom did you deliver the property.

A. I think it had been delivered when I got there; but it was into the office that I formerly occupied while I was Deputy Secretary of State, now occupied by Mr. Chadbourne.

Q. Mr. Chadbourne there.

A. He was, yes, sir.

Q. Did he take possession of the property.

A. He did, and gave me a receipt for it.

Q. Where were you when you and Mr. Gove talked about these matters—you as a lawyer.

A. I don't know where it might have been. He used to consult me frequently during the year upon matters, and whether or not this might have been in one place or another I could not say.

Q. Was it in the Secretary of State's office.

A. It might be. It is more likely it would be there at our desks, and it may be about the election law, &c

Q. Then you acted a part of the time as legal counsel to Mr. Gove.

A. No. Once in a while I would. I had a case here in court for him once during the summer.

Q. But in the office sometimes you acted as legal counsel.

A. I might for him personally, yes, sir.

Q. In regard to this—

A. If you would recollect my answer there; it slips me now, I should think I had given as clear an answer as I can give.

Q. You stated you didn't consult with him about these matters, or, that if you consulted at all you did so as a lawyer, upon his asking your advice.

A. What matter in particular.

Q. In relation to the taking of any property, as to the seal.

A. I don't know that I consulted with him at all; but still, if I did, I say it is more than likely I might have consulted him as a lawyer.

Q. Did you have an interview with Governor Davis as to occupying the office of Secretary of State.

A. I had an interview with Mr. Davis the evening that the Secretary of State's office was broken into.

Q. What was the tenor of that conversation.

A. I could not recollect it. Perhaps Mr. Davis could testify as clearly as I could.

Q. Did he ask you to give up the office.

A. I was perhaps a little nervous, and my memory might not be good.

Q. Did he ask you to give up the office.

A. He seemed to intimate to me as though it would please him to have me do so.

Q. You refused.

A. I might have declined.

Q. You don't know what you did.

A. I rather think perhaps I did decline.

Q. You don't know what you did.

A. According to my best knowledge, I declined.

Q. There is a schedule, signed by Mr. Gove and yourself.

[House Document, No. 32, 1879.]

A. That was made last winter, I should judge, isn't it?

Q. When you took possession of the office of Secretary of State, how was it about the amount of property in it.

A. I could not give you a definite answer.

Q. Had you anything to do with making up the schedule.

A. I think I had something to do with making up that schedule. My impression is that the clerks and Mr. Gove and I were in there and looked these things over.

Q. This schedule purports to be 28th January, 1879.

A. Yes, sir. My impression is that we were in there, about all

of us that were connected with the office, one evening, and fixed that up.

Q. Now, can you account for the fact that although there was at the time some five or six hundred dollars' worth of stationery, &c., in that office, that when you left it finally there was very little, and that no member of the House had been supplied to any extent or half supplied.

A. I don't know anything about that. Mr. Pishon had the charge of supplying, and he had two or three men there to help him. I thought all members of the House had been supplied.

Q. You do not know that any stationery there was taken from the office except for carrying it to the Representatives' Hall above and supplying members.

A. I don't know of any being taken unless it might have been a personal matter, that perhaps a person might have come in and got a trifling amount.

Q. None of any amount.

A. I don't think there was, I am not aware of any.

Q. After the Legislature adjourned in 1879, and before this one met, do you know how many Year Books were printed and how many on hand in the office of the secretary.

A. I could not state; but I think the resolve called for 700 Year Books; that is my impression, and I suppose they were all printed, and I think the whole number was received. I know I kept as good a run of those matters as I could during the summer. Sometimes, for instance, receiving several books, or Year Books, or stationery, it is possible I might make an error; but I exerted myself the best I could to attend strictly to the duties and see that the interests of the State in those matters were guarded.

Q. Do you know how many there were on hand.

A. I have no idea how many were on hand.

Q. Or about how many when your office as Deputy Secretary expired.

A. I haven't the least idea.

Q. Have you the least idea when you left the office finally on January 17th.

A. I haven't.

Q. Have you the least idea how many had been delivered by you during that interval.

A. No, I had not personally delivered but a very few.

Q. Well, under your direction.

A. And the stationery was delivered, and I don't know how much. The Messenger, and perhaps one or two others, came down there, and Mr. Pishon would oversee it, and when I was down there perhaps I would assist somewhat. And the great hurry, and the disturbed condition of matters here at the State House, hindered my paying the attention to matters, perhaps, that I might have done if everything had been smooth.

Q. Was you accustomed to allow your clerks or messenger to deliver these books whenever they pleased or as they liked, without permission.

A. They were instructed to keep an account as to who they delivered them to, and it was not generally customary to deliver anything to a person not entitled to it.

Q. Is there an account showing an answer to these questions I have asked.

A. I suppose there would be in the lower office, and I suppose it is there now, but I don't know. We had a book there last spring, an invoice of this matter, and then whatever department took stationery, or anything of that kind, I would make a minute if I let them have it, and pass it to Mr. Pishon, and I know he did keep an account for a long time; but it is possible that during the hurry he might have failed to keep it this fall and winter; but we generally calculated to keep the matters straight.

Q. Did you keep an account of what you delivered.

A. No; I would keep on a slip and pass it to him. I had my desk up stairs, and if any one came in, I would make a slip and pass it to him; I did that for a long time. Then during the hurry, I might not have done so much perhaps. I recollect a member would come in and get a Year Book, or something of that kind, and I would give it to him, and generally pass the name to Pishon; I don't know as I did always.

Q. (By Mr. Hawes) Did you take the State seal to pieces.

A. I did.

Q. When.

A. I think perhaps sometime before the outbreak here which culminated in my being ousted from the office; sometime before that, I think, I had carried one of the dies of the seal in my pocket for

safety, so if it was broken into and the seal possessed, that the party breaking should not have the benefit of the whole of it.

Q. Did you take it to pieces after you took it away from the State House.

A. I don't think I did ; no, sir.

Q. Quite sure you didn't.

A. I might have done it, I don't think I did, though.

Q. Wouldn't you be sure about it.

A. No, I would not be sure about it. I had a great many things to think of, and I could not be so certain as I would in an ordinary transaction.

Q. You feel pretty sure you didn't take it to pieces.

A. No, I don't feel sure I didn't ; I say I would not be certain.

“B.”

Testimony of Sumner J. Chadbourne.

I was elected and qualified Secretary of State on the 17th day of January last, about 9 o'clock P. M.

I made a demand in writing upon Ex-Deputy Secretary of State, P. A. Sawyer, Mr. Gove being absent, for possession of the office. He declined to give me possession, and remarked that if I obtained it I must do it forcibly. I was admitted to the office by Mayor Nash, he first asking me if I was Secretary of State, to which I answered in the affirmative. I made such examination as I could that night and found the broad seal of the State, Council Journal for 1879, all returns of votes for Governor, Senators, Representatives and County Officers, tabulation of votes for Senators and Representatives and all Reports of Council relating to elections, missing, also key to safe and all keys to desks, &c.

I was satisfied they were all in the hands of Mr. Sawyer, and on the 31st day of January, I had notice or demand served upon him, by the sheriff of this county, to make return of all State property in his possession. I did this under an act of the Legislature, passed at this session. The Sheriff made return of service and informed me Mr. Sawyer would comply with the demand at 5 o'clock P. M., of same day, and he did.

I caused an inventory of the Stationery in the office to be made and found it amounted to the sum of \$520.05 only. Members of the Legislature and Councillors had not been supplied, and I found it necessary to make purchases amounting to nearly or quite \$800—to supply them with what they were entitled to and what they needed.

I was also obliged to purchase Year Books for at least fifty members.

Same amount was appropriated last year for stationery and books as in 1878, and there should have been enough of both on hand to supply the Legislature.

STATE OF MAINE.

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

Reported by Mr. BRADSTREET, from Committee on Loss of State Seal and Public Documents, and ordered printed with the testimony, on motion of Mr. ROWELL of Hallowell.

ORAMANDAL SMITH, *Clerk.*