

MAINE STATE LEGISLATURE

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Sixty-Sixth Legislature.

HOUSE.

No. 21.

STATE OF MAINE.

The undersigned, a majority of the Committee on Elections, to which was referred the petition of Nathaniel B. Beal, praying to be admitted as member of this House from the towns of Phillips, Avon, Strong, Salem, Weld, Perkins Plantation and Letter E Plantation, have had the matter under consideration and after hearing the evidence in the case and arguments of counsel, beg leave to report that the prayer of the petitioner should be denied.

FRANK O. PURINGTON,
CARROLL W. MORRILL,
VAN R. BEEDLE,
BELA L. FOWLES,
JOHN E. KELLEY.

To the Honorable House of Representatives.

The undersigned, a minority of the Committee on Elections, to whom was referred the petition of Nathaniel B. Beal praying that he may be admitted to the seat now held by Nathan U. Hinkley, would respectfully report that in their opinion said Nathaniel B. Beal received a plurality of all the votes cast for representative to the legislature in the classed towns named in the petition of Mr. Beal.

Under the constitution representatives are first allotted to the county. When a town asks for separate representation and determines against classification, it is to be made a class by itself and separate representation allowed provided the remainder of the county is constitutionally apportioned. Any attempt to authorize separate representation which fails to constitutionally apportion the rest of the county is null and void. It is evident that the resolve of 1891 so far as it undertook to allow separate representation to the town of Phillips was in plain violation of the constitution. We believe that all the votes cast for representative in the various classed towns should be counted. To do otherwise is to hold that a part of the class can do the voting for the whole class. Inasmuch, then, as the secretary of State failed to send to all the towns in the class the official ballots required by law we believe that the seat should be declared vacant and that a new election should be ordered in which all the towns in the class should take part. We therefore recommend the passage of the following resolve :

Resolved, That in the opinion of the House there has been no legal and constitutional election for representative in the classed towns of Phillips, Avon, Strong, Weld, Temple,

Salem, Perkins Plantation and Letter E. Plantation and that a new election should forthwith be ordered in said class.

WENDELL A. CHURCHILL,
F. X. BELLEAU.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES. }
February 1, 1893. }

Tabled, pending acceptance of either report, by Mr. PURINGTON of
Minot, and ordered printed.

W. S. COTTON, *Clerk.*