

The Oxford Democrat.

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The Oxford Democrat

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BY
GEO. H. WATKINS,
Editor and Proprietor.

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PHYSICIAN & SURGEON,

Beal's Hotel, NEWAY.

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Homeopathic,

NORWAY, MAINE.

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Office hours: 8 to 10 a. m. 7 to 9 p. m.

DR. EVANS & TILTON,

Physicians & Surgeons, NORWAY, MAINE.

Office hours: 8 to 11 a. m. and 4 to 6 p. m.

Particular attention paid to diseases of the eye and ear by Dr. Evans, and to diseases of the throat and lungs by Dr. Tilton.

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PHYSICIAN AND SURGEON,

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tional Church.

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Office hours from 9 a. m. to 5 p. m.

Office administered when thought advisable—All work warranted.

D. G. P. JONES,

DENTIST,

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Vulcanized Rubber.

Teeth inserted on Gold, Silver or

MAINE HYGIENIC INSTITUTE.

Devoted Exclusively to Female Invalids.

WATERFORD, ME.

W. P. SHATTUCK, M. D., Superintendent Phy-

sician and Operating Surgeon. All interested

will please send for Circular.

JAMES W. CHAPMAN,

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RENEWAL, ME.

Business by mail promptly attended to.

STEPHEN CHARLES,

Manufacturer and Dealer in

MARBLE GRAVES-STONES, TABLETS,

MONUMENTS, HEADSTONES, ORNA-

MENTAL PIECES, &c. GRANITE

MONUMENTS, CHURCH, &c.

No. Freyburg, Me.

W. F. CAMERON & CO.,

27 Preble St., Portland, Me.,

MANUFACTURERS OF AND DEALERS IN

IRON & STEEL

CULTIVATORS, HORSE-

HOES, HARROWS, AND AGRICULTURAL IMPLEMENTS.

Manufacturers Supplied at Reduced Rates—

Farming Tools Repaired at Low Rates.

ISAAC BAGNALL,

Woolen Manufacturer at,

Manufacturers CAMBRIDGE, SATINETS, COTTON

and WOOL, and the WOOL FLANNELS, FROCKINGS

and YAKA, CUSTOM CLOTH DRESSING and ROLL

CARDING.

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LEGROW BROS.,

(Successors to Alexander Edwards.)

DEALERS IN ALL KINDS OF

LUMBER,

CUTTERS, MOULDINGS, LADDER,

DOORS, SASH, BLINDS AND GLAZ-

ED WINDOWS.

24 Preble St., - Portland, Me.

O. E. LEGROW.

R. T. ALLEN,

MANUFACTURER OF

FINE CARRIAGES!

MILTON P. N. ME.

My goods are made from the best material and

are sold at a low price in a durable and elegant style.

Call and see them before purchasing elsewhere.

March 12, 1879.

THE UNWRITTEN SHEET.

BY ELAINE GOODALE.

We learned one thing from Wisdom's page
One lesson deep and strange,
That holds in youth and holds in age,
Beyond our power to change.
We know, and will not answer whence
The dear-bought knowledge came,
That greatest love, and greatest grief,
And greatest joy are dumb.

We know, yet lend a willing hand
To meet an obvious need;
We know, yet coldly, proudly stand,
When hearts in silence bleed;
And he alone who speechless lips
And tearless eyes can feel,
Will heed a warning all unaid,
A blind and mute appeal.

O friends of pencil and of pen,
Whose work is wide and grand;
O striving women, lettered men,
Through all our busy land,
In songs you smile, in songs you weep,
You learn of saint and sage;
But have you power God's thought to keep,
And read the unwritten page?

The spotless paper comes to each,
For each its message lies,
Too grave for idle words to teach,
Too deep for careless eyes;
Yet he whose conscience is as white,
Whose thoughts are free from thrall,
May take its challenge as I write,
And make reply for all.

You dare not blot the shining scroll
With words of conscious wrong;
You dare not harm a living soul,
In story or in song.
Eternal strength and purity
Through all the ages reign,
And what you once deface and spoil
You cannot clear again.

Though smaller motives bid you write,
Who have no word to say,
You dare not choke with idle words
The straight and narrow way.
The master grasp Life's mighty plan,
His secret springs you know:
Exalt the woman, own the man,
And let the writer go!

But if you dare the strongest test
This mortal frame can bear,
Whatever man has known as best,
Your only thought and care,
O most of all remember then
A mission half divine,
And scorn to leave behind your pen
One weak, unworthy line!

God gives us freely days and hours;
We hold them far too tight,
And half believe it matters not
What now we care to write.
The leaf is turned and we must stop,
And every page is gathered up
Our book of life to fill.

No graver charge to man is given
Than this unwritten sheet,
Beneath the shining vault of heaven,
His word shall stand complete;
Yet he alone who speechless lips
And tearless eyes can feel,
Will heed a warning all unaid,
The paper's mute appeal!

—(The Paper Worker.)

THE NEW REFORMATION.

"Dr. Strong's a master preacher, De-

sire."

"Yes."

"That was a powerful sermon today,

and no mistake. I'd like to see the man

that could gain any arguments, but"

"With this word Deacon Wiseman's

lips closed firmly, his hands grasped

tightly the arms of his chair, he leaned

slightly forward and seemed lost in

thought. Meanwhile, silence reigned un-

broken, save by the slow ticking of the

old clock in the corner, solemnly counting

off for the good Deacon and his Desire

the passing moments of the waning

Lord's day.

Five, ten, fifteen, twenty; the Dea-

con's clenched fist descended upon the

table with such force as to nearly upset

the tumbler of roses and young-man's

love which graced it, and cause the pat-

ent-office reports to tremble in their

places. "I tell you, Desire, there's go-

ing to be a new reformation," he cried.

Placid Mrs. Wiseman, roused from

peaceful meditations on the prophecy of

that happy era when swords shall be

beaten into ploughshares, spears into

pruninghooks, and the nations of the

earth learn war no more, to remembrance

of the troublous times of the 16th cen-

tury, gazing at her worthy spouse with

gold-rimmed glasses, could only falter

in a questioning, mystified tremolo,

"Why, Deacon Wiseman?"

"Yes, Desire, a new reformation; but

don't you be frightened; it won't be like

the old one, I'll tell you. I've been

thinking of Dr. Strong and his heavy

shots—not meaning any disrespect to our

minister or his discourses. He's a

mighty man in the books, Desire; for-

gotten more things, I venture to say, than

you and I, put together, ever knew. He

knows how to present the doctrines.

Doctrines ain't to be despised, for we

ought to be able to give a reason for the

faith that's in us. But I don't believe in

all reason and no faith, and I don't be-

lieve in all doctrines and nothing to help

a man along every day. I tell you, De-

sire, we're having a great deal of the re-

ligion that's good to talk about, and

precious little of the kind that's good to

live by. Not that I'm blaming the Doc-

tor. Bless him, no. His head's full of

fine theories, and it's in nature for him to

talk them when he talks anything. He's

so took up with them, though, that he

can't see common needs as I can. Now I

was reading, the other day, that the an-

cient moralists reckoned four virtues es-

sential—justice, prudence, temperance

and fortitude. Cardinal virtues they

called them, because they was the basis

of all virtue. Justice, prudence, temper-

ance, fortitude," repeated the Deacon,

slowly naming the virtues on the fingers

of his left hand, "yes, Desire, these're

what I want to see practised, and I'm

going to persuade men and women to

practise them. I've got to do it. I'm

going to do it."

Thus was the new reformation deter-

mined upon. Thus did its leader, with

something of the spirit and earnestness of

Luther at Worms, declaring, "Here I

stand; I can do no otherwise; God help

me," utter his vow of commitment to the

promptings of conscience.

One evening, several days later, as

Deacon Wiseman and his wife comfort-

ably settled themselves in their easy-chairs

for a twilight chat, the Deacon began re-

lating some of his experience in the work

which he had so zealously undertaken.

"This morning, Desire," said he, "I

felt moved to labor with Ben Halsey.

You see Ben bought the widow Thatcher's

wood-lot. She's a slack kind of a body,

anyway, and couldn't tell how many

acres there was in it; but left the survey-

ing to Ben, which, I must say, wasn't

very cunning in her, considering that she

was to be paid by the acre, and consider-

ing what kind of a fellow Ben is. His

brothers helped him on the job, so they

had it all among themselves—carried the

chains, did the reckoning and managed

everything. Thirty-five acres, they said

it was, and Ben paid the widow accord-

ingly. Nobody would have disputed or

made any fuss, if Tom Anderson hadn't

happened around just at that time, and

mentioned to one and another that his

father sold that wood-lot to John Thatch-

er, and sold him forty acres, too. Then

folks began to talk and speculate and

think over about it pretty lively. Mis'

Thatcher said there never had been a rod

of the lot sold, and if there was forty

acres when John bought it, there was

forty acres then. 'Push it, Mis' Thatcher,

push it,' Squire Parton told her. 'A

hundred dollars isn't to be shook off of

every bush. Push it, and I'll back you.'

But Mis' Thatcher only answered, 'If

Ben Halsey's cheated me he knows it, and

ought to make restitution; and when it

comes to vengeance, that rests in

stronger hands than mine.'

"Well, now, that was the Christian

way of looking at it, Desire. I wouldn't

have taken vengeance upon my own hands,

still I can't bear to see a woman mis-

used; besides, I thought there might

come a time, Desire—the Deacon's

voice dropped to a tender cadence, while

he reached out his hand and gently touch-

ed the gay chintz covering of the chair in

which Desire was sitting—"there might

come a time, Desire, when you'd be left

alone and need somebody to stand be-

tween you and the extortioners of the

world. So, as I remarked before, I felt

moved to labor with Ben.

"I think I had freedom in speaking,

of course, though, he fired up the first thing,

and had over something about folks mind-

ing their own business. 'And look here,

Deacon Wiseman,' he cried, 'you talk

about people's rights; don't it strike you

that I have rights, and that you're rather

interfering with them?'

Newspaper Decisions.
1. Any person who takes a paper regularly from the office—whether directed to his name or not, or whether he has subscribed or not—must pay for it until payment is made, and collect the whole amount, whether the paper is taken from the office or not.
2. The Courts have decided that refusing to take newspapers and periodicals from the post office, or removing and leaving them uncalled for, is prima facie evidence of fraud.

REFORM CLUB CONVENTION.
The Oxford County Quarterly Convention of Reform Clubs will be held at CANTON MILLS, on THURSDAY, JANUARY 15, 1880. The first meeting, for organization and report of Clubs, will be held at 10:30, a. m. Public Meetings at 2 and 6:30, p. m. It is believed that this Convention will be the most important and interesting of any that has yet been held by the Reform Clubs of Oxford County—and it is earnestly hoped that every Club in the county will be represented by a large number of delegates. A cordial invitation is extended to all to join us on this occasion. Arrangements have been made with the Grand Trunk Railway Co. and the Portland & Bangor Railway Co. for one fare, the round trip ticket.

JOHN F. STANLEY,
THOMAS S. BRIDGEMAN,
W. W. ARBOTHNOTT,
County Committee.

—We would call attention to the annual statement of the Phoenix Insurance Company, for the year 1879. The company has a paid up capital of one million dollars, and its assets amount to \$2,738,341.27. Mr. Freeland Howe of Norway, agent for this company sends us a beautifully illustrated Egyptian calendar for 1880.

TOWN OFFICERS.
The recent disclosures relating to election returns, show that the people should take greater pains in selecting town officers. It is a matter of vital importance to all parties; and they should begin an immediate campaign, looking toward the spring elections. For clerks we should select men who are not only familiar with clerical work, but those who are careful and honest. There are cases in this County where names were recorded with initials, when the votes were all printed clearly and in full. The clerks were criminally negligent or were guilty of a worse crime than carelessness. Personal friendships, party usage, nor aspirations should be suffered to control this matter. Let there be no fatally defective returns next year.

RESIGNATION.
Judge Cleaves of Portland, was a candidate for re-election as Judge of Probate at the fall election. He was defeated by a small vote, but was counted in by the Governor and Council. On the first of January, he qualified, under his certificate, in order to avoid complications in his office, and then sent the following letter of resignation to the Governor. Such honesty, at this time, is worthy of more than passing notice.

PORTLAND, Jan. 1, 1880.
To His Excellency, the Honorable Alonzo Garcelon, Governor of the State of Maine:
Dear Sir,—I have the honor to submit herewith the resignation of the office of Judge of Probate for the County of Cumberland, to take effect upon the appointment and qualification of my successor, and in any event upon the 17th day of January current.

While under a strict construction of constitution and statutory law I may be legally entitled to retain the office for another term of four years, commencing on this date, I cannot consent to hold a judicial position when a plurality of the citizens of the county, however small, under any circumstances or in any form, by their votes have expressed a preference for another candidate.

The fact that any one could seriously question my equitable title to the office would deprive it of all honor for me, and destroy all my usefulness in the position. I have deemed it my plain duty to qualify, that important private and public interests may not suffer by even a temporary vacancy, but with no intention of retaining the office longer than is absolutely necessary, or of receiving its emoluments hereafter. Very respectfully,
Your obedient servant,
NATHAN CLEAVES.

HONEST DEMOCRATS.
When we went to Augusta, last week, we firmly believed that among the seventy-eight fusionists certificated, there would be found more than two, with manhood and honesty enough to prevent them from acting with, or in a fraudulent body. When, however, the House organized, we found all these men acting as one to perpetuate the power which had so fraudulently been placed in their hands. They solidly sustained the Clerk in rulings so absurd that school boys might well laugh at them, and almost as solidly opposed any action looking toward giving the disfranchised cities a representation on the floor. We then began to lose all faith in fusionists, and to declare that there were not ten honest men in their ranks. However, before leaving the Capital, we met a good hard, old line Democrat from Oxford County, who was there to urge his friends in the way of duty. He declared that Portland, at least, should have her Representatives as a clear matter of justice. And now, on our return home, we find the following letter from another Oxford County Democrat, containing a plea for honesty in political affairs. It is certain that the voters of Oxford County are not devoid of principle, nor do they place party fealty above the dictates of conscience.

STOW, ME., Jan. 3, 1880.
EDITOR OXFORD DEMOCRAT:
Dear Sir,—I write this note that the community may know exactly what my views are upon the political troubles in our State as they now stand. I disapprove the action of the Governor and Council in fixing the next Legislature; I want all of those who were honestly elected to occupy their seats, instead of others; I want the fair expression of the people carried out.

I voted for Alonzo Garcelon for Governor; I voted for his re-election; I have voted the Democratic ticket for more than 20 years; but if the course pursued by the Governor and Council is carried through, and is supported by the Democratic press and party, I shall support that party no longer.

I consider it the duty of every citizen to denounce in the strongest terms all such acts.

I would rather vote on principle and get defeated every time, than to vote regardless of principle with a majority for the purpose of dispossessing a party.

Yours truly,
O. H. DAY.

FRAUD RAMPANT.

The Certificated Members Assemble and Organize a Bogus House.
Hon. Eugene Hale Blocks the Game and Holds the Balance of Power.
Republicans Refuse to Act, the House is Without a Quorum and Adjourns.
Immense Assembly—Trying Scenes—No Rioting—Bribery Charges, etc.

Last Wednesday, in compliance with the provisions of our State Constitution, those citizens who had received certificates, assembled to organize the 59th Legislature of Maine. There also met with these, in the city, all those Republicans who were elected to seats, but who had been refused certificates, a large number of military men, public dignitaries past and acting, and a great mass of citizens in general, interested in the result. It is probable that such a meeting of interested and excited citizens was never before witnessed in this State. It was a notable gathering in many respects, not the least remarkable of which was the predominance in numbers of Republicans. There were very few prominent Democrats in attendance. The fusionists were represented by the State House ring, newspaper men and an occasional representative of the Members' "body guard." When the number of strangers present is considered, and the cause of their assembling is carried in mind, one can not fail to be surprised on learning that only one arrest was made in August during the entire day Wednesday. It proves that our people are a law-abiding class, capable of great self control.

Before nine o'clock many citizens of Maine had gathered at the State House to witness the proceedings. After considerable delay, the galleries were opened and immediately filled by excited spectators. Many also received admission to the floor of the House. At twenty minutes to eleven, assistant Clerk Gibbs called the members to order, and proceeded to call the names of certified members. As each name was called, the member drew his seat and stationery. When the drawing of seats was concluded, the Clerk proceeded to organize the House.

He made the usual proclamations, and then called the certified roll. When the roll call was ended, Mr. Dickey of Fort Kent moved that a committee be appointed to wait on the Governor and inform him that a quorum of the House was present, and desired to take the oath. Mr. Hale called the attention of the Clerk to the fact that he had failed to give the number of those who had responded to the roll call, or to declare officially that there was a quorum present. After being pressed for some time, by Mr. Hale, the Clerk said that one hundred and thirty-five had responded to the roll. Mr. Hale said this showed there were sixteen members absent, or that there were vacancies to be filled. He quoted from the laws which declare that if there are any vacancies, they shall be recorded on the certified roll and announced by the Clerk as the House assembles. This had not been done, and therefore the roll and the call were both defective. The roll he declared had passed from the hands of the Clerk, and was with the members for action and revision. He then spoke of the vacancies occasioned by the disfranchisement of Portland and other cities, and contended that the members present should proceed to correct the roll by giving these cities representation in the House.

While he was speaking, Mr. Perry of Camden raised the point of order that this was no time for debate. Mr. Hale said that he had been recognized by the Clerk and should not yield. The Clerk declared that Mr. Hale was out of order, and proceeded to put Mr. Dickey's motion, amid great confusion. The Clerk, in an insulting manner, refused to hear Mr. Hale, and ordered him to take his seat.

Finding he could get no hearing, on any question, Mr. Hale moved that the members do adjourn. The Clerk ruled this motion out of order amid great laughter. The Clerk then called the yeas and nays on Dickey's motion for a committee to wait on the Governor. No Republicans voted, but when he had completed the call, Gibbs declared the motion carried. Mr. Hale said the number of members voting had not been declared, nor had the Clerk declared a quorum present, therefore no business could be done. Gibbs refused to give any attention to Mr. Hale, and proceeded to announce the committee. Mr. Hale said, "The Clerk does not dare to give the number of votes." Several members and reporters had kept accurate record of the responses and found that only 73 had voted. Mr. Hale declared this fact, and said there was no quorum present, therefore he moved an adjournment. The Clerk paid no attention, and Mr. Hale asked if the Clerk declined to put his motion. The Clerk declined. Mr. Hale then mounted his desk and put the motion himself, while the vast audience cheered and applauded, waved handkerchiefs and tossed hats. It was a dramatic scene.

This was the signal for Republicans to retire. They left their seats in a body, and many of the spectators also retired, fearing a disturbance. But the Republicans had determined to exhaust every legal, technical and parliamentary resource in defense of their rights, and no collision of any character was planned or provided for.

When quiet was restored, the Gibbs committee notified Governor Garcelon, and he soon entered the House, accompanied by his Council. We regret to record that the Governor was hissed, in a most insulting manner. It was impossible to restrain the audience, as many prominent Republicans endeavored to do. They saw that Constitution, law, and the rights of a majority, were to be overridden, and they could not refrain from expressing their contempt for the author of this fraud.

The fusion members present were ordered to arise, and as Gov. Garcelon was about to administer the oath, Mr. Hale addressed him in a most respectful manner, and stated that there was no quorum present, and that he was about to administer the oath to an illegal body. Mr. Hale was loudly called to order by the Clerk, and the Governor, entirely ignoring Mr. Hale's remonstrance, administered the oath. Members present signed the qualification papers, and the Govern-

or declared there were seventy-six persons busified—though he had no legal knowledge of the fact. He called attention to the vacancies in the House, and retired amid three cheers by the fusionists. The Clerk then proceeded to appoint a committee on speaker. The vote for speaker showed only 72 votes, and again Mr. Hale made the point of order no quorum present. The Clerk overruled his position and declared J. C. Talbot of East Machias, elected.

The House was then organized by the election of officers, and at every possible point, Mr. Hale raised the objection, "no quorum present." Notwithstanding no vote showed a quorum, business was carried on as though everything was legally done.

Mr. Hale qualified with the fusion members, in order to defend the rights of the minority, and to make the record show how illegal was the body. He doubted every vote, and insisted that the number voting should be recorded.

After the organization, he again made an appeal for the disfranchised cities. The matter was referred to a committee of elections, yet to be appointed. He also endeavored to have the case of Farmington considered, but that also was assigned to the unborn committee.

Mr. Young of Brunswick then qualified, in order to assist Mr. Hale, and he also made a strong appeal for the disfranchised communities. No heed was paid to their warning, and the opportunity for Greenbackers and Democrats to show an honesty of purpose was lost forever.

Without attempting to do any important business, the House adjourned. Thursday morning the bogus House was called to order, and Rev. Mr. Wales, the bulldozed Biddeford Universalist clergyman, officiated as chaplain.

Instead of calling the roll, as is the rule in all deliberative bodies, the Clerk proceeded to read his record. A roll call would have disclosed no quorum, hence it was dispensed with. When he had finished, Mr. Hale called attention to a large number of omissions, which were ordered to be corrected by the Speaker.

Mr. Hale then stated that sixty Republican members elect were ready to qualify, and called their names. They were conducted to the Council Chamber to take the oath. The President of the Senate, acting Governor, declined to qualify them, until he had consulted legal authority. Then the House adjourned. Friday he declined to assume the duties of the position of Governor, and since, as there was no quorum, no business has been done.

The Senate organized Wednesday, with a majority of certificated members in attendance. So far as appearances go, this is a legal body. It is a question, however, if a majority of its members were illegally certificated, whether or not, it can enact a binding law, before its legal membership has been ascertained. The House is certainly an illegal body, as no quorum has been disclosed on any vote, and the declaration of Gov. Garcelon that 76 men had signed the roll did not make a legal quorum even if the members were in the House, which fact is doubted. Gov. Garcelon did not count the names subscribed, but made his declaration from information conveyed to him by the Clerk.

The situation, at present, is an anomalous one. We have no Governor, no Council, no Legislature. Friday, General Chamberlain made public orders that he had received from Governor Garcelon, directing him to take charge of the public property, and to protect it. Gen. Chamberlain then assumed control under these orders, and he is master of the situation until a legal Governor is installed. He has refused to recognize President of the Senate, Lamson as acting Governor, and report says he would only recognize him at present as a Senator elect. All factions and parties have confidence in the General, and under his dispensation, justice must eventually prevail. It seems as though this complicated tangle must be unraveled by the Supreme Court.

Tuesday night it was reported that Thomas B. Swan of Mechanic Falls and Moses Harriman of Kennebunkport had issued cards, refusing to act with the fusionists, in organizing the Legislature. Those who knew these two men gave warning that this was a trick or a trap, for they were certain the men had not made such declaration from sincere motives. Wednesday morning's Standard contained affidavits from both, declaring that each had been paid one thousand dollars by a Republican agent to desert the fusionists, and that they took the bribe in order to expose Republican fraud. Thursday, on being pressed, they charged Wallace R. White of Winthrop with the bribery. Mr. White indignantly denies the allegation. Fusionists will remark that a criminal always pleads "not guilty." The majority of our people will, however, bear in mind the common law principle that every man is presumed innocent, until proof of his guilt has been established. Mr. Swan's affidavit is not conclusive proof, nor is the fact that he exhibits one thousand dollars in bills which he declares to be the identical money paid to him. A man who will cut and sell five varieties from one old, wild grape vine, would neither be above taking a bribe nor declaring he had done so when none had been offered. A man who, when a greenback candidate for office declared that he possessed a letter of withdrawal from his Democratic opponent in order to break a triangular contest and draw votes, when no such letter existed, would not hesitate to say that he received money from a certain source, when he did not. The presumption is that this is a "put up job" to stiffen up weak-kneed fusionists, and to prevent those who wish from voting with the Republicans, from fear that they may be held as bribe takers. At the same time we are free to say that if the Republicans have attempted such illegal action, and have endeavored to break the quorum by bribery and fraud, they should be exposed and punished. The Republicans of this State do not sanction fraud of any character. They defeated the fusionists fairly at the polls in September; they now have right on their side. No wrong doing should vitiate their claim for justice. We join in denouncing any such attempt.

—We give our readers, this week, their dose of politics largely on an extra sheet. It consists of the Supreme Court decisions, and Mr. Baker's presentation of the people's case. These articles show clearly how the voters of Maine were defrauded.

OXFORD COUNTY LOCALS.

ALBANY, Jan. 6.—The Congregational Society held a Neck-tie Festival New Year's evening at Grange Hall, for the purpose of raising funds to finish their Vestry. Had supper and a social time, enjoyed by all. They have recently put an organ in their church, and their pulpit is now supplied by Rev. A. L. Payson from Massachusetts. Some good pigs have been killed here this winter. G. French recently killed one 7 months old, weighing 387 lbs. W. S. Williams has recently received more of those Cotswold sheep from England.

People are improving the good studding in hauling wood and lumber. L. ANDOVER, Jan. 8.—The sleighing never was better, and the few cold days since my last items to you have made an ice bridge at Rumford so traveling to and from the station is safe. Yesterday and today have been perfect days, clear and pleasant as summer. Logging operations are brisk. Judging from the large number of births in the Evangelist, in this town the past several months, Andover will make a good showing in the next census. Also marriages are reported every week. Mr. Chas. H. Marston was married to Miss Abbie E. Sessions Jan. 1st.

We hear it reported Mr. Nahum Rand's sons killed a bear last week, and that another has been followed a long distance in the woods, without capturing him.

Mrs. Lewis Newton and daughter have moved to Massachusetts.

The farmers find this mild weather a saving to the wood-pile and hay-mow.

The severe cold weather of last week has been followed by warm and sunny days which remind us of March weather.

There is an unusual amount of sickness prevailing throughout the community. Many logging crews have nearly suspended work on account of sickness. The oldest son of Mr. H. W. Dunn is very sick and his recovery is considered doubtful. A grand ball was given at Union Hall on New Year's evening, by Mr. J. A. French. A flourishing singing school is in progress under the instruction of Mr. J. L. Ripley.

Our winter schools are progressing finely under good instructors.

The counting-out fraud has been the theme which has occupied every tongue during the past few weeks. All honest men unite in condemning the attempts of the Governor and Council to obtain control of the State Government under the specious phrase of obeying the law. Many believe that the Governor has obeyed the law in a certain sense, but underneath all is seen the dishonest intent of the Governor and Council. We hope the numerous errors in the returns will have the effect to make towns elect only the best men for town office.

Mr. A. J. Poor, of Chapman, Kansas, has bought out his brother's interest in the Smoky Hill Elevator, and is now running it on his own hook. Mr. Poor is doing a fine business and deals largely in live stock, grain, wood, coal and hay. He will press 300 tons the present winter, to be shipped to Denver and Leadville. Mr. Poor and his brother, S. E. Poor, have three hundred and fifty acres of grain, wheat, etc. They also have a large stock of horses, cattle and hogs. They formerly resided in Andover, and as boys, were noted for their honesty and strict business habits.

LOVE STAIR.

BETHEL.—The Sabbath School of the 2d Church and Society in Bethel held Christmas services in the sanctuary Friday evening, Dec. 26th. The exercises were by worthy young children and youth that had been well instructed in the primary christian institution. Rev. Henry W. Chapman, an ex-member of the Sabbath School, was present, and being ever much interested in all things of good report, he rendered the young timely aid in the various parts assigned them. As the gifts of friends to friends were a type of the unspeakable gift of God to needy men, Mr. Frank W. Russell inscribed the following appropriate motto on canvas over the altar: "Gloria in Excelsis." The music (very good) was performed by S. Wright, G. Burnham and the Misses Gould. Recitations and declamations by young children and youth, and readings by young ladies. The Superintendent of the school, A. W. Valentine, managed very acceptably the exercises of the evening. Two trees waited very patiently to be relieved of their precious gifts, which were cordially received by the many who appreciate tokens of true friendship, among whom was the minister who secured a package of books to replenish his library.

G. BROWNFIELD.—Officers of Peapack Lodge No. 461 O. O. F. were installed by district deputy L. A. Poor, with appointed Grand officers, Friday evening, Jan. 2d, as follows:

J. H. Swan, N. G.; C. W. Bickford, V. G.; Jay L. Frink, Cor. Sec.; S. B. Bean, Per. Sec.; Andrew Martin, Treas.

The holidays passed very quietly in this town. On Christmas evening a public gathering and Christmas tree were had at the Town Hall. Many families had their private Christmas trees. In some cases the school district or neighborhood would unite for a jolly time, and thus the festivities of the day were more widely shared than is usual.

On New Year's evening, the Juvenile Temperance Union gave a public concert at High School building. There was a good attendance, and the children entertained them for over two hours, doing credit to themselves and their president. Over fifty selections of music, recitations and dialogues were given without one prompting on their parts.

BRYANT'S POND, Jan. 6.—The following officers of Franklin Grange, No. 124, for 1880, were publicly installed Jan. 3, by Peter C. Fickett of West Paris:

J. S. Curtis, W. M.; Emerson Billings, W. G.; F. L. Wyman, W. L.; G. S. Felt, W. S.; S. B. Curtis, W. A. S.; Mrs. Mary A. Wyman, W. C.; J. L. Bowker, W. T.; Mrs. Ellen E. Bowker, W. Sec.; Cyrus Millett, W. G. K.; Mrs. Emily J. Felt, Ceres; Mrs. E. C. Libby, Pomona; Mrs. Paulina Young, Flora; Mrs. Martha C. Davis, L. A. 4.

A good delegation of the members was present, and after listening to remarks by Messrs. Fickett, Chase and Curtis, the members adjourned to the two heavily laden tables, on which was provision enough to supply a small army. The la-

dies of this Grange can be relied upon for a good dinner every time.

W. H. Cole has taken down his store at South Woodstock and moved it to this place, and will have it fitted up for a dwelling house.

Eldron Russell of North Woodstock has opened a jewelry shop here, in the store of Ansel Dudley.

Three car loads of lumber have arrived for the mill, and it will be framed immediately. C. P. Berry will have charge of the work.

We were very fortunate in having the assistance of so many able speakers last Sunday evening. Godwin from Waterford, Bridgman from Buckfield, Rev. Mr. Sprague and LeForest Howe, were the visitors.

The entertainment given by the Ladies' Aid at Town Hall last Tuesday evening, was a good success, financially.

A drama entitled "The Reward of Crime" will be presented during the month, for the purpose of finishing paying for the organ bought by the Reform Club.

Work is progressing finely on the steam mill.

There will probably be a number of houses built during the spring, as there are none to be had at the present time.

S.

DENMARK.—Christmas eve the Universalist Circle gave an entertainment at Berry's Hall, to an audience of some two hundred. The hall was beautifully and artistically decorated with evergreen, mottoes, paintings,—in short, all that could produce the eye. Two large evergreen trees were bending beneath their load of beautiful gifts, the distribution of which many anxious ones awaited with impatience—or would have been impatient but for the very creditable acting of the following programme: Music, "Merry Christmas," by the choir; recitations, "Christmas Cheer," by Lena Davis, "Christmas Day," Nellie E. Smith, and "The Penny he meant to give," Ida M. Smith; select readings, by Jennie Bean and Carrie Gilman; music; Christmas Carol, Leon Smith; music by choir; charade, "Middlesome," by Flora Bradbury, Amanda Wood, Wallace Merrell, G. Bennett, Willie Bean, and the sympathizing neighbors who never "meddled" with anybody, represented by Mrs. Fannie Bradbury, Mrs. C. H. Goldthwaite, Miss Lillie Ingalls, and Mrs. Augustine Ingalls, creating great merriment, for the originals did not have done better.

Ida M. Smith, "Christmas Carol," Lucy Smith; music, Lillie and Mabel Smith; song, "Christmas Carol," Ida Smith and Minnie Bradbury; Santa Claus and the Children, Edmund Wentworth. Next, presentation of gifts, and merriment and merriment were caused thereby. Then came supper of oysters and pastry, and the large dining-room was soon filled with hungry aspirants for a "place"—not for government post offices, etc., and, for one, would prefer a position at those thickly-laden and tastefully arranged tables, where after all had "eaten and were filled," the young folks had their games. After which all went home well satisfied and happy. Much credit is due to Mrs. Lizzie Harmon, President of the Circle, for her skill and untiring efforts, and to the many generous-hearted ones who were so ready to help.

The Christmas festival at the town house, under the auspices of the Good Templars, was well attended and appeared to be enjoyed by all present. The exercises consisted of declamations, recitations and readings by J. W. Nash, Chas. F. Stevens, Miss Hattie Bangs, Mrs. Carrie Plummer and Miss Myra Davis, and the dialogue, "An Original Idea," together with suitable musical selections. Santa Claus was personated by Mr. E. P. Woodbury, and occupied nearly an hour in distributing the many beautiful presents with which the generous-hearted Swedes endeavored to make the occasion a "Merry Christmas" to their friends.—News.

Mr. Moses Wentworth has been helping one of the largest buildings in Bridgton—Central Hall. When Moses hooked on the thing had to go.—Bridgton News.

GRANTON, Jan. 4.—We are having beautiful winter weather up here in the woods. Most every one is logging or going to. The Brown Bros. are doing quite a business. George Otis and Chas. Moore have I think six oxen and four horses in the woods. Charley Moore, it is said, has the best horse team on the road.

The people of our little town met on New Year's evening at the house of Mr. Otis Brooks, where Miss Villa Holt assisted by the young people and some of the older ones, gave quite an entertainment. The programme consisted of prayer by the Rev. Mr. Monitun, dialogues and declamations, tableaux, recitations, etc. One recitation by Miss Frankie Otis was very prettily spoken, and for one who never spoke in public before she did splendidly. A Christmas tree, loaded with presents for all, was nicely arranged. Paper by Angie Farrar was quite good.

Mrs. Otis Brooks I learn is quite ill, so that she is under the doctor's care. Hope she will be better soon.

Addie, youngest daughter of Gilbert Tyler, is very sick. I understand she had a shock, which paralyzed her, and she was at one time blind, and with all the rest she has whooping cough. It seems hard, as she is only nine or ten years old.

DOLLIE DART.

HEBRON.—The school in district No. 7, in Hebron, taught by Miss Anna Crooker of West Minot, was a profitable one, and at its close, Friday, her scholars ground her a basket of Tennyson's poems.—Leiston Journal.

KEZAR FALLS.—Up to Wednesday evening, Jan. 6th, we have had 16 snows, with about a foot in the woods now, making first rate sliding on smooth ground, and in the roads never better, and is being well improved; teams drawing wood for the fire, logs to the saw mills, oak for staves and ash for shovel handles. Lumbering is brisk at South Hiram and Cornish, about a dozen different firms are into sale work, rushing business to their utmost capacity and some of them very heavily; so there is little need of idle hands if resumption has taken place.

The coldest day yet was 18 degrees below zero. All parties are anxiously awaiting the decision of the Legislature.—Leiston Journal.

NORWICH, Jan. 9.—B. F. Spinney & Co. advanced the pay of the workmen in the shoe factory yesterday ten per cent. They are now manufacturing sixty cases per day and the pay roll amounts to about three thousand dollars per week. They use the largest number of McKay sewing machines of any manufacturers in the United States.

The freight sheds of Norway B. R. R. Co. must be immediately doubled in capacity. One party has just made arrangements to ship a large quantity of shooks over the road. Mr. J. L. Horne has received over fifty car loads of freight since the road was opened.

PARIS.—All members who have signed the Band paper, and all of those who would like to join, are earnestly requested to meet at the Town-house, on Tuesday evening, Jan. 13, at 7 o'clock, for organization, and to hear report.

Our sled factory has sold about 25,000 sleds, this season.

Rev. David Foster Estes has accepted a call to the pastorate of the Baptist church at Vergennes, Vermont, and will enter upon his duties the 18th inst. We understand that his parish is a young but thriving one, situated in the oldest city of New England. He goes to his new field with many wishes for his success.

The audience who assembled on Wednesday evening to hear the Unity lecture, by Rev. David Foster Estes, were entertained by a highly interesting and instructive review of "Our Own Poets," with choice and finely rendered selections from the best of them. At the business meeting of the club, after the lecture, the Secretary and Treasurer having resigned, Miss Jeanie Hubbard was chosen to fill the vacancy. A new board of directors was chosen. The stage has since been erected and we understand the directors are preparing a dramatic entertainment.

WEST PARIS.—The entertainment given in connection with the village Christmas tree at the M. E. Chapel was very fully attended, and pronounced by all a success. It consisted of singing, short recitations, select reading and dialogues. We regret that fine soprano voices are so scarce in this vicinity, but thanks to our organist, for by her perseverance we were permitted to listen to a number of choice selections by the male quartet. A duet entitled "Waiting," was rendered very finely by Miss Willis and Miss Young. The select reading by Miss Young was also excellent. Nearly all the exercises by the children passed off well. The chapel was prettily decorated with gilt mottoes, and a handsome cross was suspended in the arch. The trees were well laden with presents, some of which were quite valuable. A purse was presented to Rev. E. Gerry by his many friends. The exercises concluded with a quartet entitled "Kiss Kringle," by Mr. J. Whitman, Miss Stella Willis, Rev. E. Gerry and Miss Annie Young. During the last chorus Kriss Kringle appeared. His manner pleased all present and could not be surpassed. Miss Willis presided at the organ with her usual ability.

ONE WHO WAS THERE.

RUMFORD CORNER, Jan. 1.—The relatives, neighbors and friends of Mrs. George Martin met at her house on Friday afternoon and evening, and passed a very pleasant time, leaving with her a purse of money, a barrel of flour and numerous packages of groceries, with other valuable presents, for which she and her son are truly thankful, hoping that God will bless the cheerful givers.

SWEDEN.—Last Sunday morning a discourse on the subject of temperance was given to a good audience at the Methodist church, by Rev. Geo. Haskell. Three weeks previous a similar service was held at the Congregational church, by Rev. L. Goodrich, both by invitation of Sweden Centre Lodge of Good Templars, who were generously assisted at the meetings.

The Christmas festival at the town house, under the auspices of the Good Templars, was well attended and appeared to be enjoyed by all present. The exercises consisted of declamations, recitations and readings by J. W. Nash, Chas. F. Stevens, Miss Hattie Bangs, Mrs. Carrie Plummer and Miss Myra Davis, and the dialogue, "An Original Idea," together with suitable musical selections. Santa Claus was personated by Mr. E. P. Woodbury, and occupied nearly an hour in distributing the many beautiful presents with which the generous-hearted Swedes endeavored to make the occasion a "Merry Christmas" to their friends.—News.

SOUTH WATERFORD, Jan. 10.—After a "count out" of more than two months "here we are again" as the circus clown says. During the two months just past South Waterford has been rather lively we should say, and will add that there is a fair prospect of a good business boom for this—the presidential year.

Cobb & Hapgood are doing a good business in their grist mill, grinding night and day. Mr. Hapgood, the junior member of the firm, is about to remove to South Bethel, where he is heavily engaged in the box business.

John W. Pingree is doing a good business at the Miller Foundry.

Mr. A. Stanwood has been making repairs at the bucket factory, and is putting in a new water wheel manufactured by Perry & Taylor, Bridgton. We understand that the factory will be running at full blast soon.

Watson is making oak staves—is doing a good business.

The fox business has been good this season. Sanborn and his two partners with his dog "Jack" have captured 18 thus far, and they have the pegs driven for 15 more. We were a little hard on "Jack" the first of the season, but we now ask his pardon—he is worth a fifty dollar note.

Mrs. Mercy Holt from Brookline, Mass., (formerly of S. Waterford) is spending the winter with her brother, Josiah Monroe.

Mr. Gene Nelson is in Boston on business.

The band sociables are made very pleasant occasions. The last one was held at Mrs. Chas. Young's, where all enjoyed themselves very much. The next one meets with Mrs. S. E. Caswell, Tuesday evening, Jan. 13.

The P. O. has lately removed from the old Nelson store and is now well fixed in the store of Charles Young. The P. M. has also rented the tenement in the same building.

We notice that Mr. W. W. Brown from Lincoln, Neb., is in town. He returns soon and will take the family of Mr. John Atherton back with him. Mr. A. has let his farm here for three years to Mr. Benj. Sanborn.

We learn by the Daily Critic, Washington, D. C., of the death of Annie Maud Dudley, oldest child of L. F. and Amy E. Dudley, formerly of this place, at Glenhead, Md., on Saturday, Dec. 20, of diphtheria. Their many friends in this place will sympathize with them in this sad bereavement. Mr. Dudley has been very sick with the same disease, but at last accounts he was better.

GOLDEN WEDDING.

One of those rare but lovely events that happen only once in a lifetime, and which tend to smooth and embellish life's rugged pathway, occurred at the residence of Capt. Lewis Bisbee in Sumner, on the last day of the old year, '79. As this was the fiftieth anniversary of the worthy and respected couple's wedding, a large gathering of the many friends and relatives assembled to honor the event, with friendly congratulations, speeches, songs, and elegant and costly presents. There were many pleas-

ant associations connected with the place and its happy occupants, that rendered the occasion peculiarly impressive and interesting. The old homestead has been occupied by the Bisbee family for 96 years, and by six successive generations, four of whom were present. The programme was substantially as follows:

Welcome words, by Capt. Bisbee; prayer by Dr. Webster of Portland; select music by the Misses Maxim of Buckfield; poem composed for the occasion by Mr. W. E. Smith of Portland, and read by his wife, Mrs. A. W. Smith; select music; remarks by Rev. G. Rice of Sumner; recitation by Mrs. A. W. Smith, entitled "The Organ Builder"; remarks by Dr. Webster, Dea. Bisbee and others, with excellently rendered music by the Maxim sisters, and closing prayer by Rev. Mr. Rice.

Dr. Webster in a felicitous manner then called attention to the various presents, among which were an elegant silver butter dish and knife presented by members of Union Grange, three gold lined silver mugs, a nice pickle dish, tumblers, vases, lamps, boots, slippers, towels, collars, cuffs, and "other articles too numerous to mention." We must not forget to mention a nice wedding cake surmounted with gold dollars, contributed by several of the near neighbors. Several gold dollars, and, by contrast, a greenback, were presented, although our host is not a convert to greenbackism. We have not space to enumerate all or designate the donors; suffice it to say that our worthy couple were kindly remembered.

The Captain's old kitchen table, always bountifully supplied and generously dispensed, was taxed heavily, but was fully equal to the task, although 125 gaping, hungry mouths assailed it. There was no "flat," or "counting out" process in this assemblage of people of different political, physical or religious tastes, and all seemed to richly enjoy this happy opportunity of making the amiable, genial old couple festive and "merry as a marriage bell." This aged father and mother have had only two children to call

OXFORD DEMOCRAT.-EXTRA.

THE MAINE STEAL.

The Opinion of the Supreme Court.

The Counting-Out Squarely Condemned at Every Point.

BANGOR, Jan. 3.—The following is the full official text of the unanimous opinion of the Supreme Judicial Court, finished and signed this afternoon, in answer to the questions submitted by the Governor:

BANGOR, ME., Jan. 3, 1880.

To the Hon. Alonzo Garcelon, Governor of Maine:

The undersigned, Justices of the Supreme Judicial Court, have the honor to submit the following answers to the questions proposed:

Q.—1. When the Governor and Council decide that there is no return from a city on which Representatives can be summoned to attend and take their seats in the Legislature, is it their duty to order a new election, or is it competent for the House of Representatives, if it shall appear that there was an election of such Representatives, to admit them to seats, though no return thereof was made and delivered to the office of the Secretary of State?

A.—No authority is given to the governor and council, when there is no return, to order a new election. When the seat of a Representative has been vacated by death, resignation or otherwise, provision is made by R. S. chap. 4, sec. 38, 44 and 47, for the filling of existing vacancies. By these provisions, whenever the municipal officers therein mentioned have knowledge by any means of the death of a Representative-elect, or of a vacancy caused in any other way, it is their duty to order a new election. If it appears to the House of Representatives that there was an election of Representatives in fact, they should admit them to their seats, though no return thereof was made to the Secretary of State. The Representative is not to be deprived of his rights because municipal officers have neglected their duty.

Q.—2. Is it competent for the Governor and Council to allow the substitution of other evidence in place of the returned copies of such lists as are provided for in article 4, part 1, section 5, of the Constitution to enable them to determine what persons appear to be elected Representatives to the Legislature by a plurality of all the votes returned?

A.—This refers to the substitution authorized by the act of 1877, chap. 212. The constitution calls for a return that is regular in essential forms, and which truly represents the facts to be described by it, but much of the constitutional requirement is directory, merely. It does not aim at depriving the people of their right of representation for formal errors, but aims at avoiding such a result. Where the constitutional requirement has not been fully, or has been defectively executed by town officers, it is in aid of the constitutional provision to supply the omission or deficiency as nearly and as correctly as may be. Such is the purpose of the statute. It is competent for the governor and council to allow an erroneous return, or one that is informal or defective, to be aided and corrected by an attested copy of the record, as by statute provided. The object of the constitutional provisions respecting elections is to furnish as many safeguards as may be against a failure, either through fraud or mistake, to correctly ascertain and declare the will of the people as expressed in the choice of their officers and legislators. Hence the requirement that not only shall the returns be made on the spot in open town meeting, but that a record of the vote shall be made at the same time and authenticated in like manner. If by accident or wilful neglect, there is an error or omission in the return, what can be safer than to refer to the duplicate statement by the record to correct it? This the statutes of 1877, chap. 212, allows to be done, and while the language is permissive, it falls within the well-known legal rule that, when public rights are concerned, it shall be construed as mandatory—a command clothed in the language of courtesy, so clothed because it could not be doubted that high and honorable officials would, unhesitatingly, avail themselves of all lawful means to declare the result of an election according to the actual fact, in obedience to the fundamental principles of popular government. The Governor and Council are bound by the statute. It is mandatory upon them. It imposes a duty to the public that must be performed. Whether the act referred to contravenes the Constitution in allowing oral evidence to be received, to show the intention of the voters in casting their ballots, is another part of the statute, which we are not now called upon to consider. If unconstitutional in the latter respect, that would not affect the constitutionality of the other separate and independent provision.

Q.—3. Is a return signed by less than a majority of the selectmen of a town, or the aldermen of a city valid within the requirements of the same section?

A.—To this question we answer, that, while a town may legally elect as many as seven selectmen, the well-known practice is to elect only three, and, in such cases, a return, to be valid, must be signed by a majority of them, because by no possibility can a less number constitute a legal quorum; but the rule is otherwise with respect to the aldermen of cities. Most of our cities are required by law to have as many as seven aldermen, and none of them, we believe, has less than five. To constitute a quorum, it is only necessary to have a majority of the whole number present, and when such a quorum is present, a majority of the quorum may do business. Supposing the number to be seven, four would constitute a legal quorum, and three being a majority of that quorum could legally act, although the fourth should refuse to join them, or should oppose their action. Consequently if a return from a city having five or seven aldermen is signed by three of them, it may be a valid and legal return, because only four may have been present, and, in such a case, three (being a majority of those present) could legally act, although the fourth should oppose their action and refuse to join them. When such a return is laid before the Governor and Council they cannot know, and have no right to assume, that the return is not valid. It is the duty of the aldermen to be in session and examine the ward returns, compare and declare the votes, and of the clerk to make a record thereof. From that

record, a certified copy of which is returned, the law presumes that a quorum of the aldermen were present. The law with respect to quorums and majorities is correctly stated in 5 Dane's abridgment, 150, and 1 Dillon's Municipal Corporations, secs. 216 and 217. In the latter work it is said that bodies composed of a definite number act by majorities of those present, provided those present constitute a majority of the whole number; or, to use Mr. Dane's illustration: "If the body consists of twelve councilmen, seven is the least number that can constitute a valid legal meeting, though four of the seven may act;" and, so far as we are aware, the law is so stated in substance by all ancient and modern authorities. The rule applicable to such cases is similar to that which applies to our House of Representatives. The whole number of representatives, established by law, is 151. A majority (that is 76 members) constitutes a quorum to do business. If there is actually that number present, and a majority of them (that is 39 members) vote in the affirmative, a valid law can thereby be enacted, or other business transacted. If less than 76 members present, then no business can be done, except to adjourn or compel the attendance of absent members. This is a familiar law and illustrates the principle applicable to the aldermen of cities, and shows how and why a return signed by less than a majority of the whole number may be, and, so far as the governor and council are concerned, is conclusively presumed to be valid. They have no right to go behind the returns.

Q.—4. Is a return by the aldermen of a city which does not give the number of votes cast for each person voted for as a member of the Legislature, and does not show what persons were voted for as such member in any one of the several wards of such city, a valid return within the requirements of the same section?

A.—We are not sure that we comprehend the full scope of this question. Our answer will meet all of its supposed purposes. It is immaterial whether the aldermen returned to the governor and council the detailed vote of each ward separately, or whether they returned the result of the votes of all the wards for each candidate together. Either mode is a satisfactory way of reaching the same result. Substance only is sought for in such matters. Nor is it a material matter that, instead of returning all the names of persons voted for, there is a return of votes as scattering, provided that, however such votes may be added or subtracted, some candidate or set of candidates appear to be chosen by a plurality of the votes thrown. The governor and council cannot officially know, nor have they the right to ascertain, that the votes returned as scattering were not actual ballots with the word scattering written thereon. Nor is the election of candidates to be chosen by a plurality of votes to be defeated, because the whole number of votes or ballots may be stated erroneously, or not stated at all. The Constitution contains no such requirements, and the statutory provision requiring it is entirely unimportant and inapplicable to cases where a plurality of votes elects. It is a well settled rule of construction, that where the general terms of a statute embrace several subjects, but are found to be practically applicable to some of the subjects and not to others, it is to be construed as embracing those subjects only to which it is practically applicable.

Q.—5. Are returns from towns or cities which are not attested by the town or city clerk valid within the same section?

A.—Returns from towns and cities which are not attested by the town, plantation or city clerk, are not valid. The attestation of the clerk is a prerequisite to any action of the governor and council in counting votes. (68 Maine, 588.) If, however, the clerk should be absent, a clerk *pro tempore* may be chosen, or deputy clerk may be appointed, under the statute of 1872, C. 17, and the amendments thereof by the act of 1874, C. 150. The returns of such clerk *pro tempore*, or deputy clerk, are to have the same force and effect as if signed by the clerk.

Q.—6. Have the Governor and Council a right to reject returns of the election of members of the Legislature, required by the same section from the officers of towns, which were not made, signed and sealed up in open town meeting?

A.—The governor and council must act upon the returns forwarded to the Secretary of State. If they purport to be made, signed and sealed up in open plantation or town meeting, they constitute the basis of the action of the canvassing board. No provision is found in the constitution, or in any statute of this State, by virtue of which they would be authorized to receive evidence to negative the facts therein set forth. They, therefore, have no such power. The statement of municipal officers is, in that respect, conclusive.

Q.—7. Is the return of two persons purporting to be the selectmen of a town, valid and sufficient evidence of the vote of the town, when it appears that there were at the time of the meeting at which the election was had but two selectmen of that town?

A.—When a majority of the selectmen are absent from a meeting for election purposes, or, being present, neglect or refuse to act as such, and to do all the duties required of them, the voters at such meeting may choose so many selectmen *pro tempore* as are necessary to complete the number competent to do the duties. R. S., chap. 4, sec. 20. In case of death or removal of one of the selectmen, two would be sufficient and competent to act. The inquiry is, if the return would be valid when there should be but two selectmen. "At the time of the meeting at which the election was had." If the other selectman had deceased prior to the meeting, the supervisors might act, and their action would be legal. But the canvassing board are to be governed by the returns. Evidence would not be admissible to prove the fact that there were but two selectmen of the town. The governor and council cannot officially know that there are only two.

Q.—8. Can a person who is not a citizen of the United States at the time, be legally elected or constituted a Selectman of the town?

A.—A person not a citizen may be elected or constituted a selectman so that his official acts bind the town and are valid. So far as affects the public, such an one would be an officer *de facto*, and clothed with apparent right; and his acts would bind the town. (Dane vs. Derby, 54 Maine, 95.) "An officer *de facto* is one who comes into office by the color of a legal appointment or election;

his acts in that capacity are as valid, so far as the public is concerned, as the acts of an officer *de jure*; his title cannot be inquired into collaterally." (The People vs. Cook—4 Selden, 89.) "The precise definition of an officer *de facto*," observes Bigelow, C. J., in Fitchburg Railroad vs. Grand Junction and Depot Company (1 Allen, 559.) "is one who comes in by the forms of law, and acts under a commission or election apparently valid, but in consequence of some illegality in capacity or want of qualification, is incapable of holding the office." Indeed, there is an entire unanimity of opinion on this subject in all the States of the Union where this question has arisen, as well as in the courts of the United States. But the fact of alienage is not allowed to be proved. This was determined in the Frenchville case (64 Maine, 589.) where it was shown that the clerk was an alien who could neither read nor write the English language, and where almost every conceivable irregularities existed; yet evidence outside of the returns was held to be inadmissible, nor would such fact have any effect if it appeared in and by the return itself.

Q.—9. If a ballot has a distinguishing mark in the judgment of the Governor and Council, such as would make it illegal under the statute, have they authority to disregard it in their ascertainment of what persons appear to be elected, where it appears by the official return of the officers of the town that such vote was received by the selectmen, subject to the objection, and its legality referred to the Governor and Council for decision?

A.—The presiding officers are to determine whether the ballot offered has a distinguishing mark or figure, so that, if rejected, the voter may procure a ballot, if he chooses, to which no exception can be taken; but if the ballot have distinguishing marks or figures, it is no part of the duty of the officers of the town to make a report in reference thereto. They should reject the ballot if offered when it is within the prohibition of the statute. The statute prohibits the rejection of the ballot "after it is received into the ballot box." It is then to be counted. The governor and council have nothing to do with the question; their duty is to count the votes, regardless of the fact improperly set forth in the returns; they are nowhere constituted a tribunal with judicial authority to determine what shall constitute a distinguishing mark or figure, nor can they legally refuse "to open and count the votes returned"—(54 Maine, 602.) When the ballot has once been received in the ballot box, neither the selectmen nor the governor and council can refuse to count it.

Q.—10. If the names of any persons appear in the return without any number of votes being stated or carried out against them, either in words or figures, is it the duty of the Governor and Council to treat those persons as having the same number of votes as another person received for the same office, and whose name is placed first in the return, if they find dots under the figures or words set against such other person's name?

A.—If the ditto marks or dots are placed under the figures or words of the first candidate's vote, the return should be counted. Where it appears by the letters or figures in the first line, and by ditto marks or by dots in the following lines, that the same class of candidates received the same vote, there can be no ground for rejection. The word "ditto" and its abbreviation "do," and the dots or marks that stand for the word "ditto" are of common use and have a perfectly well-defined meaning known to persons generally; that meaning should not be disregarded. We answer the question in the affirmative.

Q.—11. Have the Governor and Council the legal right to decide what kind of evidence they will receive, and what the mode of proceeding before them shall be, to enable them to determine the genuineness of returns required by the article and section of the constitution above mentioned?

A.—We assume that the "genuineness of the return" referred to relates either to the signature of the officers signing, or to alterations of the return. The governor and council have no power to reject the returns on either ground, unless an objection in writing is presented to them, setting forth that the signatures of such officers (or some of them) are not genuine, or that the return has been altered after it was signed. Then notice thereof should be given to all persons interested, and, when adjudicating upon the facts, the governor and council should be governed in the admission of evidence by the established rules of evidence, in accordance with the law of this State. The witnesses should be duly sworn, that they may be punishable for the crime of perjury if they wilfully and corruptly testify falsely. The governor and council have no right to reject the returns for such cause without giving the parties interested therein a fair opportunity to be heard. The genuineness of the return in these particulars is to be presumed, and this presumption remains until overcome by evidence produced as before said.

Q.—12. If the Governor and council have before them two lists of votes, returned from the same town, differing materially from each other in the number of votes returned as cast for the same persons, but identical in all other respects, both having been duly received at the Secretary's office, and they have no evidence to enable them to determine which is the true and genuine return, are they required to treat either of them as valid, and if so, which?

A.—When two lists of votes are returned to the office of the Secretary of State by the clerk of any city, town or plantation, and both are duly certified, the return first received at the office of the Secretary must be the basis of the action of the governor and council. If defective, or not a true copy of the record, it can be corrected, or the defects supplied only in accordance with the provisions of the statute relating thereto. This government rests upon the great constitutional axiom, that "all power is inherent in the people. It is a government of the people, by the people and for the people," and, if administered in the spirit of its founders, "it shall not perish from the earth." Its constitution was formed, to use the apt expression of one whose memory is embalmed in the hearts of his countrymen, "by plain people," and "plain people" must administer it. The ballot is the pride as well as the protection of all. It is the truest indication of the popular will. The official returns required from the municipal officers of the several plantations, towns and cities are, and will be, made by "plain people," and made, too, in the hurry, and bustle and excitement of an election. They are not required to be written with the scrupulous nicety of a writ-

ing master, or with the technical accuracy of a plea in abatement. The sentences may be ungrammatical, the spelling may deviate from the recognized standards, but returns are not to be set at naught because the penmanship may be poor, the language ungrammatical or the spelling erroneous. It is enough if the returns can be understood, and, if understood, full effect should be given to their natural and obvious meaning. They are not to be strangled by idle technicalities, nor is their meaning to be distorted by carping and captious criticism. When the meaning is ascertained, there should be no hesitation in giving it full effect. The language of Mr. Justice Morton, in Strong, vs. Peter 20, Pick. 484, is peculiarly appropriate to the subjects under discussion. "What," he asks, "shall be the consequence of an omission by the selectmen or town clerk to perform any of these, their prescribed duties, and upon whom shall it fall? For a wilful neglect of duty the officers would undoubtedly be liable to punishment; but shall the whole town be disfranchised by reason of the fraud or negligence of their officers? This would be punishing the innocent for the fraud of the guilty. It would be more just and more consonant to the genius and spirit of our institutions to inflict severe penalties upon the misconduct, intentional or accidental, of the officers, but to receive the votes whenever they can be ascertained with reasonable certainty. If no return or any imperfect one can be received, let it be supplied or corrected by the original record, if any there be." The returns should be received with favor and construed with liberality, "for," he adds, "from the men who usually are, and necessarily must be employed to make them, great formality and nicety cannot be expected, and should not be required. The general principle which governs is that while there should be a strict compliance with provisions of a statute, yet when they are merely directory, such strict compliance is not essential to the validity of proceedings under such statute, unless it is so declared to be therein. This is specially applicable when the rights of the public or of third persons are concerned. The dominant rule is to give such a construction to the official acts of municipal officers as will best comport with the meaning and intention of the parties, as derived from a fair and honest interpretation of the language used to sustain rather than to defeat the will of the people and disfranchise the citizens."

(Signed) JOHN APPLETON,
CHARLES W. WALTON,
WILLIAM G. BARROWS,
CHARLES DANFORTH,
JOHN A. PETERS,
ARTEMAS LINNET,
JOSEPH W. SYMONDS.

THE CASE OF THE PEOPLE.

The Republican Advisory Committee to the Nation.

FULL DETAILS OF THE INFAMY

Violation of the Law, Letter and Spirit.

The following is the statement made to the Republican Advisory committee by Orville D. Baker, esq., who has been acting as counsel:

To the Republican Advisory Committee:

Acting as counsel for the committee, it has been my duty to examine the grounds on which twenty-nine Republican Representatives, fairly chosen at the September election, have been counted out by the Governor and Council, and I proceed to give each case with such details as restricted access to the returns and meagre abstracts from official reports given to the public will permit. An error in the grounds stated will be due to our persistent exclusion from the facts and official records. Many of these cases have been partially or fully stated before, but I give them connectedly in this report in order to present the entire transaction at one view.

House.

THE PORTLAND CASE.

The city of Portland chose five Republican Representatives by an average majority of 629 votes. In the return 143 votes were placed opposite the word "scattering." For this reason the entire return was rejected, and Portland was deprived of representation. It was urged before the Governor and Council that no evidence whatever was before them to show that 143 ballots with simply the word "scattering" thereon were not cast as returned, and furthermore, that granting the irregularity it was obvious on the face of the return that the votes opposite the word "scattering" could not be so placed or arranged as to destroy or affect the plurality or even the absolute majority of any one of the five Republican candidates. After depriving Portland of representation in this way, the Governor and Council declined to authorize a new election, so that it appears to have been an intentional design to exclude Portland from all voice or vote in the organization of the Legislature. The destruction of Portland's right of representation is rendered all the more significant from the fact that the return of the last year as well as this year contained votes returned as "scattering." Last year the Union party carried Portland by a majority of fifty, and Governor Connor and his Republican Council counted in every Union Representative without hesitation. The cases in this State are numerous where the gubernatorial vote by the Legislature down to the smallest town officer, and the exclusion of Portland by Governor Garcelon and his Council is the first known instance in which a return has been invalidated thereby.

In the very first election of Maine as a State when William King was chosen as governor in 1820 the word "scattering" appeared in the returns of some towns. The canvassing board was composed in large part of men who had taken part in the formation of the constitution the same year. It is a significant circumstance that a board thus composed should order that the word "scattering" did not invalidate a return, thus giving at the outset a construction to the constitution by the men who had assisted in framing it.

By the constitution it is made the duty of the Governor and Council to issue a certificate to the person who appears by the face of the return to be elected. By the Portland return construed in any possible way it unmistakably appears that the five Republican candidates received a clear majority of all the votes cast. But the Governor and Council refused to all five the certificate the constitution commands.

LEWISTON, SACO, BATH AND ROCKLAND.

The four other disfranchised cities, Lewiston, Saco, Bath and Rockland, were, like Portland, denied representation, but for a different reason. In the aggregate, the four cities are entitled to seven representatives, and they were all disfranchised for the same reason named, (that the election return from each city was signed by only three aldermen, whereas the governor and council decided that it required four. Under the understood practice of former governors and councils, this defect was easily supplied from the record, but Gov. Garcelon and his council refused to allow this correction. The wrong done these cities is greatly aggravated

by the fact that the official blanks for election returns from cities sent out from the office of the Secretary of State to the city officers, contained a ruled space for the signatures of the officers, the first dotted line, with the word "Mayor" at the end, next and close up to the first line, came three dotted lines only enclosed in a brace at the end, with the word "Aldermen" against the brace. Closely following came a line with the words "City Clerk" at the end. It would be impossible for any intelligent man, in looking at the blank, to suppose that the signatures of more than three aldermen could be expected. The Secretary of State could give no reason for this extraordinary form of blank never used in previous years, and for the first time seen in Maine. Its use is all the more remarkable from the fact that an abundant supply of blanks for city returns was already in his office. This new blank, with the misleading lines, was printed at the office of the Maine Standard, edited by Eben F. Pillsbury. The following diagram will readily illustrate its character, and expose, at a glance, the snare laid for the cities disfranchised by the governor and council.

MAYOR.

ALDERMEN.

Attest CITY CLERK.

In addition to this new form of blank for election returns, with its misleading lines for signatures, it is also known to be a fact not denied indeed that warrants for elections were sent out to the various cities by E. H. Gove, Secretary of State, directed to the city marshals. The law requires them to be directed to the constables, and as the city marshal is a municipal and not a State officer, it might have been said that an election for State officers held under his warrant was not legal. The form of this warrant, new, unprecedented and extraordinary, throws upon the Secretary of State, Mr. Gove, and the printer, Mr. E. F. Pillsbury, the onus of providing it. As it stands, taken in connection with the other misleading blank, it affords strong presumptive proof that a desperate plot was formed in advance of the election of disfranchising the republican cities, and that in the case of four of them the plot was successful.

SKOWHEGAN.

The town of Skowhegan gave H. S. Steward, republican candidate for representative, 365 votes, and Daniel Snow, democratic and greenback candidate, 362 votes. The republican ballot bearing Mr. Steward's name had the names of candidates printed in two columns instead of the more usual form of one column. The law in regard to the form of ballot is as follows:

"No ballot shall be received at any election of State or town officers unless in writing or printing on clean white paper, without any distinguishing mark or figures thereon besides the names of the persons voted for and the offices to be filled, but no vote shall be rejected on this account after it is received into the ballot box."

It is not denied that the republican ballot in Skowhegan was on clean white paper and had no distinguishing marks save the names of the persons voted for and the offices to be filled. But on the day of election William Philbrook, a strongly partisan greenback leader, induced the selectmen to enclose with the return a protest against the form of the ballot as being a distinguishing mark in itself, and Governor Garcelon and his Council took this protest as the justification of their decision and threw out the entire republican vote of Skowhegan and thus completely disfranchised 370 citizens of Maine who possess the clear and undoubted right of suffrage. Gov. Garcelon made this extraordinary decision in the face of the provision of law above quoted, which forbids any vote to be rejected after it has been received into the ballot box, even if it contains a distinguishing mark.

Under the statute prescribed nothing but writing or printing on clean white paper, it is idle to affirm that the Skowhegan ballot contained a distinguishing mark. The law does not undertake to prescribe the size or form of the ballot to be used. Who shall say what the standard is? That a long ballot shall be counted and a wide one shall not? That a vote with two columns has a distinguishing mark, while a vote with one column has none? The law itself sets up no standard but wisely leaves the whole to the selectmen who preside at the town meeting. The question is decided then by them and forever. The selectmen of Skowhegan decided wisely that the ballot in question had no distinguishing mark. If they had decided otherwise at the ballot box the defect could have been cured, other ballots substituted and the honest representation of the people have been saved. Therefore, the law above quoted, scrupulous to guard the right of the voter, says that the decision made can never be reviewed by the governor and council. The ballots were received into the box, included in the count and declaration of the vote and returned by the legal officers as cast for the republican representative. The protest that accompanied the return and gave a specimen of the ballot could not give the governor and council jurisdiction and a power which the law of the land had in terms denied them. In the opinion of the Justices in 64 Maine, 366, the Supreme Court say, speaking of a certificate like this accompanying and sealed up with the returns:

"When the selectmen and town clerk attest fair copies of the lists of votes and seal up the same in open town meeting, and cause the same to be delivered into the Secretary's office, as required by the constitution and the statutes, their duty is at an end. They are not certifying officers, for the reason that the constitution has not made them such."

Yet, in defiance of the law and of the express decision of the court, against the published remonstrance of their own counsel, Mr. A. P. Gould, the governor and council seized the representative seat and ousted the incumbent.

ASHLAND.

In the Ashland district in Aroostook county, embracing several towns and plantations, John Burnham, republican, was chosen representative over Alfred Cushman, greenback candidate, by a majority of 41. In the return for the town of Ashland the name of the republican candidate was spelled "Burnam," the silent letter "h" being omitted. The Governor and Council decided to call John Burnham a different man from John Burnham, and by dividing the vote in this manner they found a plurality for Alfred Cushman, and declared him elected. This question has already been completely covered by the Supreme Court of the State. In the opinion of the Justices, 64 Maine, 386, the court explicitly held that "When a name was misspelled, but was recognizable by its sound on the face of the returns of a candidate," it was the duty of the Governor and Council to "count the name misspelled for the candidate for whom it was obviously intended."

Moreover in the Harpswell and Scarborough district in Cumberland county the democratic vote of Scarborough is returned for Melville P. Hunnewell and the democratic vote of Harpswell for Melville P. Hunnewell, and in the Newcastle district the democratic vote from two towns is returned for James W. Clark, and in two others for James W. Clarke, yet the Governor and Council in order to seat the democratic Representative from these districts have counted these names as identical. A few days after this remarkable decision in the Ashland case, Hon. Llewellyn Powers being permitted to examine the returns from the district found that in Morrill plantation, giving a large democratic majority, the Representative vote was returned for Alfred Cushman. Mr. Powers called the attention of the Governor and Council to this fact which they apparently overlooked, and he insisted that if Burnham could not be taken for Burnham *idem sonans*, nor indeed the same name, Gov. Garcelon expressed his surprise at the revelation, said he had never before heard of the facts and said that it should be corrected. Mr. Powers pointed out that if both were counted or both rejected, Burnham would in either event be elected. He urged a prompt reversal of the decision. A recall of the summons from Cushman and the issuing of a new one to Burnham. He left the Governor and Council with the full belief that the change would be made and justice done. The council did not take up the matter till Saturday last, and they then decided that votes for Alfred Cushman could not be counted for Alfred Cushman and they adhered to their former decision that votes for Burnham could not be counted for Burnham, and left Mr. Burnham elected by a seven majority. But the Council would not accept this conclusion and to avert it they resorted to a very singular process. The town of Hersey, belonging to the district, gave twenty votes for Burnham and one for Cushman, and had been so counted, tabulated and declared by the Governor and Council in their official examination. They now look it up afresh, and some person skilled in the counting Aroostook averred that the names of the second and third selectmen were written in the same hand, namely that of the third selectman. But that would not do alone for that left two genuine signatures, that of the first and third selectmen, and left the return good. Mr. William Dickey of Fort Kent then informs the public that the first selectman was an alien, and that Mr. Councillor Parker knew all

about it. When Mr. Councillor Parker was present at the time the vote of Hersey was counted, he concurred in regarding it as regular and legal, but now with Mr. Councillor Parker one hundred miles away in Aroostook, the valuable statement of Mr. William Dickey as to what Mr. Parker knew and could tell if he were present is accepted as conclusive on the important issue of disfranchising a town and changing the Representative of a district. Of all the actions of the Governor and Council this last is regarded as the most extraordinary and indefensible. To accept heresy evidence on a fact outside the returns and which the Supreme Court in 64 Maine, 388 have decided is not open evidence is a novel process of destroying the franchise of suffrage of an entire town.

FARMINGTON.

Town of Farmington, casting a vote of 842, is classed with the plantation of Perkins, casting a vote of 27. Together they elect one Representative. Perkins plantation gave the fusion candidate a majority of 1. If the 842 voters of Farmington could be disfranchised, it was possible to count in the fusion candidate by a vote of 14 to 13 in a total vote of 27 from Perkins plantation. The return from Farmington stood thus:

Whole number of ballots, 842.
Charles A. Thomas had four hundred and thirty seven (437) votes.
Lewis Voter had four hundred and one (401) votes.

The sum total of these votes is 838.
The sum total of the ballots is stated at 842. On the pretext of this discrepancy the Governor and Council rejected the return, disfranchised Farmington and counted in the man who was not elected, though in the democratic town of Mayville, in Aroostook county, the whole number of ballots is 161 while the sum of votes is 162, and still the return is counted in. The Governor and Council profess to follow the Constitution and nothing else. But the Constitution nowhere requires the whole number of ballots to be stated. Under the Constitution, then, no return could be rejected even if the whole number of ballots were not stated at all; still less if erroneously stated. Worse than this, the whole number of ballots in Farmington was not erroneously stated, but was in fact exactly as the return states—four more than the whole number to return states—for the two opposing candidates. The statute (R. S., c. 4, § 32) which requires the whole number of ballots to be stated commands also that all blank ballots shall be recorded and returned; and blank ballots shall be recorded and returned; and by the testimony of the town clerk of Farmington it appears that four blank ballots for representatives were cast in addition to the 838 cast for the two opposing candidates, so that the return accorded not only with the strictest law but with the most literal fact. Moreover as to the statute which thus adds to a return a requirement unknown to the constitution, its validity might well be doubted by a Governor and Council which is exercising at pleasure the powers of the Supreme Court, especially when the reason for the enactment of such a statute has long since passed away. The statute was enacted when a majority of votes was required to elect, and therefore the whole number of ballots was necessary to determine the result. Now the same officers are chosen by plurality only, and it is an ancient maxim of justice and the law that "the law ceases with the reason on which it is based."

It is due to these obvious and insuperable objections that in the second report of the committee of the Council giving the towns disfranchised and the reasons therefor, the committee class Farmington among these towns where the record or the return was not made up in open town meeting? What evidence had they of this or from whom? It certainly does not appear by the return—which is perfect on its face and if the Constitution is to be their guide the Constitution orders them to issue the certificates to the person who appears by the return to be elected—and the Supreme Court of this State has repeatedly decided that under the Constitution, and no law has changed it in that respect, they can receive no evidence outside that return except to prove that the signatures affixed are not genuine (Opinion of the Justices, 64 Maine 369, 361). In this case the return was proved not to have been signed by the clerk in open town meeting and never to have been sealed. This case is so exactly applicable that we quote from its statement of facts as found in the report: "At the meeting in ward five in Ellsworth the votes were declared and the meeting adjourned without delay. After said meeting was adjourned the ward clerk made out the returns which were signed by the warden and clerk, but not sealed. The deposition of the ward clerk taken on oath shows that he carried the returns unsealed until nine o'clock Tuesday morning when, not being able to find the city clerk or get into the city clerk's office to deliver them, he gave them to another gentleman, unsealed, who subsequently delivered them to the city clerk. The first question submitted to the court by the Governor and Council was:

"Were the votes cast at the said meeting as above stated legal within the meaning of the law?"

The court in their reply say:—
"There are many irregularities and illegalities in the proceedings to which the question proposed relates, and which are assumed to be capable of proof, but unless they appear in the return signed by the proper officers, the return must be counted."

How they in disfranchising Farmington acted without evidence or on some secret paper taken ex parte, filed without notice and sealed to this day from the republican candidates. Certain it is that the town clerk of Farmington has twice made application, once in person and once by counsel, for a copy of such paper, if any there be, and none has been furnished.

JAY.

In this district, as appears by the face of the returns, the republican representative, J. Q. Eaton, was honestly elected. Mr. Eaton is counted out and his opponent, Jason C. White, counted in by a meagre majority. This has been done by disfranchising the strongly republican town of Jay. The ground for this, as alleged in the official report of the Executive, is that the return, which is perfect on its face, was not signed and sealed in open town meeting. This return does not show, and by the constitution and by the decision of the court above quoted, the Governor and Council have no right to hear evidence upon it. (Opinion of the Justices, 56 Maine 588.) But again denying the constitution and the decisions of the court, Gov. Garcelon strikes out a whole town from any voice in the choice either of senators or representatives, although the return is, on its face, in strict conformity to law, on evidence accessible to one party alone, taken, filed and passed on without notice to the town or the representative affected.

WEBSTER, LISBON AND DURHAM.

The three towns of Webster, Lisbon and Durham constitute a representative district. Webster and Lisbon give each a republican majority to Wm. H. Thomas. Durham alone gave a democratic majority to Leonard H. Beal, smaller than either of the other two. It was impossible in that district to defeat the candidate whom the people had chosen without throwing out both republican towns. The returns from the three towns were absolutely correct on their face, and showed the election of the republican representatives by a clear majority. Searching for an expedient it occurred to Mr. Fogg and the gentlemen of the Council that the signatures of the three selectmen on the Webster return and of two of the three on the Lisbon return might be either forged or written by the same hand. To prove this they took no word of evidence on paper or by parole, and gave no notice to the town officers thus accused of violating their official duty, to the towns to be disfranchised, or to the representative to be deprived of his election. The signatures themselves were unlike and the letters so differently formed that no expert could hesitate to pronounce them independent signatures.

But the district was necessary to give them a majority in the House and both towns were struck out. As soon as the intelligence reached the disfranchised towns the six selectmen came in person before the Governor and Council, three of them, and one a prominent democrat, driving thirty miles in a furious storm and demanded to be heard and each swore that he signed his name with his own hand and saw the others do the same. Driven from his position the Governor and Council still refuse to right the wrong thus done and in their report seek shelter under the claim that either the record or the return was not made up in open town meeting. As to the return all six of the selectmen testified that it was sealed in open town meeting and in their presence. And as to both record and return the Governor and Council claim a fact they can never legally know, for the Supreme Court, interpreting the constitution, has said that the Governor and Council cannot legally inquire into any of the proceedings of the town or its officers before, during or at the meeting but are bound by the face of the return (Opinion of Justices, 64 Maine, 390, 391.)

STONEHAM.

This district is composed of five towns. Every return is perfect on its face, and the district shows a clear republican majority for A. F. Andrews, Stoneham, the strongest republican town in the State, shows a majority of about forty. The democratic candidate, E. N. Bradbury, presented an affidavit, taken without notice to his opponent, no

one knows when or where, signed by two fusion selectmen of that town, who had also signed the official return, stating that the vote was not declared in open town meeting, and that they signed the return in blank at the meeting, and it was filed in afterwards. This testimony was taken with no cross examination and none of the safeguards which the courts of law or the interests of truth demand; the party affected was not confronted with the witnesses; the evidence stood uncorroborated. It directly contradicted the express recitals of the return that these same affidants had officially signed. And yet the Governor and Council accept the affidavit of the selectmen as true and reject their official return as false, in order to issue the certificate of election to a man who was never elected. Sticking for the Constitution, they override the return to which the Constitution confines them, and base their certificate on a secret and ex parte affidavit which the Constitution abhors.

NEWCASTLE.

The four towns of Alna, Newcastle, Nobleboro and Somerville together elect one Representative. By the popular vote in that district Edward K. Hall the republican candidate for Representative, had 335 votes, and the democratic candidate 326 votes, divided between James W. Clarke, J. W. Clark and James W. Clark, leaving Edward K. Hall a clear majority of 99 over all others. The vote of Newcastle was returned by a democratic town clerk as 238 for E. K. Hall, though every ballot was cast for Edward K. Hall, while the democratic vote was returned as 24 for James W. Clark, though it is known that the actual ballots were cast, some for James W. Clark spelled with an "e," some for James W. Clark spelled without an "e," some for J. W. Clark and some for James Clark. The record of the town showed the votes as actually cast; the return did not: the statute of 1877, c. 212, provides as follows:

"The Governor and Council may receive testimony on oath to prove that the return from any town does not agree with the record of the vote of such town in the number of votes or the names of the persons voted for, and the return when found to be erroneous may be corrected by the record."

This law stands on the statute book unrepelled by the Legislature, unrevoked by the court, binding, mandatory on every department of the government as on every citizen of the state; designed to prevent the thwarting of the popular will as expressed at the ballot box. It is submitted that it is not repugnant to that which it sizes upon and executes the very spirit of the Constitution. By in the case before us, all errors in the returns would have been corrected. But the Governor and Council usurp the province of the Supreme Court and strike down as unconstitutional the law that stands in their path in order to count for E. K. Hall the ballots that were cast for Edward K. Hall, and to count for James W. Clark the ballots that were distributed among three or four different names.

The returns themselves show that Alna and Newcastle cast their democratic vote, aggregating 125, for James W. Clark, spelled without an "e," and Nobleboro and Somerville cast their democratic vote, aggregating 197, for James W. Clarke, spelled with an "e." The vote would then stand by the returns alone: Edward K. Hall, 237, E. K. Hall, 238; James W. Clark, 125; James W. Clarke, 197; and Edward K. Hall, republican, would still be elected. Having in the Ashland district before referred to, decided that John Burnham and John Burnham, *idem sonans* were different persons, in order to defeat a republican in that district, they now decide that James W. Clarke and James W. Clark are the same person, in order to elect a democratic representative in this district. They are consistent in this, that, though by opposite means, they accomplish in both the same end, namely—the reversal of the popular will and the counting in of democratic candidates.

EXETER.

In the class of Exeter and Garland the votes were returned as follows:

Garland.

George S. Hill, (rep.) had..... 211
Francis W. Hill, (fusion) had..... 131

Exeter.

G. S. Hill, (rep.) had..... 146
F. W. Hill, (fusion) had..... 229

On the vote as actually cast George S. Hill had a decided majority, and not a ballot was thrown in either town for either G. S. Hill or F. W. Hill. Again refusing correction and violating the plain letter of the statute of 1877, the Governor and Council counted the candidates as four different persons and sent the summons to F. W. Hill as having the large number of votes. Their wanton disregard of law reached this remarkable result that a certificate of election was issued to a mythical F. W. Hill for whom not one man in the whole district had voted, and was taken away from the postoffice and will be presented to the Legislature by Francis W. Hill, the defeated candidate.

GOULDSBORO.

Every town but Gouldsboro returned its republican vote as cast for Oliver P. Bragdon. In the Gouldsboro return the initial middle letter P had a line dropping down from it like the last loop of a letter B. The letter was evidently intended for a B and was left as a P by the clerk, and to avoid the possibility of a mistake the downward mark had been partially erased so that it ended some distance above the line. Yet the Governor and Council, denying to 267 voters even the post benefit of a doubt, removed the entire republican vote of the town from Mr. Bragdon's column, disfranchised 267 citizens, and counted in a democrat who was never elected.

WESTON.

This district, composed of several towns and plantations in Aroostook county, elected Fredk C. Nickerson, Republican, for Representative. But the town of Weston returned for Representative Frank Nickerson instead of for Fredk C. Nickerson. The record gave the name correctly. It is understood that the ballots printed and cast were for Frank C. Nickerson. The statute of 1877 provides a remedy by the record, but again in plain violation of the law the Governor and Council counted in by a majority of 16 John H. Brown, the democrat, whom the people had repudiated.

NEW SHARON.

This district composed of several towns and plantations in Franklin county gave David M. Norton, republican, a clear majority. The town of New Sharon, the strongest republican town in the district, gave Mr. Norton 75 majority. The return was without flaw upon its face yet without notice to the town or its officers or to the representative who was really elected, without a hearing and in the dark they threw out the vote of the town on the ground that the three signatures of the selectmen were all in one hand. Further, the three selectmen signing are Nathaniel Harding, J. G. Brown and L. E. Cram, and the town clerk is J. C. Whitmore. The signatures of the last selectman and of the town clerk are palpably unlike each other and the rest.

The signatures of the remaining two selectmen have a certain resemblance, but suppose one of them wrote both that would still leave two genuine signatures of selectmen, that of the writer and that of Nathaniel Harding together with the genuine signature of the town clerk. Two selectmen being a majority of the board legally and sufficiently to authenticate the returns by the statute of Maine revised statutes, cap. 1, sec. 4, def. 3. But Mr. Harding's signature being obviously original on the face of the return I have now before me the affidavit of John G. Brown, one of the two selectmen whose signatures resemble each other, in which he makes oath that he signed this return with his own hand and signed no name but his own, and the other two selectmen, both fusionists, have admitted that they also signed the return individually though they refuse to give affidavits to republican applicants. Investigation will show beyond all doubt that the action of the Governor and Council in disfranchising New Sharon was as baseless in fact as it was unjustifiable in law.

ROBINSTON.

This district elected Robert M. Loring, (rep.) as its representative, but the vote of Robinston was returned for Robert Loring instead of Robert M. Loring. The record had the same error, but the ballots themselves had been preserved and were all for Robert M. Loring, and this Mr. Loring's counsel offered to show under one of the provisions of the public laws of 1877, chap. 212, which read as follows:—

"The Governor and Council shall count and declare for any person all votes intentionally cast for such person though his name upon the ballot is misspelled or written with only the initial or initials of his Christian name or names."

Here there was no need to go back of the ballot, but the governor and council refused the evidence of the ballot itself, and unseated the republican for whom the ballots were cast.

CHEERYFIELD.

In this Washington county district Henry C. Baker (republican) was chosen representative by a clear majority. The town of Cheeryfield gave a large republican majority. Its return had no flaw on its face. At the hearing a paper filed secretly and taken without notice was produced by the defeated candidate, alleging that one of the selectmen was an alien in March, 1878, when he was elected,

and therefore not an alien at the time of signing the return. The Governor and Council rejected the return and seated the defeated candidate on that ground.

DANFORTH AND VANCEBORO.

The district gave Charles A. Rolfe, Republican, a majority of nearly fifty. To unseat him it was necessary to count out the Republican vote of Danforth and Vanceboro. In Danforth the vote was erroneously returned for Charles Rolfe instead of Charles A. Rolfe, and though the town clerk amended his record, relying on the decision of the Supreme Court in Chamberlain v. Dover, 13 Maine 466, and offered thus to correct the return according to the facts under the law of 1877, the Governor and Council again denied us the benefit of the law. But they must count out Vanceboro also in order to seat A. H. Woodcock the defeated Democrat. There the Republican vote was 41 the Democratic vote 12. The return was signed by a man who was in fact both deputy clerk and clerk pro tempore, but in signing he added only the designation, town clerk pro tempore. The Governor and Council rejected the return on account of the signature.

FAIRFIELD.

The district is composed of the towns of Fairfield, Smithfield and Mercer in Somerset county. The republican Representative, A. B. Cole, received a clear majority of all the votes cast and the returns showed that fact. By rejecting the strong republican vote of Fairfield it was possible to defeat the Representative chosen by the people. The vote was counted and declared and a return legal in all respects was signed and sealed up in open town meeting and the meeting adjourned. This return was regularly sent to the Secretary of State's office; it was the only representative return sent from the town of Fairfield which was signed and sealed in open town meeting. But some time after this receipt of the vote was ordered and a mistake was discovered in the count by which the democratic vote was increased more than the republican. It is stated by the people of Fairfield that Mr. Councillor Brown, the town agent, told them there would be no trouble about that, and that he would furnish them a blank for an amended return, which the town officers accordingly made. This last return was not signed or sealed till long after the town meeting had adjourned, and to distinguish it it was marked "amended return." By counting either return, the representative would have a clear majority of at least 50 votes. But the governor and council refused to count either, disfranchised Fairfield *in toto* and seated a democrat. Having, as the governor and council allege in their report, rejected six returns—from Jay, Webster, Lisbon, Stoneham, Farmington and Searspoint—and counted in 5 democratic representatives thereby, because, as they assert, these returns were not signed in open town meeting, they now count in another defeated democrat by rejecting the only return from Fairfield that was so signed and sealed.

SEARSPORT.

In this district, in Waldo county, Robert French, republican had a majority at the polls but the envelope containing the returns from the republican town of Searspoint when it reached the Secretary of State's office was unsealed, or not sealed closely. It is not claimed that the return was not signed by all the selectmen and by the clerk, in open town meeting, nor is it denied in this or in the Jay, Stoneham, Webster, Lisbon and Farmington districts that the returns stated the vote cast with absolute certainty. Yet the Governor and Council refused to count the return, and thus gain another seat and defeat the will of the people at the polls.

LEBANON.

In this district, in York county, the republican Representative is Isaac Hanson, who was legally elected, but was counted out because the town clerk of Lebanon did not formally sign the return, and though the statute of 1877 says "When a return is defective by reason of any informality a duly attested copy of the record may be substituted therefor and counted," the Governor and Council again repudiated the statutes, counted in Stephen D. Lord a democrat, and reversed for the seventeenth time the verdict of the people.

SENATE.

The changes made in the Senate followed, or rather accompanied, the changes in the House, and in great part are covered by the statement already made of the representative district.

CUMBERLAND COUNTY.

In Cumberland County, entitled to four Senators, they deprived the republican candidates of their large majority in the city of Portland by the same decision made touching the representative vote. But something more was needed than throwing out three thousand four hundred republican votes in Portland. The returns from the Cumberland towns were very accurate, but they discovered in the republican town of Oldfield that the whole number of votes had been omitted, and forthwith Oldfield was thrown out, though the return was absolutely faultless except in this one non-essential point. More reductions being still demanded on the republican vote the Governor and Council found Westbrook to be the only available spot. Here they found the republican vote was 390. The vote was given in full both in letters and figures, opposite the name of Joseph A. Locke, but opposite the names of Mr. Locke's republican colleagues ditto marks were used, both under the letters and figures. On this ground and this alone Mr. Locke's three colleagues were counted out. The Westbrook record was correct in all respects, but the Governor and Council would not permit any reference thereto. The result was that in Cumberland three fusion Senators were counted in, although the Republican majority against them was at least a thousand.

YORK COUNTY.

In York county, entitled to three Senators, the large majority in Saco was lost to the republican candidates because the aldermen of Saco fell victims to the blunders. The town of Lebanon was also thrown out for the reason stated in its representative vote and with the reputations in the republican majority thus effected and some mistakes in initials which they refused to correct, though the statute commanded it, two republican senators were lost.

FRANKLIN COUNTY.

In Franklin county, entitled to one Senator, the republican elected their candidate by a small, but unbroken majority. But the Governor and Council sought to get him by throwing out Farmington, Jay, and New Sharon, all giving large majorities, declaring the democratic candidate elected by a large majority.

LINCOLN COUNTY.

In Lincoln county, entitled to one Senator, Andrew Smith, the republican candidate, was chosen by a majority of 26 votes. The Council found some variation in the initial letters of his name in different towns, refused to correct them under the statute, and declared Isaac Hobson, fusion candidate, elected.

WASHINGTON COUNTY.

In Washington county, entitled to two Senators, Alden Bradford, republican, was counted out and the certificate given to James R. Talbot by invalidating the vote of Cherryfield as described in the case of its representative vote. The Council maintained that if one of the selectmen was an alien at the time of his election the board could never have been legally organized, and could not therefore make a legal return. But in the town of Cutler in the same county, it was shown that one of the selectmen was never qualified at all, and that the board had been organized by two selectmen only. But Cutler gave a large democratic majority and the Council declared its vote to be legal. Vanceboro was also counted out for the reason given in the representative vote.

There were eight republican Senators counted out and eight democratic and greenback Senators counted in. So the axe falls on 29 elected republicans and 8 in the Senate.

As elected by the people, the House stood 90 republicans and 51 democrats; as reversed by Gov. Garcelon and his Council, it stood: 78 democrats, 61 republicans and 12 vacancies. As elected by the people, the Senate stood 19 republicans and 12 fusionists; when the Governor and Council were through with the returns, the Senate contained 20 fusionists and 11 republicans.

During the sixty years that Maine has been a State, her governors have counted out on an average one man every four years on technicalities.

In this one year, under a Democratic governor, "fatal defects" spring up in 27 different districts at once and all on the republican side. That this has been done by cunningly devised plans, prepared affidavits, secret protests and illegal and *ex parte* testimony is only cumulative evidence of the conspiracy to defeat and overthrow the will of the people as expressed at the polls. It was the duty of this Governor and his Council to be the first Executive of Maine who have ever been charged with having abused their great office by reversing the result of a popular election.

(Signed)

ORVILLE BAKER,

of Baker & Baker.

