

HOUSE....No. 60.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, Feb. 18, 1852.

The Committee on Elections, to whom was referred the memorial of James Townsend, Stephen Ashton, George H. Carlton, Silas Tyler, Edward F. Watson, William A. Richardson, and Isaac S. Morse, asking to be allowed seats in this house as members from the city of Lowell, have considered the same, and

R E P O R T :

The memorialists allege that in five of the wards of the city of Lowell, at the election on the second Monday of November last, the proceedings were regularly conducted and legal, and that in the other ward (ward 4,) the proceedings were illegal, irregular and void; and that in the five wards whose proceedings were legal, the memorialists each had a majority of the votes cast, and are entitled to their seats as members of this house.

The facts proved before the committee, are these :

The meetings in the several wards were properly called and conducted till after the close of the polls and the sorting, counting and declaring the votes.

After the declaration in ward four, the ward clerk commenced

to make up his record, but it being cold and the ward room badly lighted, the meeting was dissolved, and he took his memoranda of the counts, from which the declaration had been made, and the ward book, and went to his counting-room, where, after supper, the remainder of the record was made up and a transcript thereof signed, and sent to the city clerk.

That, from the phraseology of the city charter, some of the ward officers thought it their duty to record and return the whole number of votes, instead of the whole number of ballots, for senators and representatives, and did so make up their record and return;—that subsequently, finding they had made a mistake, they amended the record, and sent a transcript of the amendment to the mayor and aldermen, who did not consider themselves authorized to act upon it.

The committee are of opinion, that the proceedings of the wards having been legal and proper till after the sorting, counting and declaration of the votes, and no doubt existing as to who received the majority, that the election in all the wards was valid, and that neither of the memorialists having received a majority, they have leave to withdraw their memorial.