

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE,

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1833.

STATE OF MAINE.

House of Representatives, February 2, 1833.

The Committee on Contested Elections, to whom their report, in the case of John Manchester, Jr., and Jacob Somes, each claiming a seat in this House as Representative from the district composed of Mount Desert, Cranberry Isles, &c., in the county of Hancock, was recommitted, with instructions to report a statement of facts; would respectfully submit the following

R E P O R T :

That the parties immediately appeared before your Committee, and desired a further time to prove additional, and, as they thought, material, facts. This indulgence was allowed. A certificate, in usual form, was before your Committee, signed by Jacob Somes and John Manchester, Jr., as Select-

men of Mount Desert, attested by Aaron Wasgatt, Town Clerk, that, at the annual meeting in said town, on the second Monday of September, A. D. 1832, to elect a Representative to represent said town in the Legislature of this State,

John Manchester, Jr., received one hundred	
and two votes,	102
John Bunker received fifty-seven votes,	57
Aaron Wasgatt received twenty-nine votes,	29
Enoch Spurling received eight votes,	8
P. B. Hodgkins received one vote,	1
Jacob Somes received one vote,	1

for that office. 198

Also, a certificate, in usual form, signed by "David Swett, Selectman of Cranberry Isles," attested by Enoch Spurling, Town Clerk, that, at the annual meeting in Cranberry Isles, on the second Monday of September, A. D. 1832, to elect a Representative to represent said town in the Legislature of this State,

Enoch Spurling received fifteen votes, 15
for that office.

There was no evidence before your Committee, that any meetings have been held in any other of the islands composing the district; and the votes at the aforesaid meetings requiring one hundred and seven for a choice, and the highest number for any person being one hundred and two for John Manchester, Jr., it was admitted by the parties that a second

trial was to be made in said district, on the first day of October following the annual meeting.

It further appeared, by a certificate in due form, signed by Jacob Somes and Isaac Somes, as Selectmen of Mount Desert, attested by Aaron Wasgatt, Town Clerk, that a meeting was held in said town, on the first day of October following the annual meeting, to elect a Representative; and

John Manchester, Jr., received eighty votes,	80
Aaron Wasgatt received eleven votes,	11
Jacob Somes received fifty-seven votes,	57
John Manchester received one vote,	1
for that office.	<u>149</u>

It was proved to your Committee, by the affidavit of William Atherton, that at the meeting aforesaid in Mt. Desert, on the fifth day of October, he gave in a vote for John Manchester, but that he intended it for John Manchester Jr.; and it was admitted by the parties, that John Manchester is a man of advanced age, and has not for some time been a candidate for any office.

The evidence before your committee, of a meeting in Cranberry Isles, on the first day of October aforesaid, is from a paper in the following words:—

*“Proceedings of Town meeting October first,
eighteen hundred and thirty-two.*

Chose DAVID SWEET, *Moderator.*

Chose WILLIAM MOORE, *Second Selectman.*

Chose JOSEPH MOORE, *Third Selectman.*

For JACOB SOMES, *twelve votes,* 12

The above is the record of the second meeting, kept by David Sweett, as Clerk pro tem. for the town of Cranberry Isles in my absence.

ENOCH SPURLING,

Clerk of said Town."

It was proved to your Committee, by the affidavit of Freeman Guptil, that the Town Clerk did not attend the aforesaid meeting, and there was no evidence that any person was chosen by the Town to act as Clerk of said meeting; nor, that the persons represented to have been chosen as Selectmen, took the oath necessary to qualify them to act as such. And it was further proved, that David Sweet claimed the right to act as Town Clerk by virtue of an appointment made by Enoch Spurling.

There was also a certificate in usual form before your Committee, signed by Jacob Somes and Isaac Somes, as Selectmen of Mount Desert, attested by Aaron Wasgatt, Town Clerk, that a meeting was held in said Town, on the twenty-second day of October last, to elect a Representative to represent said town in the Legislature of this State, and at said meeting,

Jacob Somes received eighty-three votes, 83

John Manchester Jr. received seventy-eight, 78

—161

A certificate, varying from the usual form only,

by the addition of the words "pro tem." after the words "in presence of the Town Clerk," was also before your Committee, signed by David Swett and Joseph Moore, Selectmen of Cranberry Isles, attested by David Swett, Town Clerk pro tem., that a meeting was held in said Town, on the twenty-second day of October last, to elect a Representative to represent said town in the Legislature of this State, and at said meeting,

Jacob Some	received ten votes,	10
John Manchester Jr.	received two votes,	2
Manchester Jr.	received one vote,	1
		—13

From the facts it appears, that at the first trial to elect a Representative in this class, no person had a majority of the votes given in. At the second trial it appears by the certificate in due form from Mount Desert, that the whole number of votes given in, in that town was one hundred and forty-nine, of which eighty are returned for John Manchester Jr. and one for John Manchester. And your Committee are satisfied by the evidence before them, that the vote returned for John Manchester should be counted for John Manchester Jr. And being so counted, John Manchester Jr. received eighty-one votes of the one hundred and forty-nine given in Mount Desert.

Your Committee are further of opinion, that the evidence of a meeting and due "proceedings" in

the Town of Cranberry Isles, on said first day of October, is insufficient to justify them in counting the votes claimed to have been given in for Representative in said Town on that day. And, moreover, were there stronger reasons for counting said votes, the result would not be varied. For, adding the twelve votes given in Cranberry Isles, to the one hundred and forty-nine given in Mount Desert, being in all one hundred and sixty-one, eighty-one would be a majority. And your Committee having found that number given for John Manchester Jr. are unanimously of opinion that he was then duly elected; that his rights cannot be affected by the subsequent meetings; that he is entitled to a seat in this House; and have directed me to report the following Resolve.

GUSTAVUS A. BENSON, *per order*.

STATE OF MAINE.

**HOUSE OF REPRESENTATIVES, }
February 2, 1833. }**

Resolved, That **John Manchester Jr.** is entitled to a seat in this House as Representative from the District composed of Mount Desert, Cranberry Isles, &c., in the County of Hancock.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 2, 1833. }

Ordered, That three hundred copies of the foregoing Report
and Resolve be printed for the use of the Legislature.

[Extract from the Journal.]

Attest:

ASAPH R. NICHOLS, *Clerk.*