

## HOUSE....No. 55.

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### REMONSTRANCE.

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*To the Hon. the House of Representatives, in General Court assembled :*

The Memorial of the undersigned, inhabitants of the town of Lanesborough, in the county of Berkshire, respectfully represents :

That, at the annual election, held on Monday, the 14th of Nov., 1842, the votes for representative to the General Court having been received, sorted and counted, it was declared that no choice had been made, whereupon a vote was taken, and the further voting for representative was adjourned to Tuesday, the 15th of November.

That on Tuesday, the 15th, the polls were opened agreeably to adjournment; the votes were called for, sorted and counted, and the selectmen declared that 214 votes had been received, that 108 was necessary to a choice, and that John Young, Esq. had received 108, and was duly chosen; that there was given for Socrates Squier 96 votes, and for others 10.

Your memorialists further state, that Isham Boon and Warren M. Babcock both voted at the aforesaid election; that each of them voted for John Young, and that neither had any legal right to vote; that these two votes being illegal, and deducted from the number of votes given and counted for John Young, will leave him with less than a majority of votes,—and that, consequently, his election is void, and he is not entitled to sit in your honorable body as the representative of this town.

Your memorialists further state, that, in relation to the vote of Isham Boon, it appears that he removed from this town to Pittsfield on the 9th of Nov., 1842, with his family and effects, and thus lost his residence as a voter; yet he appeared at the polls, claimed the right to vote, and was admitted by the selectmen to do so.

That in relation to the vote of Warren M. Babcock, we state that it appears, by his own testimony, that he had lived in the State of New York about fifty-one years, up to the first of April, 1842; that he voted in said State of New York during the first week of said April, and then considered his residence to be in said State; that he removed subsequently into this State, and not having been a resident for one year preceding the election in Nov., 1842, of this State, at which time he claimed and exercised the right to vote, that his vote was illegal, and ought not to have been received and counted.

And your memorialists, for a more full statement of the above facts, refer your honorable body to the depositions herewith presented. In view of the above facts, your memorialists respectfully remonstrate against the right of John Young, Esq. to sit in your honorable body, as the representative of this town. And as in duty bound will ever pray.

*December 31, 1842.*

Nath'l B. Williams,  
Seth Farnam,  
Enock Nurse,  
John Farnam, 2d,  
Joseph Farnam,  
Stoddard Hubbell,  
William H. Wood,  
Henry Shaw,  
Russell A. Gibbs,  
Jason Newton,  
William T. Filley,  
Geo. H. Presbury,  
William Goodno,  
Willard Guilford,  
Leman Wood,  
Richard Whitney,

Sloan Powell,  
Oran J. Farnam,  
John M. Farnam,  
Luther H. Washburn,  
Dan Bradley,  
R. K. Chappelle,  
C. R. Stevens,  
Socrates Squier,  
Charles R. Rockwell,  
Eben Squier,  
Almond Curtis,  
Solomon Keep,  
George Keep,  
Sherman Curtis,  
Wm. Bradley.

## Commonwealth of Massachusetts.

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HOUSE OF REPRESENTATIVES, Feb. 24, 1843.

The Committee on Elections, to whom was referred the Remonstrance of Henry Shaw and others against the right of John Young to a seat in this House, as representative from the town of Lanesborough, have carefully considered the evidence on the part of said Remonstrants, which consists of depositions herewith.

The said Remonstrants allege that the said John Young was declared to have one hundred and eight votes out of two hundred and fourteen votes, being the whole number cast, and that one Isham Boon, and one Varnum M. Babcock both voted for said John Young, and that neither had any legal right to vote in said election, and that these two votes being illegal, and deducted from the number of votes given and counted for John Young, will leave him with less than a majority of votes.

To make out their points, the Remonstrants produced several depositions; but the Committee could not find sufficient evidence to show that said Boon was not a legal voter, and, considering him to be a legal voter, the said John Young would be duly elected, even if the vote of Varnum M. Babcock was rejected. The committee did not, therefore, examine the evidence relative to said Babcock, or consider the question as to the legality of his vote.

The Committee, therefore, recommend, that the Remonstrants have leave to withdraw their Remonstrance.

For the Committee,

W. SAWYER.

