

<sup>21.</sup>  
Report of  
Com. of Whole Council  
on Petition of Mosy Tuttle  
for Pardon

March 24. 1838 No 2.



# State of Maine.

In Council, March 24, 1838.

The committee of the whole Council, to which was  
referred the petition of Moses Tuttle for a pardon,  
have had the same under consideration and ask leave  
to

## Report:

That at a term of the Supreme Judicial Court begun  
and holden at Machias in and for the County of Washington,  
on the third Tuesday of June, being the twenty first day of  
said month AD 1831, the said Moses Tuttle was in-  
dicted for fraud<sup>ul</sup>ently obtaining property under false  
pretences, upon which indictment he was convicted and  
sentenced to pay a fine of One Hundred Dollars & Costs,  
and it further appears that said Tuttle has paid said  
fine & costs, and that since the time of his conviction  
he has sustained a good moral character. —

Your committee would therefore recommend and advise  
that a <sup>free & full</sup> pardon be granted the said Moses Tuttle, with  
a view of removing his incompetency as a witness  
in Courts of Justice.

Arthur H. H. Ben Crocker



In Council March 24. 1838

Read and accepted by the Council, and by the  
Governor approved.

Attest: J. M. W. B. Secy of State.



Cuba March 3<sup>rd</sup> 1838

Missford P. Worton Esquire

Dear Sir I forward

to you a petition to the Governor & Council—  
for that body to grant me a pardon from  
the crime alleged in ~~the~~ petition, to show you  
or satisfy you that I am innocent of the crime  
that I was convicted of refer you to Mr Bailey  
and Delo Denis who are acquainted with all the  
circumstances connected with the transaction.  
If you will render me your assistance in  
the matter I shall feel under obligations to you  
that will be lasting with me and besides satisfy  
you for all the trouble you may be at, and  
thoroughly pay all the expense should there be any,  
I feel confident that you can relieve me by your  
influence with the Governor & Council from a  
difficulty or the trouble which I am now in, I paid  
the fine that the Court put upon me which Mr Delo-  
Denis is removing to, The reason that makes me  
conscious at this time that immediate action should be  
taken upon the subject, is that some individuals  
here are trying to not only hurt my feelings but  
injure me otherwise. Will you have the goodness  
to inform me as soon you receive this and return



what the probable result will be, & have  
statements made by James P. Kane & Joseph  
Granger which you will receive together with  
a copy of the record of Court, and should  
there be any thing more wanted please let  
me know immediately and it shall be attended  
to, please write an receipt of this and much

Obey your Obedient & Humble  
Servant

Moses Tuttle



Paid 56<sup>11</sup>/<sub>4</sub>

Melford, P. Norton Esquire  
Augusta

Maine



Petition of  
Moses Gutth for a  
Parcel

In Council Mar. 25 '38  
Ref<sup>d</sup> to Com. of the whole  
Council

Attest: Saml. B. Benson Secy of  
State

Council of the whole Council



To the Hon. Governor and Council of the State  
of Maine.

The undersigned Moses Tuttle of Calais  
in the County of Washington respectfully represents  
that at the Sup. Jud Court Washington County  
June Term AD 1831 he was indicted convicted  
I paid a fine, on a charge against him of  
fraudulently obtaining from one David Berry a  
yoke of Oxen, as will appear by copy of records  
of said Court accompanied herewith. By  
reason of which conviction he is rendered  
incompetent as a witness in Court of Justice.  
He humbly prays that this disability may  
be removed by an act of your honorable  
Body - I as in duty bound will  
ever pray -

Calais March 3<sup>d</sup> 1838.

Moses Tuttle



State of Maine

Washington Co.

At the Supreme Judicial Court begun and holden  
at Machias within and for our County of  
Washington on the third Tuesday of June being  
the Twenty first day of said month A.D. 1831.

State of Maine by Indictment vs Moses Tuttle

To that, the Jurors for the State aforesaid, upon their oath present  
that Moses Tuttle of Calais in said County of Washington Trader, on  
the fifteenth day of November now last past, at Calais aforesaid  
with, face & arms knowingly & designedly, did falsely pretend to David  
Berry that certain promissory notes of hand, the property of the  
said Tuttle, and which he then & there had, and show the said  
Berry were wholly due and unpaid, and that the same were  
good, and the signers of said notes good and responsible men  
able to pay the same, and that if the said Berry would and  
deliver the said Tuttle, a certain Note of Ope, of said Berry of the value  
of Seventy five dollars, he the said Tuttle would pay him, in the  
notes aforesaid against good & responsible men, and that certain  
notes of the said Tuttle, against Nathan Elliot, Pastor Hoit, Benja-  
min Roberts & William Libby, known by the said Tuttle to be of no value,  
should go in part payment of said Ope, and that he would pay  
the said Berry for the Ope aforesaid in Samuel Darlings note,  
and other good promissory notes of hand, against responsible  
men, which for the said Berry sold & delivered the said Ope to the  
said Tuttle & he took and move them away to parts unknown, and  
that the said Tuttle, then & there contriving & intending unlawfully &  
fraudulently & deceitfully, to cheat & defraud the said Berry of  
the Ope aforesaid delivered him the notes against the said  
Elliot, Hoit, Roberts and Libby, and did not deliver him the  
said note against the said Samuel Darling, or any other good



notes, to the amount of <sup>the</sup> twenty five dollars or to any other ~~any other~~  
amount in payment for said Cyen. But in truth, and in fact  
the said notes delivered by the said Tuttle, to the said Berry, were not  
wholly due & unpaid, and were not good, and the makers & signers of  
<sup>were not responsible men, and not able to pay the same but said notes</sup>  
said notes <sup>in truth and in fact, were most of them of no value, and that</sup>  
the said Tuttle did not deliver the said Berry Samuel Darlings  
note & other good notes, but fraudulently and deceitfully delivered  
the said Berry the notes aforesaid against the said Elliot, Whit  
Roberts & Libby & other promissory notes well known by the said Tuttle, to be  
of no value, and so the jurors aforesaid upon the oath aforesaid  
do say that the said Tuttle by means of the false pretences & deceitful  
<sup>and fraudulent</sup> practices aforesaid <sup>of said</sup> then did knowingly & designedly obtain from  
the said Berry the Cyen <sup>of</sup> the value of twenty five dollars, with  
intent to cheat & defraud the said Berry, against the laws peace &  
dignity of said State and contrary to the form of the Statute in such  
case made & provided. To which Indictment, the said Moses Tuttle  
upon his arraignment here on the third day of the Term, answered &  
pleads, not Guilty. And on the fourth day of the term, a Jury  
is duly empanelled & sworn according to law to try the issue &  
the said Defendant is put on trial. The Hon. Erasmus Toole Esqr  
Attorney General being present for the State, and this cause after  
a full hearing is committed to said jury, who returned their verdict  
therein, that is the Jury upon their oath say that the Defendant is  
Guilty. Whereupon the Court considering the offence whereof the  
said Moses Tuttle stands convicted as aforesaid. So orders and  
awards that the said Moses Tuttle pay a fine of One Hundred  
dollars to the use of the State together with the costs, of prosecution  
taxes at thirty dollars & twenty nine cents, and stand committed  
until sentence be performed, which sentence being read by the Clerk  
to the said Tuttle he was committed to the Custody of the Sheriff

Attest Asaiah Harris Clerk

True copy of Record

True copy 75<sup>th</sup>

Attest A. L. Raymond Clerk



March 12 1858

Mr. Mosco Tuttle

Sir

Yours of the 10<sup>th</sup> inst. is at hand annexed  
you have the copy of records you requested. —

Yours &c.

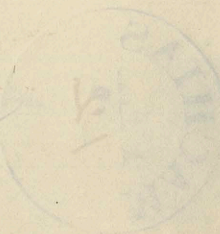
A. L. Raymond

Colo

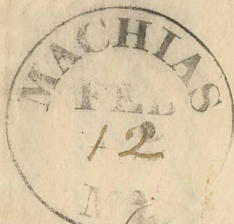
March 12

March 12 1858

March 12 1858







Miss Anne

Mr. Moses Tuttle

Milltown

Lafayette  
me





I Joseph Granger of Calais Counsellor at Law  
hereby certify that I was engaged as counsel  
in behalf of Moses Tuttle of Calais on Complaint  
in behalf of the State of Maine by David Berry  
vs said Tuttle charging him with obtaining  
from said Berry a yoke of oxen by false pretences  
under the Statute in such case made & provided. And  
I have no hesitation in saying that I was surprised  
that the Magistrate (Samuel Gales Esq of Calais) required  
said Tuttle to recognize for his appearance to  
answer to said Complaint at the next Suprem  
Judicial Court for the County of Washington  
to be held on Thursday Tuesday of June A.D. 1831. as  
I thought the evidence adduced did not sustain  
the Complaint. I was also engaged with James  
P Vance Esq as counsel for said Tuttle at the  
trial of said Tuttle in the Suprem Ind. Court  
June Term 1831. I still thought the evidence  
then insufficient to convict said Tuttle. But  
he was convicted & sentenced to pay a fine of  
one hundred dollars together with the costs of  
prosecution. which said Tuttle paid.

The principle testimony in behalf of the state  
came from the complainant, who testified very  
differently in Court, from what he did before  
the Magistrate at the examination. And I further  
believe, from what I have since seen of said  
Berry, and heard of him, that he was not  
a man entitled to much credit for truth  
& veracity. It appeared in evidence that  
Tuttle gave Berry certain notes of hand  
for a yoke of oxen and told him that if



the notes were not good he would make  
them good. And Tuttle was responsible and  
able to make them good. It seemed to me  
that it was a valid and fair contract  
between Berry & Tuttle. Joseph Granger  
Calais Feb'y 27. 1838

I certify that I was associated with said  
Granger, in said cause, in the S. J. Court as by him  
stated, and that the principal evidence adduced  
against said Tuttle, was that of said Berry the Corp.  
that I was much surprised that the jury should have  
credited said Berry & returned a verdict of guilty.

I can also add that Berry was then almost a stranger in  
Calais and I have since understood that he was not entitled  
to much credit for truth & veracity.

Calais Feb'y 27<sup>th</sup> 1838 -

James P. Vance,