

M'CABE FILES PROTEST AGAINST SEATING POVICH IN ALDERMANIC CHAIR

Declares Error Made Regarding Filing of Appeal in Ward One Election Case

Before departure from the city Saturday for a few days, Chester H. McCabe who has been occupying the aldermanic chair from Ward 1 and who has been ordered to vacate this seat by Associate Justice William R. Pattangall of the Maine supreme court on the ground that Samuel Povich and not he was legally elected, filed a protest against the seating of Povich with City Clerk John W. Gilmore. The reason for this protest is set forth by Mr. McCabe in the following communication, dated May 31, and addressed to the board of aldermen:

"From an inspection of a certified copy of the docket entries in the election case of Samuel Povich vs. Chester H. McCabe, it is apparent that, through some oversight or mistake, there has been an error with reference to the date of the filing of the appeal, and with reference to the original application by Mr. Povich for an official recount.

"These matters can only be properly straightened out by my attorney, Judge John J. Keegan, and as Judge Keegan is now out of town I respectfully request you not to receive the qualification of Mr. Povich as alderman from Ward one, until Judge Keegan has had an opportunity to take the necessary steps to properly protect my rights."

Accompanying this request is a copy of the docket entries from the office of the clerk of courts as follows:

Samuel Povich vs. Chester H. McCabe
In equity No. 631, on the equity docket
for year 1929.

March 28, 1929. Bill of complaint received and filed. Order issued same day. (Pattangall, J.).

March 30, 1929. Defendant's answer received and filed.

April 11, 1929. Finding, received and filed. (Pattangall, J.).

April 13, 1929. Appeal taken.

April 22, 1929. Reasons for appeal, received and filed.

May 27, 1929. Final decree, received and filed. (Pattangall, J.).