

# MAINE STATE LEGISLATURE

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Legislative Record

Seventy-Fifth Legislature

SPECIAL SESSION

STATE OF MAINE

1912

**SENATE.**

Tuesday, April 2, 1912.

Senate called to order by the President.

Prayer by Rev. C. G. Mosher of Augusta.

The roll was called by the secretary. The following senators responded to their names: Messrs. Allen, Blanchard, Boynton, Clifford, Dodge, Donigan, Farrington, Foss of Androscoggin, Fulton, Gowell, Hanson, Hill, Irving, Kellogg, Leach, Mayo, Milliken, Moulton, Mullen, Noyes, Osborn, Reynolds, Sanborn, Smith, Stearns, Theriault, Winslow—27.

The President declared a quorum present.

Journal of previous session read and approved.

The following communication was received from the Executive department:

**STATE OF MAINE.**

Executive Department,  
Augusta, April 2, 1912.

To the Honorable Senate:

During the past week serious charges of official corruption have been made against Sheriff Charles O. Emery of York county. Asa A. Richardson, State attorney for York county, has made complaint before a trial justice that Sheriff Emery attempted to bribe him in the interest of certain violators of the law and also complains that at a later date Sheriff Emery actually did pay to him one hundred dollars in accordance with the agreement entered into between them.

Charges of so grave a nature preferred by one public official against another cannot be lightly passed over. If true, it is the imperative duty of the Legislature to request the removal of the guilty person from office; if false, their falsity should be promptly shown.

Under the provisions of our Constitution may be found ample warrant for action in this case and we should not hesitate to exercise the authority therein conferred when justice and a

due regard for the public welfare require us to act.

Although judicial proceedings have been begun in the Emery case it is appropriate that the Legislature should take immediate cognizance of the matter. Courts of justice necessarily move slowly. Cases of importance almost invariably reach the law court before being finally decided. The present case may not be ended during the year and for a sheriff to continue to exercise his authority and to perform the duties of his office for several months during which no public tribunal has rendered a decision as to his guilt or innocence concerning so serious an offence as bribing a county attorney, presents a condition which cannot be tolerated.

If the Legislature had not been sitting when the case arose I should have deemed it my duty to have called you together to investigate it.

I have instructed the Attorney General to appear before you representing the State and I have no doubt but that you will make such further reasonable arrangements as may be necessary to secure the accused a fair and impartial hearing. If he can satisfy you of his innocence you will be pleased to proclaim it; if his guilt is proven you will not hesitate to do your full duty even though it be a disagreeable one.

The good name of the State of Maine must be preserved and protected. The public officials of this State are, almost without exception, men of high character. In selecting public servants an occasional mistake is made and our laws provide the means of rectifying such mistakes. If one has been made by the good people of the county of York you will doubtless assist in promptly rectifying it. If, on the other hand, your investigation should result in a finding favorable to the accused the time occupied in ascertaining the facts will have been well spent, and by your faithful service in making the investigation you will have earned the thanks and approval of the people whom you represent.

(Signed)

FREDERICK W. PLAISTED.

Mr. Donigan of Somerset presented the following resolve:

Resolve in favor of the adoption of an address to the Governor for the removal of Charles O. Emery, sheriff of the county of York.

Senator Donigan of Somerset introduced the following resolve:

#### STATE OF MAINE.

In the year of our Lord one thousand nine hundred and twelve.

Resolve in favor of the adoption of an address to the Governor for the removal of Charles O. Emery, sheriff of the County of York.

RESOLVED, That both branches of the Legislature, after due notice given according to the Constitution, will proceed to consider the adoption of an address to the Governor for the removal of Charles O. Emery, sheriff of the County of York, for the causes following:

First. Because the said Charles O. Emery did on the 28th day of February last promise one Asa A. Richardson, who was then holding the office of State attorney for the County of York, to pay him a certain sum of money, to wit, the sum of \$50 per week, in consideration whereof the said Richardson was to refrain from prosecuting certain violations of law, and

Second. Because the said Charles O. Emery did, on the 8th day of March last, in pursuance of the corrupt agreement entered into on said 28th day of February between said Emery and Richardson, pay to the said Richardson the sum of one hundred dollars, all of which constituted a violation of the laws of the State and especially of the provisions of Section 5 of Chapter 123 of the Revised Statutes.

RESOLVED, The House of Representatives concurring, that these resolutions and statements of causes of removal be entered on the Journal of the Senate, and a copy of the same be signed by the President of the Senate and served on said Charles O. Emery by such person as the President of the Senate shall appoint for that purpose, who shall make return of such service upon his personal affidavit without delay, and that the 3rd day of April, A. D. 1912, at 2 o'clock in the afternoon, be assigned as the time when the said Charles O. Emery may be admitted to a hearing in his defense.

The resolve was given a passage and sent down for concurrence. Subsequently the resolve came back from the House, that branch having concurred in the action of the Senate.

On motion by Mr. Boynton of Lincoln a recess was taken subject to the call of the President.

#### After Recess.

Papers from the House disposed of in concurrence.

The following order came from the House, having passed that branch:

Ordered, That a committee of seven on the part of the House, with such as the Senate may join, be appointed to consider and report the order of proceedings to be observed upon the hearing in relation to the alleged causes of removal of Charles O. Emery, sheriff of York county, and that the clerk of the House be directed to issue due subpoenas for the summoning of witnesses to be present and testify at such hearing upon application of either prosecution or defence, and that counsel be furnished either party.

The committee on the part of the House was: Messrs. Scates of Westbrook, Strickland of Bangor, Sleeper of South Berwick, Trafton of Fort Fairfield, Deering of Portland, Hersey of Houlton, Wheeler of South Paris.

The President joined on the part of the Senate: Messrs. Farrington of Kennebec, Boynton of Lincoln, Milliken of Aroostook.

On motion by Mr. Fulton of Sagadahoc, it was

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Wednesday, April 3, 1912, at 10 o'clock in the forenoon.

Sent down for concurrence. Subsequently the order was returned from the House, that branch having concurred in the action of the Senate.

At 12 o'clock, noon, the hour appointed, the Senate proceeded to vote for a United States senator to fill out the unexpired term of the Hon. William P. Frye, deceased. The vote was taken viva voce, each senator rising in his place as the roll was called and giving his vote. The result of the vote was announced by the President, and he declared Obadiah Gardner of Rockland to be the choice of the Senate.

The vote was:

For Obadiah Gardner of Rockland— Allen, Boynton, Clifford, Dodge, Donigan, Farrington, Foss of Androscoggin, Fulton, Hanson, Hill, Kellogg,

Leach, Mayo, Moulton, Mullen, Noyes,  
Osborn, Reynolds, Sanborn, Winslow  
—20.

For Frederick A. Powers of Houlton  
—Blanchard, Irving, Milliken, Smith,  
Stearns, Theriault—6.

Mr. Gowell of York announced that  
he was paired with Senator Staples of  
Knox; that he should vote for Mr.  
Powers and if Senator Staples were  
present he would vote for Mr. Gardner.  
Adjourned.