

MAINE STATE LEGISLATURE

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September 12, 1941

Benjamin Tutler, Esquire
County Attorney
Farmington, Maine

Dear Sir:

The State Auditor has called to my attention your letter of September 9th, in regard to audit of Court records. Such a break down as you require will be very expensive since it would take the full time of two people for fully two weeks. I wonder if you are not asking for too much.

There is another thing that occurs to me, and I am glad to find that it occurs also to the State Auditor. If we can cure irregularities and improper practices and chart a proper course for some of these officials and set their feet on that course, it seems to me, and it seems to Mr. Hayes, that something very much worth while will have been accomplished. I have not lived very long in this world, but I have apparently learned from my experience that pounding sore heads seldom accomplishes positive improvement.

I earnestly recommend to you that you consider your procedure carefully. I know you have plenty of courage and I do not want to suggest to you at all that you should not go as far as in your judgment you should go. I simply caution you to consider everything very carefully and especially to evaluate what you are going to accomplish by your procedure. I think your good judgment will tell you to follow that course which will seem to you to result in the greatest good for the people of your county. Bear in mind that if we start to crucify all miscreants we doubtless will use up all the trees in the country and, after we get our crosses built, we will find nobody sufficiently pure to drive the nails.

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The State Auditor calls my attention to the fact that it is customary, and has been apparently for many years, for many of the municipal judges to depend on an audit to determine how much money they owe or have owed the State, and have at the time of the Auditor's examination written checks to balance their accounts and that apparently there has been no thought of any wrong doing at all in most cases. I suggest that you bear this in mind if you decide to proceed with your prosecution of the judge.

I do not want you to feel for an instant that I am trying to dissuade you from following the course that your good sense and your conscience dictate. I just want you to know that we hope you will use both your good sense and your conscience in proceeding.

The State Auditor also calls my attention to the fact that it is the practice of his department to keep in touch with the municipal judges to the end that they may make their remittances monthly from now on.

Very truly yours,

Frank I. Cowan
Attorney General

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