

MAINE STATE LEGISLATURE

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Sixty-Seventh Legislature.

SENATE.

No. 153.

STATE OF MAINE.

RESOLVE in favor of Edgar C. Wakefield of Gardiner,
Kennebec County, Maine.

Resolved, That the treasurer of the county of Kennebec
2 be and hereby is authorized and directed to forthwith pay
3 to Edgar C. Wakefield of Gardiner, Maine, the sum of five
4 hundred and fifty dollars.

STATEMENT OF FACTS.

On July twenty-third, 1893, Edgar C. Wakefield and George F. Silver, both of Gardiner, Maine, were at a cottage owned by Wakefield and another situated on Horseshoe pond, in the town of West Gardiner.

At about one o'clock P. M., Charles Blenn, a resident of Gardiner, came to this cottage in a duck float. He went into the cottage and after being there a short time Wakefield went up stairs to bed, leaving Silver and Blenn together below. This was the last Wakefield saw or knew of Blenn until told by Silver that he was drowned. Late in the afternoon Silver and Blenn started in the float to row about forty rods up the Cobbossee stream to the Potter bridge, so-called. While returning the float was overturned and Blenn drowned. Silver reached the shore, and gave notice of the accident. Blenn's body was in the warm water about sixty hours when it was discovered about forty rods from where the accident occurred.

Immediately thereafter a coroner's inquest was held on the shore of the pond, Drs. Strout and Sawyer of Gardiner being in attendance. The inquest was adjourned to City Hall, Gardiner, at which County Attorney Carleton was present, and Wakefield and Silver testified fully, and all the witnesses were heard. After a full hearing the jury found a verdict that Charles Blenn came to his death by drowning. Five days after this, and about eight days after Blenn's death, his body was disinterred, an autopsy made by Dr. W. P. Giddings of Gardiner, and the opinion announced by him that Blenn came to his death by blows administered to each side of the head and on the temporal region.

This later opinion of the cause of death was kept secret and the first knowledge that the case was to be re-opened was when indictments were found, at the September term of court, against Wakefield and Silver. Wakefield was tried at the September term and found guilty of manslaughter.

The medical testimony upon which the government relied to show death by blows, was entirely erroneous, as the evidence of Drs. S. H. Weeks and Frederic Henry Gerrish, of Portland, Martin and Brickett of Augusta, conclusively proves; these witnesses showing that the blood clots which Dr. Giddings said were evidence of blows could not be located where he claimed to have found them. The testimony of Mrs. Dunn, who contradicted Wakefield's alibi of being up stairs asleep, by identifying him in front of his cottage at about four o'clock P. M. was subsequently shown to be absolutely erroneous, the man whom she saw and swore positively to be Wakefield, being one E. R. Clary, who, after Wakefield had paid his fine, divulged the fact that he was present at the cottage on the afternoon of July 23d and positively corroborated Wakefield's story and defence in every particular.

Clary's statement also cleared up what seemed mysterious in the story of Silver, who claimed from first to last that there was a third man in the boat with him and Blenn that afternoon, other than Wakefield, such man not being found by the most careful search of both the state and the defence. This man was Clary, who went in the boat with Silver and Blenn to the bridge before mentioned, and saw them begin their return trip, which proved fatal to Blenn.

The evidence in corroboration of the above statement of facts can be fully produced.

Silver was indicted jointly with Wakefield, tried separately at said September term of court, and the jury disagreed.

At a later term of court, upon promise of light sentence, having no money with which to again defend, Silver plead *nolo contendere*.

Upon the question of sentence under this plea, Clary gave the testimony before alluded to, exculpating Silver as well as Wakefield, and at the December term, 1894, the indictment against Silver was not prossed.

STATE OF MAINE.

IN SENATE, February 26, 1895.

Reported by Mr. HARLOW, from Committee on Claims, and laid
on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*