

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 188

H. P. 636. House of Representatives, Feb. 5, 1929.

Referred to Committee on Claims and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Hawkes of Richmond.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE

RESOLVE, in Favor of H. E. Houdlette, Administrator of the
Estate of Benjamin Owen Emmons, late of Richmond,
County of Sagadahoc, State of Maine, Deceased.

Resolved: That there be and hereby is appropriated the
2 sum of thirty-six hundred twenty-two dollars and twenty-
3 seven cents (\$3622.27) to reimburse the estate of Benjamin
4 Owen Emmons for money disbursed by him in his lifetime
5 and liabilities incurred by him in his lifetime while engaged
6 in his duty as ferryman across the Kennebec river between
7 Richmond, Sagadahoc county, and Dresden, Lincoln county,
8 under license from the county commissioners of Sagadahoc
9 county.

STATEMENT OF FACTS

Benjamin Owen Emmons was on August 8, 1923, a duly licensed ferryman and authorized by the county commissioners of Sagadahoc county to conduct a ferry between Richmond, Sagadahoc county, and Dresden, Lincoln county. Mr. Emmons was ferryman from 1915 until the date of his death in June, 1928. The boat used by Mr. Emmons in conducting the ferry was built and finished by him, the tolls for the passage of persons and property being established by the county commissioners who had the right to revoke any license at pleasure. In other words, Mr. Emmons, as ferryman, was under the control of the county commissioners of Sagadahoc county.

On August 8, 1923, an automobile containing several persons drove onto the ferry and while being transported across the Kennebec river, the brakes not being set upon the automobile, the automobile went off the ferry and four people were drowned. Four suits were brought against Mr. Emmons, two in Kennebec county and two in Sagadahoc county, by the administrator of the estates of those who were drowned. In Kennebec county, in the case of Violet Goodall estate there was recovered a judgment of one thousand dollars, and in the case of the administrator of the estate of Leonard E. Goodall estate a verdict of five hundred dollars was recovered. In Sagadahoc county, the case of the estate of Henry R. Goodall against Mr. Emmons resulted in a verdict for Mr. Emmons, and the case of estate of Fay M. Goodall against Mr. Emmons was settled by the payment of five hundred dollars. The total expense to Mr. Emmons and his estate by reason of the above accidents and verdicts has been \$3,622.27. Following the verdicts, to obtain the money with which to settle the same and the necessary expenses, Mr. Emmons gave his note to the Richmond branch of the Augusta Trust Company endorsed by his wife, Yvonne Emmons, and three other individuals. During his lifetime, Mr. Emmons reduced this note, and at the present time there is a balance due on same in excess of \$1500.

Mr. Emmons continued to operate the ferry from said August 8, 1923, until the date of his death in June 1928, and every dollar that he could scrape together in excess of the ac-

tual necessities for his family he paid in on this note to reduce it, and without doubt the accident and the heavy burden which it placed upon him hastened his death. It not only took all his savings up to that time but it also placed a burden upon him which he was unable to liquidate in his lifetime and is left to his widow and children to pay. Mr. Emmons died June 10, 1928, and all that he left was the ferryboat and its equipment, which was sold by the administrator for \$1100, and household goods to the value of \$93, which the court instructed the administrator to turn over to the widow.

After the payment of funeral bills, taxes, etc., there is left a balance on hand of \$602.30. The estate was declared insolvent and commissioners appointed, and the commissioners have in their hands now bills amounting to \$1884.34.

Mrs. Emmons owns a small place in Richmond worth, perhaps, \$800, which place will have to be sold to pay in on the note held by the Augusta Trust Company on which Mrs. Emmons is an endorser.

Benjamin Owen Emmons left the following: A widow, Yvonne Emmons, and the following children: Donald Emmons, aged 15 years; Bertha Emmons, aged 13 years; Chester O. Emmons, aged 10 years; Venise F. Emmons, aged 8 years; William E. Emmons, aged 6 years.

The expense to Mr. Emmons and to his estate occasioned by the accident of August 8, 1923, was incurred by Mr. Emmons while in the performance of his duty as ferryman under license from the county commissioners of Sagadahoc county, who had supervision over this ferry.