

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 239

H. P. 772

House of Representatives, Feb. 6, 1929.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Williamson of Augusta.

STATE OF MAINE

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

RESOLVE, in Favor of Lena F. Cummings, Widow of Henry
F. Cummings.

Resolved: That there be, and is hereby, appropriated the
2 sum of nineteen hundred and sixty-one dollars and eighty-
3 five cents (\$1961.85), to reimburse Lena F. Cummings of
4 Manchester, Maine, for money expended and expenses re-
5 quired, in defending a petition for removal, before the gov-
6 ernor and council, brought against Henry F. Cummings as
7 sheriff of Kennebec county, late of said Manchester, her
8 husband.

STATEMENT OF FACTS

The money called for in this resolve is to reimburse Lena F. Cummings of Manchester, Maine, the widow of Henry F. Cummings, late of said Manchester, who at the time of his decease, which occurred on July 21, 1928, was sheriff of Kennebec county.

The expenditure for which reimbursement is asked, was occasioned by the sheriff defending himself in his office on a complaint brought by Arthur H. Field, chief of the state highway police, March 12, 1926, asking for his removal. Sheriff Cummings appeared before the governor and council on the twenty-fifth day of March, and two weeks' time was consumed in hearing the charges made against him, and presenting his defense to said charges. On the eighth day of April, 1926, six members of the governor's council (there being one vacancy caused by death) on consideration of the evidence submitted at said hearing on roll call of the members of said council upon the question "Has Henry F. Cummings as sheriff of Kennebec county failed to faithfully and efficiently perform the duties imposed upon him by law since January 1, 1925," three councillors voted in the affirmative, and three in the negative upon the question. This constituted a tie vote of the councillors, whereupon, Governor Brewster contended that he had a right to vote upon the question and did so vote. Said Sheriff Cummings was removed by reason of the vote cast by Governor Brewster and the matter was taken to the Law Court on the question as to whether or not the governor was empowered under the constitution and law, to cast a vote on the question. Thereafter Henry F. Cummings was re-elected sheriff of Kennebec county and died in office, as aforesaid.