

# MAINE STATE LEGISLATURE

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Legislative Record

Seventy-Fifth Legislature

SPECIAL SESSION

STATE OF MAINE

1912

HOUSE.

Tuesday, April 2, 1912.

House called to order by the Speaker.

Prayer by Rev. Mr. Miner of Gardiner.

Journal of yesterday read and approved.

The SPEAKER: The following message has been received from the Governor:

STATE OF MAINE  
Executive Department,  
Augusta, April 2, 1912.

To the Honorable House of Representatives:

During the past week serious charges of official corruption have been made against Sheriff Charles G. 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 tribu-

nal 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.

The SPEAKER: The following resolve comes to this House, having been passed by the Senate:

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.

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 violators 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 SPEAKER: All those in favor of the passage of this resolve will say aye; those opposed, no.

The resolve received a unanimous passage.

Mr. Scates of Westbrook presented the following order:

#### STATE OF MAINE.

In House of Representatives, April 2, 1912.

Ordered, That a committee of seven on the part of the House, with such as the Senate may join, be appointed to consider and to 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 the county of York; 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 the application of either prose-

cution or defence; and that counsel be furnished either party.

The SPEAKER: What is the pleasure of the House with reference to this order? As many as are in favor of the passage of the order will say aye; those opposed, no.

The order received a passage.

The Speaker appointed on the committee under the order relating to the procedure in the matter of the removal of Charles O. Emery, sheriff of the county of York, Messrs. Scates of Westbrook, Strickland of Bangor, Sleeper of South Berwick, Trafton of Fort Fairfield, Deering of Portland, Hersey of Houlton and Wheeler of South Paris.

Mr. Strickland of Bangor presented the following order:

Ordered, that at 12 o'clock noon this day the House shall proceed to vote for a senator in Congress to fill the unexpired term of the late Hon. William Pierce Frye, in accordance with the laws of the United States.

The order received a passage.

Mr. Scates of Westbrook presented the following order:

Ordered, that there be printed 3000 copies of the resolve proposing an amendment to the Constitution authorizing the issue of bonds for highway purposes.

Mr. SCATES: Mr Speaker, I simply wish to say that I know of one party in this State, the head of one of the great institutions of the State, who wants at least 500 copies of this resolve, and I apprehend that there will be others who will probably want copies, and I move that the order receive a passage.

The order received a passage.

On motion by Mr. Austin of Phillips, a recess was taken until 12 o'clock.

#### AFTER RECESS.

##### Election of United States Senator.

The SPEAKER: The hour of 12 o'clock noon has arrived, and under the order the House will proceed to the election of a United States senator to fill the vacancy caused by the death of Hon. William Pierce Frye. As each member's name is called he will stand in his place and announce the person for whom he wishes to vote. The clerk will call the roll.

A call of the roll resulted as follows:  
For Obadiah Gardner:

Allen of Columbia Falls, Allen of Jonesboro, Ames, Bearce, Boman, Burkett, Campbell of East Livermore, Chase of York, Clark, Conners, Copeland, Couture, Cowan, Cronin, Cyr, Deering of Portland, Descoteaux, Dow, Dresser, Dunn, Dutton, Farnham, Files, Frank, Gamache, Goodwin, Gross, Hartwell, Hastings, Heffron, Hodgkins, Hogan, Jordan, Kelleher of Portland, Kelleher of Waterville, Lambert, LeBell, Libbey, Littlefield of Bluehill, Manter, Marriner, McAllister, McCurdy, Merrifield, Mitchell, Mower, Murphy, Newbert, Noyes, Otis, Packard, Patten, Pelletier, Penley, Percy, Perkins of Kennebunk, Pinkham, Plummer, Pollard, Ross, Scates, Shea, Skehan, Sleeper, Small, Active I. Snow, Alvah Snow, Stetson, Strickland, Thompson of Palmyra, Thompson of Skowhegan, Trafton, Trask, Trim, Tucker, Waldron, Wilkins, Morey—78.

For Frederick A. Powers:

Anderson, Andrews, Austin, Averill, Benn, Berry, Bisbee, Buzzell, Campbell of Cherryfield, Chase of Westfield Plantation, Clearwater, Colby, Davis, Doyle, Drummond, Emerson, Emery, Fender-son, Flood, Hersey, Hodgman, Johnson, Kennard, Littlefield of Wells, Macomber, Mallet, McBride, McCann, Merrill, Mitchell, Morse of Belfast, Morse of Water-

ford, Perkins of Mechanic Falls, Peterson, Pike, Porter of Mapleton, Porter of Pembroke, Quimby, Robinson of La-Grange, Russell, Smith of Newport, Smith of New Vineyard, Snow of Bucksport, Soule, Stinson, Thomas, Trimble, Weston, Wheeler, Wilcox—50.

Paired: Harmon (Gardner), Brown (Powers); Deering of Waldoboro (Gardner), Robinson of Peru (Powers); Sawyer (Gardner), Dufour (Powers); Lawry (Gardner), McCready (Powers); Thompson of Presque Isle (Gardner), Newcomb (Powers); Phillips (Gardner), Peters (Powers).

Absent: Bowker, Davies, Kelley, Kingsbury, Knight, Monroe, Weymouth, Whitney and Woodside—9.

The SPEAKER: Obadiah Gardner having received 78 votes and Frederick A. Powers having received 50 votes, I declare that Obadiah Gardner has received a majority of the votes of this House of Representatives.

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

The order received a passage in concurrence.

On motion of Mr. Strickland of Bangor, Adjourned.