

MAINE STATE LEGISLATURE

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Legislative Record

Seventy-Fifth Legislature

SPECIAL SESSION

STATE OF MAINE

1912

HOUSE.

Thursday, April 4, 1912.

In Convention.

The convention met according to adjournment at 9 o'clock A. M.

At 9.30 o'clock A. M., the convention voted to take a recess for 15 minutes.

In the House.

House called to order by the Speaker. Journal of yesterday read and approved.

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

Resolve in favor of the adoption of an address to the Governor for the removal of Asa A. Richardson, State attorney for the county of York.

(See Senate report for full text of the resolve.)

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

The resolve received a unanimous passage.

From the Senate: Resolve, the House of Representatives concurring, that the attorney general be and hereby is instructed to present to the joint convention the evidence bearing upon the charges preferred against Asa A. Richardson.

The resolve received a passage in concurrence.

From the Senate: Ordered, the House concurring, that the same rules and procedure as were adopted in the trial of Charles O. Emery, be adopted for the trial of Asa A. Richardson.

The order received a passage in concurrence.

At 9.45 o'clock A. M., the Senate came in and a joint convention of the Senate and House was formed.

In Convention.

President Clifford of the Senate in the chair.

The PRESIDENT: I will at this time state that all witnesses in this case, both for the state and for the respondent, are requested to remain in attendance until excused by the respective attorneys.

Mr. PATTANGALL: If the President

will pardon me, it would seem to me that the witnesses should be excused by order of the convention or by the order of the president of the convention rather than by the attorneys for either side.

The PRESIDENT: Until excused by myself.

Mr. PATTANGALL: I think that would be better and that it will safeguard the interests of all concerned.

Mr. HALEY: I should like to recall Mr. Richardson to the stand for a few questions.

ASA A. RICHARDSON, recalled, testified:

By Mr. HALEY:

Q. Mr. Richardson, reverting to the meeting at your house on the 23th of February when Mr. Emery was there and the other gentlemen who you say were down cellar, did you show to Mr. Roberts either upon that day or the day previous a list of names of supposed liquor sellers in the city of Biddeford?

A. There was a list, but I don't remember about showing it to him, although I may have.

At this point the State rested.

Defence.

The case for the respondent was opened by Mr. Haley.

CHARLES O. EMERY, called and sworn, testified:

By Mr. STEARNS.

Q. What is your full name?

A. Charles O. Emery.

Q. Where do you reside?

A. Sanford.

Q. Where were you born?

A. In Sanford.

Q. Have you always lived in Sanford?

A. Always lived there, sir.

Q. What was your business before you were elected sheriff?

A. I was a clerk in the furniture store of S. P. Emery & Co.

Q. For how many years?

A. Nearly 21 years.

Q. After that what was your business?

A. Sheriff of the county of York.

Q. And have you always lived in the town of Sanford?

A. With the exception of about three years, or three years and a half, which time I resided in Portland.

Q. Have you held town offices in Sanford?

A. I have, sir.

Q. What offices?

A. I have held the office of town clerk for two years; also as one of the Municipal officers of the town for five years.

Q. Selectman?

A. Yes, sir.

Q. And whether or not you were at one time a railway mail clerk?

A. I was, yes, sir.

Q. How long?

A. Four years very nearly; three years and a half I think about at that time.

Q. When were you elected sheriff of the county of York?

A. September, 1910. Or I beg your pardon, September 1908.

Q. So that you have held the office more than three years.

A. I have, sir.

Q. You have had two elections?

A. I have.

Q. Now Mr. Emery the issue here is very narrow. I want to bring you down to a meeting that it is alleged you had on the 28th day of February with Mr. Richardson, the county attorney. Did you have such meeting?

A. I did, yes, sir.

Q. And how was it brought about?

A. Do you want me to explain the circumstances?

Q. Yes, briefly.

A. I will do so. On Tuesday evening the 27th day of February last I received a telephone message from Charles T. Read of Biddeford, asking me to call at his office as early the next morning as possible on important business. I stated to him that I would do so. I told Mr. Read that I would do so.

Q. Please repeat that.

A. On Tuesday evening the 27th day of February last I received a telephone message—

Mr. PATTANGALL: Mr. President, if this suggestion would be agreeable it seems to me so important that all this evidence should be heard by the convention that it might be well for the witness to answer the question and then ask the stenographer to read the answer afterwards.

Judge STEARNS: I see no objection to that.

Q. Now, you may go on.

A. On Wednesday morning, February 28th, I boarded the first car, or rather the second car for Biddeford which is due to leave Sanford at 6.45 A. M., arriving in Biddeford at 8.30. I went directly to Mr. Read's office where I met him. He told me of the meeting he had had with County Attorney Richardson the day before with regard to the situation in Biddeford, and said that Mr. Richardson requested that I meet with him and talk the matter over and see if some way could not be planned whereby we could have better service. I returned to the car on which I came down. We started from Biddeford on our return trip towards Sanford at 9.05 o'clock in the morning. The car was due to arrive at Kennebunk Postoffice at 9.45 o'clock. I am not sure that it arrived there at that time.

Q. Now you are speaking about your meeting with the county attorney?

A. Yes, sir.

Q. Now did you have a meeting with Mr. Richardson on that morning of the 28th?

A. I did, yes.

Q. Won't you describe briefly what took place?

A. Do you want that I should state why I went to his house?

Q. Yes, and what took place.

A. On leaving the car I went to Mr. Richardson's office which is over the postoffice in Kennebunk. As I stepped into the office of Mr. Richardson, the outer office from the hall-way, the young lady, Miss Roberts, told me that Mr. Richardson was at his house. I thanked her and returned back down stairs and started for the house. Upon arriving there I met Mr. Richardson who ushered me into the room that he has termed in the past as his living room. I took off my coat, my overcoat and hat and laid them down upon the couch at the place at the lower side, the southeast side of the room near two windows. Mr. Richardson whom I usually called "Asa," says "Charles, sit down." I did as he requested and I think the first thing that I said to

him was that it was a beautiful morning; he said that it was. The next was in reference to liquor cases which had taken place in Sanford only a few days prior, and I think they were the Earl Drug Company and a man by the name of Moses Thompson. He asked me what was done with the cases and I told him that owing as we hadn't sufficient evidence to convict them they were discharged. I told him that I was nearly discouraged trying to get evidence to convict the rumsellers. I told him it was easy enough to make the raids but the trouble arose with the evidence sufficient to convict them. After talking on that subject a few moments he says, "Mr. Emery, what do you think of the Bangor plan?"

Q. He said to you?

A. He said to me, yes; and I told him I knew but very little about that plan, I had heard it talked over several times but knew but very little of its working. "Well," he says, "I don't know as I can explain it fully but I will try to." He immediately began by saying that the way he understood the case was this, that they would choose some good men, or not good men but men from their standing in whom they could place some confidence and permit them to open up shops for the purpose of selling liquors; during the year they would pledge themselves to pay a few fines for the benefit of the county, with the understanding that they should not receive a jail sentence. He said, "By so doing you will see what the result has been at the last court."

Q. Court where?

A. At Bangor. I says, "Yes, I heard that they received quite an amount for fines from the liquor men." He says, "Yes, they did." Now he says, "What do you think about the situation here?" I says, "I don't know, Asa, whether we could adopt those plans or not; it looks to me as though we would be violating the law."

Q. Now you may proceed.

A. After talking on that subject a few moments longer he says, "Charles, Charles Reed of Biddeford tells me that it is rumored in the city of Biddeford or in this city that you are receiving \$50 per week. Have you ever

heard of that?" I told him, "Yes, sir, I have," also that they were to pay me more during the summer months or the beach months of the summer at Old Orchard.

Q. Now, right here, was it true that anybody ever paid you for protection?

A. No, sir.

Q. In the violation of the prohibitory law?

A. No, sir.

Q. Anywhere?

A. No, sir.

Q. Anytime?

A. No, sir.

Q. In the county of York?

A. Nowhere in the county of York.

Q. Now you may go on in your testimony?

A. At that point I says to Mr. Richardson, "Asa, do you know a party in this village, or rather a woman in this village by the name of Mrs. William Waterhouse?" He says, "Yes, sir, I do. What of it?" Well, I told him that I received a telephone message from her the morning prior, the morning of the 27th, asking if I was going to Biddeford that day. I replied that I was not sure whether I would be able to go or not; I was intending to but I was afraid that circumstances would not permit me. She says, if you do I wish you would call at my house on Bourne street in Kennebunk; I would like to talk with you a short time on the conditions here. I told her if I went through the village, if possible to do so, I would call and talk the matter over with her. He says, "You don't want to pay any attention to that woman; she is nothing more or less than a temperance crank." He says, "She has been boring me for the past six months and I am heart-sick and tired of it." Well, I told him under those circumstances perhaps it was not best for me to approach her. I then took a letter from my pocket and passed it to him and asked him if he knew the parties therein named.

Q. Was this an anonymous letter?

A. That was an anonymous letter, yes, sir. He says, "Yes, sir, I do. Says I, 'What do you think of the complaint?' Are those statements true or not?"

He says, "I don't know." He says, "Those brothers that they refer to in that letter have had the name of selling booze in the past; whether they are selling at the present time I cannot say." I says, "Asa, if those men are selling booze there, I want it cut out; if they are not selling booze and are not violating the law I am not going to swear out a warrant to disgrace those people by so doing." And I think at that point I took my watch from my pocket in this form (illustrating) and I glanced at it and saw it was nearly time for the car, within a few minutes, and I told him I guessed I would have to be going because I wished to return home on that car, or upon the next car rather. I left my seat and passed to the couch on the east side of the room and began putting on my overcoat. He stepped forward to me and he says, "Charles, when are you coming down again?" I told him that was a matter I couldn't give him correctly for the simple reason that I was unable to state when I could leave and when I could come, but I told him I would come as soon as possible so that we could talk matters over again.

Q. Mr. Sheriff, in this interview with the county attorney did you offer to pay him any money?

A. I did not, sir.

Q. Did you propose to bring him any money?

A. I did not, sir.

Q. Did you propose to collect any money for him of rumsellers?

A. I did not.

Q. Did you believe by anything that took place in that interview that the county attorney suspected your honesty? Did you believe by anything that took place that he thought you were receiving bribes, actually thought so?

A. Only by the statement which was rumored. I didn't know but he might possibly think so.

Q. Was there anything else in all that interview that could give you the belief except that he said such a thing was rumored?

A. Not a thing, no, sir.

Q. Did you admit to him that you

had received any sums of money?

A. I did not.

Q. Now, Mr. Sheriff, you may detail the circumstances of your second interview, the 8th of February—or the 8th of March rather, with the county attorney.

A. On Friday morning, March 8, I had business at Old Orchard. I left home on the 6.45 o'clock car from Sanford; went through to Old Orchard and did some business with one of my deputies there whose name was Burns. I afterwards returned to Biddeford, leaving Biddeford on the 10.05 o'clock car in the morning, arriving at Kennebunk at 10.45 o'clock. I went to Mr. Richardson's office. In going up the stairs, the flight of stairs, when nearly at the top Mr. Richardson passed by at the head of the stairs. He looked toward me but made no remark whatever. He walked right past towards his door that opened from the hall-way into his outer office. I followed him up and he was nearly across the office when I entered the door in which he had just passed through. He turned around and he says, "Good morning, Charles; come in this way." I followed him into his private office and as I did so I closed the door back of me. I stepped along to the desk, and I think I told him first—I think I asked him first regarding those matters at Kennebunk which he had promised to investigate for me.

Q. Was that the principal thing that you wanted to see him for?

A. That was the principal thing that morning, sir, and the only thing. He says, "Wait a moment, I will lock the door." I says, "Asa, it is not necessary." But he went back to lock the door and found the key was not there. He opened the door and stepped back into the other office again where his clerk was. He went clear across the room to a book-case, and the door also enters from the hall to the outer office. I can't say what he did because he was back to me, but he immediately turned and came back in and pretended to lock the door. He stepped along to his desk and sat down, and he immediately took from his right-hand pocket a small

roll of bills and took an elastic off from them and straightened them out in this form (illustrating). I think I can show you. They were all rolled up as you saw them here yesterday, and he straightened them out in this form; and of course as they were new they made some noise. After so doing I am not sure whether he took up the ends of them or not, but he immediately threw them back into the desk, and then I made a remark something like this: "I should think you would want to take care of that money; I should if it was mine." "Oh," he says, "that is all right," and he reached in the desk and took it up together with a sheet of paper folded as that sheet you saw the money was in as exhibited here yesterday; and he took the paper and money and opened the little side drawer of his roll top desk and put them in. I asked him a few questions regarding the place at Kennebunkport, if he had investigated it, and he told me he had not. I says, "Then I have other matters to attend to outside and I think I will have to leave you this morning, Asa," and he says, "When are you coming again?" And I says, "I can't tell you; I will come as often as I can possibly." I returned to the door but the door was not locked; I opened the door and went through the other office and down stairs and out into the street again.

Q. Did you during that time you were in the office spit out of the window?

A. I did not, no sir.

Q. Did you sit or stand during your interview?

A. I stood during the whole interview, sir.

Q. Did you carry those five twenty-dollar bills there?

A. I did not.

Q. Into that man's office?

A. No, sir.

Q. Had you ever seen them before?

A. No, sir.

Q. What did you mean by saying that you would come again? or what did you mean by saying that you would come often? Did you mean to

come in pursuance of your duty?

A. Yes, sir.

Q. To enforce the law in Kennebunk?

A. That was my purpose, sir.

Q. And what business, what other business did you have to attend to that morning that you talked about?

A. I had a sick friend there by the name of Fletcher, John Fletcher, who was very ill, and I knew he had been obliged to leave his work and go home, and I went to his house to see him.

Q. And from his house where did you go?

A. I came back and took the car which is due to leave Kennebunk at 11.45 o'clock for home, Sanford.

Q. Now at that interview did you offer to pay the county attorney any money?

A. I did not, sir.

Q. Are you a total abstainer?

A. I am, sir.

Q. And have you always been?

A. Yes sir, never drank intoxicating liquors in my life.

Q. According to your light and your conscience have you attempted to enforce the laws in that county of York as sheriff?

A. I have, sir, to the best I could possibly under the circumstances.

Cross Examined.

By Mr. PATTANGALL:

Q. Mr. Emery, while you were at County Attorney Richardson's house on the 28th of February, was anything said to you about a list of names of liquor sellers?

A. No, sir.

Q. Did the county attorney show you any list?

A. He did not.

Q. Did he request you to furnish him any lists?

A. No sir, he did not.

Q. Did he mention the names of any liquor sellers?

A. No, sir.

Q. None at all?

A. None at all, sir.

Q. Did he mention the name of one Hackett of Biddeford?

A. No, sir, I don't think he did; not

to my recollection; I don't remember that he did anyway.

Q. There is such a man in Biddeford, is there, a man by the name of Hackett?

A. I can't tell you, sir.

Q. What was your object in going to the house on that day?

A. As requested by Mr. Read.

Q. What did he request you to go there for? For what purpose?

A. To see if we could better the conditions in Biddeford; if there was any plan that we could devise for that purpose.

Q. And did you discuss with the county attorney any plan for bettering the conditions in Biddeford?

A. We discussed them, yes.

Q. And what suggestion, if any, did you make on that line?

A. I told him that I wished that something,—some way could be provided whereby we could do the work more satisfactorily.

Q. Did you make any suggestion as to what way could be provided?

A. I told him I really didn't know; I had exhausted all my strength in that direction.

Q. Did you have at one time a deputy by the name of Watkins?

A. I did, sir.

Q. How long before that interview did you discharge Watkins?

A. I discharged him on the 9th day of,—I think it was the 9th day of February; I am not positive though; I can't remember; I really have forgotten the date.

Q. It was the early part of February.

A. Yes, I think it was.

Q. How long before you discharged Watkins had he made liquor raids in Biddeford?

A. He made liquor raids prior,—just a few days prior, and on the same day, on the day I discharged him.

Q. Why did you discharge him?

A. I discharged him for this reason, sir. I think it was in November I began to look up a number of cases which would come before the January term of court. It looked to me as though they were rather slim. I called to him to give me a book giving me an account of the number of seizures that were made for the past year, since

January 1st, 1911. He did so. As I looked that list over I came to the conclusion that things were not going as I would like to have them go in the city of Biddeford. I called on him during court time, or rather during the court over to Saco. Instead of taking me into consultation the attorney had Mr. Watkins with him the greater portion of the time, and they seemed to be doing business and I was sitting back and looking on. I didn't appreciate that class of work. I went into his room together with Mr. Bergeron and Mr. Whicher and we discussed the matters a short time at which time he gave me to understand he should do—do you want me to say the words that he used?

Q. Yes.

A. He said he should do just as he God-damned pleased regardless of any orders from me or any one else.

Q. When was that?

A. Really, I don't think I can give you the date.

Q. How long before you discharged him was that?

A. Oh, I should say perhaps a week.

Q. Was it during your January term of court?

A. It might have been nine or ten days. Yes, sir, it was. It was during the January term of court because I went from the court room to his boarding place.

Q. Was that the cause of your discharging him, his insubordination that was rumored to you, his attitude?

A. Yes, sir, that was the cause.

Q. It is true, isn't it, that notwithstanding his record and that attitude towards you at that time, that you delayed his discharge for a matter of a week or ten days?

A. I did somewhat, yes, as requested by one of the members of the county committee.

Q. And it is also a fact, isn't it, that on the very day when you discharged him, on the afternoon,—you discharged him in the afternoon,—that in the forenoon he had made liquor seizures in the city of Biddeford.

A. He had, yes sir.

Q. While you were in Mr. Richardson's private office on the 8th day of

March was the closet door opened and closed?

A. No, sir, it was not.

Q. Did Mr. Richardson go to the closet?

A. He did not, not in my presence.

Q. Did you sit down at all during that interview?

A. I did not, sir.

Q. Do you know Elmer Roberts?

A. Yes, I do.

Q. How long have you been acquainted with him?

A. Well, not—perhaps two years?

Q. Have you had any trouble of any kind with him?

A. Not to my knowledge, no, sir.

Q. Is it a fact that in attempting to enforce the law in York county you brought many cases which were unsuccessful?

A. Yes.

Q. And especially was that true during the last six or eight months? That is, did you have worse luck with your cases during the last six or eight months than during the early part?

A. Yes, seemed to have. We couldn't get any evidence. In fact we couldn't get the goods.

Q. During your first term as sheriff who was county attorney? Was Mr. Hobbs?

A. Frederick A. Hobbs of South Berwick.

Q. During that term did you have good or bad luck with your cases?

A. Fairly good with most of them.

Q. Now is it not true that during the later period of your service as sheriff practically all the cases that you brought were brought against drug stores?

A. I think they were, but those were not all that were raided.

Q. During the beach season or summer season last summer were any raids made by you or by your orders at Old Orchard?

A. They were not.

Q. But during that same time there were raids made on drug stores in various parts of the county, weren't there?

A. There were some, yes, sir.

Q. Was it common report in York

county that Old Orchard was wide open last summer?

A. Yes, it was.

Q. You made of course some investigation of the matter?

A. I did, sir.

Q. But made no raids?

A. I did not, no, sir. I didn't order any myself.

Q. Any made by your orders?

A. Not by my orders.

Q. Have you frequently been to Mr. Richardson's office in Kennebunk?

A. I have been there several times, sir.

Q. I suppose since he has been county attorney?

A. Yes, not before.

Q. For official consultation?

A. Yes.

Q. Had there been much complaint prior to that anonymous letter that you received about liquor selling at Kennebunk?

A. Well, yes, I have received several letters from there but nearly all of them have been anonymous, and for that reason I paid but little attention to them.

Q. You had some difficulty in enforcing the law, that is, you have had some complaints from Kennebunk.

A. Yes, I have.

Q. Not as many as from the larger places in the county.

A. No, sir, not near.

Q. Had you had occasion to go to Kennebunk other than this time you mention for the purpose of investigating the conditions there?

A. I have been there several times to investigate matters, without calling on for assistance.

Q. Simply on your own initiative?

A. Yes.

Q. Mr. Emery, you say when you were in the office on March 8, you were standing all the time. Were you walking about?

A. No, sir.

Q. Where were you standing?

A. I was standing at the end of his desk. I think I can explain to you. Calling this the front of his desk. The roll top back, here is a slide that slides here, and I stood in this position, and he sitting there.

Q. I show you photograph marked

No. 1 A, and I will ask you if you recognize that as a picture of the interior of his office?

A. I should say it was, yes. It looks very much like it.

Q. How will you indicate—

A. Where I stood?

Y. Yes.

A. Right here. (Witness shows on photograph.)

Q. And if I mark a cross across there, would that be about right?

A. Yes, that was about where I stood. I might have stood a little nearer the desk, but somewhere about there.

Q. About there (indicating on photograph)?

A. Yes, along there.

Q. And stood there all the time while you were in his office?

A. Yes.

Q. When you were at the house on February 28, and had this talk with Mr. Richardson was there anything said by either of you to this effect: That in the event of certain money being paid you would be square with each other and divide evenly?

A. No, sir, not a word of that at all.

Q. Was there any expression used of that kind?

A. No, sir.

Q. Was the word "divide" used?

A. No, sir, not to my knowledge.

Q. When you left was there an understanding between you that you would meet again within a short time, as soon as you could conveniently?

A. From the meeting on March 8th?

Q. No, the first meeting on February 27th. Did you have an understanding at that time that you would meet again?

A. I told him that I would meet him again, yes.

Q. Within a reasonable time?

A. Yes.

Q. As soon as you could?

A. As soon as I could, yes, conveniently.

Q. Now when that meeting was discussed was it suggested that you would meet at the house?

A. Yes, I think it was.

Q. Who suggested that?

A. Mr. Richardson.

Q. What did you say to that?

A. I told him that I thought business matters could be conducted just as well at his office as at his house.

Q. Was anything said by him about the advisability if you came to the house of getting off the car down street and walking up?

A. No, sir, there was not.

Q. Was anything said about your not being seen together too much?

A. No, sir, I don't remember that there was a word of that class, of that kind.

Q. Did Mr. Richardson make any suggestion that he wanted to get any money out of this liquor arrangement?

A. Not to me.

Q. There wasn't anything said, as I understand you, in that conversation to the effect that either of you were to get anything out of the business excepting that Mr. Richardson did repeat a rumor that he had heard?

A. That was the only thing, sir—the only time that part was mentioned.

Q. How long have you known Ed Emery?

A. All his life.

Q. Did you ever have any personal trouble with him of any kind?

A. Not in the least, sir.

Q. How long have you known Ed Littlefield?

A. Oh, I should say for five or six years, possibly longer; I can't say about that.

Q. What have been your relations?

A. Good. I never had any trouble with him in my life.

Q. Up to this event what were your relations with Asa Richardson?

A. Well, good, as far as for as I know. Of course we have disagreed a little on the prohibitory matter.

Q. Have you had any serious misunderstanding?

A. No sir, not in the least. Of course the matters which I referred to in the Watkins matter had not been talked over with him.

Q. You had not talked over with him about the Watkins matter?

A. No sir, I had not.

Q. I think you said that up to this occurrence you had not had any occa-

sion to discuss with the county attorney the condition of enforcement in Kennebunk?

A. We had never met for that purpose, as I remember it.

Q. You never had met at Kennebunk for that purpose?

A. Yes, that is what I mean. We may have talked it over at other places possibly.

Q. Were conditions as far as enforcement went any different in Kennebunk in February and March than they had been for a year previous?

A. I think not; not to my knowledge.

Q. When you separated on March 8 and spoke of meeting again, did you say to the county attorney that you would come back to his office and see him as often as possible.

A. I told him I would meet with him as often as I could conveniently.

Q. At his office?

A. I didn't state at his office. I didn't state where.

Q. At Kennebunk?

A. I was at Kennebunk, yes sir.

Q. I know, but were you going to meet as often as possible at Kennebunk?

A. That was my intention, yes; I would meet him as often as I could possibly.

Q. What for?

A. For the purpose of discussing the matter of enforcing the law as much as possible.

Q. But up to that time you had never in the year and a half or year and a third that he had been county attorney found it necessary to make any arrangement to meet often to discuss matters relating to the enforcement of law either at Kennebunk or elsewhere?

A. No sir, I had not. There is one question, if you will allow me, please.

Q. Certainly.

A. The dates of that discharge of Mr. Watkins, I think you will find was January 30th.

Q. The date of his discharge?

A. That was the date of his discharge. He was not discharged until February 9th, as I remember it.

Q. That is the date of the paper?

A. Yes.

Q. The record by which he was discharged was dated January 30th?

A. I think so, yes sir.

Q. But the discharge of Mr. Watkins was not conveyed to Mr. Watkins until February 8th?

A. The 8th or 9th.

Q. February 8th or 9th?

A. Yes, sir, somewhere along there; I am not just sure of the date.

Q. And of course the discharge had to be recorded at the county seat in order to make it valid?

A. Yes, sir.

Q. And that record wasn't made until when the paper was served on him?

A. No sir, it was not.

Q. February 8th or 9th?

A. No sir, it was not.

Q. And that is correct, isn't it.

A. Yes, sir.

Redirect.

By Mr. HALEY.

Q. Mr. Watkins the deputy whom you removed was a per diem officer, was he?

A. Yes, sir.

Q. Where is his home?

A. In Cornish.

Q. How far is that from Biddeford?

A. I should say it is thirty-five miles.

Q. In answer to a question from the attorney-general you said you hadn't made any seizures at Old Orchard last summer, now had you made any provision for any of your officers to be there last summer.

A. Yes, sir, I did.

Q. What officer?

A. I had Mr. Wichie and Mr. Bergeron and Mr. Watkins. I think all three were there part of the time, or some of them.

Q. Where does Mr. Watkins spend his time since he has been your deputy, at home in Cornish or in Saco?

A. In Saco is his boarding place.

Q. So that you, although not active yourself at Old Orchard last summer, you had officers there for the purpose of enforcing the law, did you?

A. Yes, sir, I did.

Q. Do you know which ones of your deputies made the seizure at White's on the 29th of last July?

A. Thomas Stone and Fred S. Doyle.

Q. They were not on regular duty at Old Orchard, were they?

A. They were not.

Re-Cross Examination.

By Mr. PATTANGALL.

Q. How many other seizures do you recall being made at Old Orchard last summer, except at White's, by your officers?

A. Well, we made a seizure at a vacant tenement on one of the streets. I have really forgotten the name. It runs parallel with the railroad and quite a distance over. It may be called Atlantic avenue; I am not sure.

Q. Any others that you recall?

A. We made several other raids but not successful as I remember.

Q. Any other successful raids except at White's and at the vacant tenement.

A. I think we made one on Mrs. Hyde at Old Orchard.

Q. Do you recall any others.

A. No, I don't.

Q. Well now, although you had officers there at Old Orchard, deputies, you went to Old Orchard yourself with reasonable frequency during the summer, didn't you?

A. Yes, sir.

Q. And from your observation of Old Orchard during the summer do you think your officers that you had there were active in the enforcement work.

A. They seemed to be when I was there. I had no other way of knowing.

Q. What did you see them doing while you were there in the way of active enforcement work? You were not there when they made any raids?

A. Yes, sir, I was with them when they made each raid.

Q. So that what raids there were made in Old Orchard were made under your personal supervision?

A. Yes, sir.

Q. I misunderstood you, or we misunderstood each other, when I asked you about the Old Orchard raids.

Were there any raids there by or under your orders?

A. Yes, sir.

Q. And what raids were made, and whether more or less, were made under your personal supervision?

A. Yes, sir, where we succeeded in getting the goods.

Q. How many in number do you think?

A. I have no knowledge at present of only two. (Later corrected to three raids.) There may have been others, but I don't seem to remember them and recall them now.

Q. How often did you go down there?

A. I was down there perhaps on an average of twice a week during the summer season.

Q. And through all that season it is, is it not, a matter of fact, that Old Orchard was, what ordinarily down here in Maine we call "wide open."

A. Yes, sir, they claimed it was "wide open."

Q. You did not have much doubt about it, did you?

A. I had no reason to doubt it, as I know of.

The Witness: There is one thing. I said that we made only two raids there. I meant with the exception of the one at Mr. White's.

Mr. PATTANGALL: We will change the two to three.

A. Yes, sir.

Mr. PATTANGALL: There should be that correction in the testimony of Mr. Emery. I suggest that it is fair and right that he should make it. Where he said that there were only two successful raids at Old Orchard, he says there were three; and I suggest that the stenographer change the records from two to three, and that will take care of it.

The PRESIDENT: The record may be so changed.

At this point a recess was taken until two o'clock in the afternoon.

Afternoon Session.

The Convention was called to order by the President of the Senate.

Evidence in behalf of the respondent was continued, as follows:

Mr. CHARLES T. REED, called and sworn, testified:

Examination by Mr. HALEY:

Q. Your name is Charles T. Reed?

A. It is.

Q. And you live in the city of Biddeford?

A. I do.

Q. What is your occupation?

A. Attorney-at-law.

Q. And what is your politics, Mr. Reed?

A. I am a Democrat.

Q. Do you occupy a position upon any committee of the Democratic party?

A. I do.

Q. State what positions they are?

A. I am a member of the Democratic city committee of Biddeford, Chairman of that Committee, and until recently have been a member of the Congressional Committee of the First Congressional District, and member of the Democratic State Committee.

Q. How long have you been Chairman of the Democratic City Committee of Biddeford?

A. Since 1906.

Q. You know Charles O. Emery, Sheriff of York county?

A. Yes, sir.

Q. How long have you known him?

A. I have had a personal acquaintance with him since the fall of 1908.

Q. That is the first time he ran for that office, is it?

A. Yes, sir.

Q. Did you assist in electing him?

A. I did what I might, yes, sir.

Q. And have consulted with him since his election in the matters of business pertaining to his office?

A. Well, somewhat at the inception of his duties in the office, and somewhat in the later days. During most of the time we were not counseling together.

Q. Sometime within the last few months have you consulted with Mr. Emery concerning the per diem of some of his special liquor deputies?

A. I have.

Q. When was that first consultation as you recall it?

A. I think I first spoke with him on that subject after the beginning of the

troubles we are rehearsing here; I think the 27th day of February.

Q. Whether or not you ever had any talk with Asa Richardson?

A. I did.

Q. Upon the same subject of per diem?

A. I did.

Q. Can you tell when that first was?

A. By associating events transpiring in this matter this week and last Saturday, it was the 23rd day of February last.

Q. Can you tell how you happened to meet Mr. Richardson upon that occasion?

A. Well, he was at Biddeford attending the municipal court in some criminal matter, and I saw him there and conceived the idea of speaking with him, and I requested an interview for that purpose.

Q. And had such an interview?

A. I did.

Q. Where did the interview take place.

A. In my office in the Board of Registration rooms in the city building of Biddeford.

Q. You refer to that as your office?

A. I am a member of that board.

Q. You are a member of the board at the present time?

A. Yes sir.

Q. Did you ever have any talk with Charles O. Emery and make any appointment for him to meet the county attorney on a suggestion coming from Mr. Richardson?

A. I did.

Q. Upon what occasion was that?

A. Upon what occasion did I make the appointment?

Q. Yes?

A. Twenty-seventh day of February.

Q. You may state to the convention the conversation which ensued between you and Mr. Richardson by reason of which you made the appointment for Mr. Emery, and tell your conversation with Mr. Emery which you had when you made the appointment, and you may tell it in your own words?

A. Do you inquire for the conversation with Mr. Richardson at the first interview?

Q. Yes, touching the appointment made to meet Mr. Emery?

A. Well, upon the 23rd day of February—and as I say, I remember the day only from what I have learned here—I met with Mr. Richardson and disclosed

to him the fact that the conditions in Biddeford were becoming well nigh intolerable and obnoxious, and we talked over that quite a little bit, and I brought to his attention the fact that it had come to my notice from several sources that the Board of County Commissioners had quite recently determined to stop the practice, long in vogue, of allowing to certain of the deputies of the sheriff a per diem compensation to those deputies engaged in the active prosecution of the so-called prohibitory law.

I cannot pretend and do not pretend to say just what was said there, but that was the topic. It led into discussion of the conditions there, practicability of enforcement and the possibility of effectual enforcement, etc. Mr. Richardson inquired what was going on down here at Biddeford. I remember that. I didn't quite catch what he wanted, and I inquired, and he referred to the fact that there was apparently more looseness in liquor conditions than formerly, and I suggested to him—which I remember very distinctly, that was one of the very things that prompted my seeking the interview—and I adverted to the fact that the officials whose duty it had been to enforce this law, or attempt to enforce it, and more or less effectually for two or three years, were now without any compensation therefor, and those always prompt to engage in the liquor business were aware of the fact, that it was common knowledge, and were taking more chances and there appeared to be a disposition to open up. I adverted further to the fact that they were undoubtedly encouraged in view of the history of prosecutions there; that it was practically impossible, and I remember stating it was impossible to get any convictions. I didn't state to Mr. Richardson, I remember, just my reason for that view, but however we resumed again at some point or stage of the earlier conversation, and while talking it he injected the inquiry "What in hell am I going to get out of this?" I do not pretend to remember just what I said. I may say that it was a feeling of mingled surprise and perhaps not surprise, but I asked

him what he meant. There was a little pause, and as near as I can quote it he went on to point out that the officials who were lax or apparently lax in the performance of their duties were subjected to severe criticism; got a good deal of hammering and knocking, as he put it, and they should have some compensation for it. He says "I understand old man Emery," I presume he referred to the Sheriff, "is getting one hundred dollars a week out of it." I said "Asa, I don't know the first thing about it; I don't know that Mr. Emery is getting a cent out of it, and I don't believe he is getting a cent out of it. It is a matter I know nothing about." I remember he replied "I am not a fool; I may not be as bright as some people, but I know something, of what is going on." I replied that I knew nothing about that matter at all. We resumed again on the main subject, and it went on until he agreed he would consider the matter of assisting in trying to persuade the county commissioners to allow the officers their per diem, and allow some method of enforcement or regulation to be had. At the time he adverted to what is called the Bangor Plan, and pointed out, perhaps, its impracticability in Biddeford, while it might work in Bangor, and he referred to some other plan of how well they got along in Portland, etc. The interview which was quite a long one and quite protracted came to the end with the understanding that he would think it over and see what could be done. I told him that the interest I had chiefly was to try and have the per diem, so-called, restored to the officers. And we separated. I remember he said to me at that interview that he had procured a number of warrants with the intention of having them served against certain supposed violators of the law. I am not certain, but I think he said he had sixteen of such warrants, but would defer any action on them until he could see what could be done. In that conversation I remember that he referred to the character of the criticism, and the character of the people

who would criticise it. I remember distinctly his reference to the unpopular, unsavory, reputation of Ed. H. Emery in that community in his connection with the prohibitory law; and also Pringle. He also referred in uncomplimentary terms to the W. C. T. U. He mentioned one lady, or one woman in Kennebunk, whose name I don't recall, and he criticised the clergymen. He paid particular and uncomplimentary reference to a clergyman by the name of Cann in Kennebunk. And referred to some unsavory things in connection with that minister. And the matter was left as I said. The next day, within thirty hours of that interview, he came to Biddeford, or was at Biddeford, and called at my office, and he said that he had been thinking the matter over, and he said he believed some arrangement could be had with the sheriff, and thought if they could come together in a friendly way something could be done, and suggested that I might try to arrange such an interview. He adverted to the fact that his relations with the sheriff were not the most pleasant with reference to the law, as I understood it. I pointed out to him that they had been not at all pleasant between Mr. Emery and myself, and I hardly thought I was the party to bring about such an arrangement as he suggested. But we talked about the matter and there was considerable said, although the interview was very much shorter than the first time. I told him I would see about it, would think it over, and the next Monday I saw him again at his office in Kennebunk, and there I told him—talked it over, and some reference to the detail of the arrangement was had, and we talked the ground over pretty full and freely, and he requested me to arrange it, if I could, and bring about a meeting. I left him. That was the 27th day of February, as I fix it by the other dates. I returned to my home in Biddeford and that evening received a peculiar telephone message from Mr. Richardson, or at least it was said on the other end that it was Richardson. I think I recognized his voice. He was speaking rather

enigmatically, or in cipher, and told me that a delegation of that gang, and I think I may quote him literally now—had called upon him after my departure in the afternoon, and they were right on his neck, and something had got to be done; something must be done, and it was hell for him, or something of that kind, and wanted me to arrange a meeting between him and the sheriff for the next forenoon. I think, prescribing it within certain limitations of time that forenoon. I pointed out to him that Mr. Emery lived miles from me and the only means of communication was by telephone, and that I didn't know whether he had made engagements for the morrow or not. But Mr. Richardson was very persistent and said that he must go away the next noontime to get away from the trouble and noise, and he contemplated going away the next noontime, to be gone a number of days, and wanted this thing adjusted. He was no more anxious for an adjustment than I, and I said I would try and bring about the interview he sought. I did wire Sanford. I think it required two calls, and got Mr. Emery. I had had no opportunity to talk with him, and I asked him if he could come to Biddeford early the next morning on a matter of importance that I desired to discuss with him. He said he would and he did come. I there took up the matter for the first time which I had been discussing with Mr. Richardson and pointed out to him, in my opinion, the advisability of some arrangement between them. I am not going into the detail of this conversation unless specifically requested. In pursuance to that, as I understood it, Mr. Emery went to Kennebunk. I could not state, knowing nothing about it, of course, what took place there. I met Mr. Richardson once after that in the matter, but it had nothing to do with the visit of the sheriff or the arrangement for the visit of the sheriff, as you have inquired. That is in substance as I remember it. Much of the detail and the minutia I have omitted and much of course I could not state here for my mind would not permit me to recall it.

THOMAS STONE, called and sworn, testified

By Mr. HALEY.

Q. What is your full name?

A. Thomas Stone.

Q. And you live in the city of Biddeford?

A. Yes, sir.

Q. What is your occupation at the present time?

A. Chief of police.

Q. And are you also a deputy sheriff?

A. Yes, sir.

Q. Under Mr. Charles O. Emery?

A. Yes, sir.

Q. How long have you been a deputy sheriff under him?

A. Since January 1st, 1909.

Q. And have you had more or less to do with the enforcement of the prohibitory law?

A. The first two years.

Q. Do you remember of either acting as the leading man or as an aide in the search and seizure of liquors at the premises of one William L. White at Old Orchard?

A. Yes, sir.

Q. Do you recall when that was?

A. If I am not mistaken it was the 29th of July, 1911.

Q. Who accompanied you on that search?

A. Deputy Sheriff Doyle.

Q. You two alone, was it?

A. Yes, sir.

Q. Do you recall what you seized there?

A. I couldn't state exactly.

Mr. PATTANGALL: Would that be important? He made a seizure of liquors.

Mr. HALEY: I think whether it was a small quantity of liquors or a large quantity will materially affect the case. I don't care for details but a general idea of the amount of liquors seized there.

A. About 300 bottles of beer and some liquors.

Q. What situation did you find there?

A. In one part of the premises was a dining room and the other was an office and on one side of the office there was this bar piled up on the side.

Q. Did you see any tubs of ice there?

A. Yes, two tubs.

Q. Bottles of beer in them?

A. Yes.

Q. And a place to serve them?

A. Yes.

Q. Do you know what disposition was made of that case?

A. I didn't know until last January.

Q. Do you know what disposition was made of it at the September term that year? Whether or not there was an indictment found.

A. I believe there was.

Q. Whether or not you aided in obtaining that indictment?

A. Yes.

Q. Tell the story of it as you remember it.

A. It was Friday, about the last day of the grand jury sitting. Mr. Richardson came out to the room where the deputy sheriffs were waiting and he says "Well, I guess that is all boys, isn't it?" I says, "What about the White case?" And he struck the table with his fist and he says, "By God, if you indict White I will indict Cleaves." I replied, "I don't care a damn who you indict; I haven't got any strings on me," and he immediately went in and issued subpoenas to summons the police officers from Old Orchard that made the seizure on White. He gave the subpoena to Mr. Bergeron, and he came up in the auto with me and Mr. Doyle, and he sent somebody from the court house and made him get out of our auto and go down in another auto, and Mr. Doyle and I went to Biddeford alone.

Q. As a result Mr. White was indicted, was he?

A. Yes.

Q. Do you know what disposition was made of that case at the January term of court following?

A. I couldn't tell you. I might explain there a little. We took everything, we took the cash drawer and there was \$10.40 in the cash drawer and we took that and I kept that money in my possession until,—I don't know whether it was the adjournment of the January term or not, but it was sometime about that, and his attorney came to me and he said the matter of that

search and seizure case had been disposed of and he supposed he ought to have that money for his client. I said all right and turned the money over, the \$10.40.

Q. Who was the attorney?

A. Carlos C. Hurd.

Q. As a matter of fact, do you know whether or not there was an indictment in the Cleaves case which the county attorney had reference to?

A. I believe there was, but I wouldn't say positive, I don't know anything about it.

Q. Do you remember anything about the Percival case?

A. No, I don't know much about that.

Q. You were not in that?

A. No, sir.

Q. Did you aid in the Gannon case?

A. No, sir.

Q. The illegal transportation case?

A. No, sir.

Cross Examined.

By Mr. PATTANGALL:

Q. Your work was largely confined to Biddeford, as deputy?

A. Civil work mostly at that time. I went when the other sheriffs called me.

Q. Going down to Old Orchard on the White matter did you go under the direction of Sheriff Emery or on your own initiative?

A. I went on my own initiative.

Q. Mr. Doyle was a deputy sheriff of Biddeford?

A. Yes.

Q. And he accompanied you?

A. Yes.

Q. Do you know whether he went under the direction of Sheriff Emery or went on your suggestion?

A. I couldn't say for that; he went with me.

Q. Did you ask him to go with you?

A. Yes.

Q. And excepting for your asking him to go with you do you know of any other direction that he had to go?

A. No, sir.

Q. There wasn't any difficulty when you got there in finding out that White's place was a wide open place.

A. There was a screen made like that, and these cases were piled up in behind the screen.

Q. Was it a restaurant?

A. Restaurant and cafe and rooms upstairs. It was a hotel I should call it.

Q. Is that the place where the palm room is?

A. I don't know.

Q. Or was that over to Cleaves, the big dining room.

A. The big dining room was up stairs; that was at Cleaves.

Q. How long have you been a deputy sheriff?

A. Since January 1, 1909.

Q. Do you think if you had been in Old Orchard for every two or three days during the summer you would have had any difficulty in finding out that White's place was a place where they were selling liquors?

A. I don't know.

Q. Pretty apparent, wasn't it?

A. Well, it was when we got there.

Q. You knew of it over to Biddeford when you started?

A. We got a complaint from there.

Q. From Old Orchard?

A. Yes.

Q. Did you report the complaint to the High Sheriff?

A. No, sir, for he wasn't around, and when we got a complaint we generally went to the liquor deputies, and we couldn't find them that day and we went down ourselves.

Q. At that time there were special liquor deputies employed in Biddeford?

A. Yes.

Q. Working under the direction of Sheriff Emery?

A. Yes.

Q. And quite actively engaged in enforcement, weren't they?

A. Yes.

Q. There were no special liquor deputies at Old Orchard?

A. No, sir, they looked after Old Orchard; we were all supposed to. The Biddeford deputies were all looking after Old Orchard.

Q. How far is it across to Old Orchard?

A. About four miles.

Q. Did you have complaints of other places at Old Orchard besides White's?

A. That is the only complaint we got.

Q. Do you know what officers acted

in connection with procuring the indictment against Cleaves which the county attorney said he would get?

A. The Old Orchard police.

Q. On the instructions of the county attorney?

A. I couldn't tell you that.

Q. You don't know anything about that?

A. No, sir, they were in Cleaves, place before we got out of White's.

Q. Right on the same day?

A. The same hour. They had the stuff out of Cleaves' before we got our stuff out of White's.

Q. And both matters came up at the same term of court?

A. Yes.

Re-direct.

By Mr. HALEY:

Q. Were you at one time a per diem officer?

A. The first two years.

Q. Whether or not you received your fees from the county regularly and promptly.

A. No, sir, not very regular.

Q. How long did you wait for the last fees that you got after you had earned them?

A. I believe I got five months pay the last, and that was the first of January 1911.

Q. During that time did you make any effort to get them?

A. I sent my bill every month.

Q. Do you know whether as a matter of fact the per diem was cut off from the Biddeford officers?

A. I don't know; I wasn't on per diem at that time.

Q. You heard more or less talk about the fact that it was going to be?

A. Yes, I heard it was going to be.

EDMUND BERGERON, called and sworn, testified:

By Mr. HALEY:

Q. What is your full name?

A. Edmund Bergeron.

Q. You live in the city of Biddeford?

A. I do.

Q. You are a deputy of the sheriff in the county of York?

A. Yes.

Q. And have been how long?

A. Since January 1, 1909.

Q. Were you ever a special liquor deputy?

A. Yes.

Q. When did you cease to be such?

A. I haven't got it directly, but indirectly since the first of January of the present year.

Q. Did you ever have any trouble in getting your fees promptly?

A. I never got them promptly.

Q. How far back have they been from time to time?

A. Oh, they have been as far back as five months.

Q. Were you at the September term of court last year when the subject of the White indictment was mentioned by Mr. Stone and the county attorney?

A. I was.

Q. You may repeat to the convention what was said concerning that by any of the persons who were present.

A. The county attorney came out of the jury room and he said, "Boys, I guess we are all through with our cases," and then Mr. Stone says, "Well, what about the White case?" And the county attorney said, "What do you intend to do with that case?" Mr. Stone said, "We want an indictment." He says, "Well, if that is the case I shall have witnesses summoned in the Tom Cleaves case." Mr. Stone says, "I don't give a damn about that." He says, "I want this White case attended to," and then the county attorney told me to hire an auto and take this subpoena and go to Old Orchard and summons the witnesses. I had come from Biddeford to Alfred that morning with Mr. Stone and Mr. Doyle in the same auto and they were all through and were going back to Biddeford, and I says, "I will go back with Mr. Stone and Mr. Doyle and from Biddeford I shall go to Old Orchard and summons the witnesses," and I got into the auto with the other gentlemen and then the sheriff came to me and he says, "The county attorney has ordered you not to go with Mr. Stone and Mr. Doyle; come with me." So I got off and went with Mr. Emery to Old Orchard in his machine.

Q. Do you know whether Mr.

Cleaves was indicted?

A. He was.

Q. You saw him appear in court afterwards?

A. I did.

Q. Do you remember a seizure made in Biddeford at the drug store of Wallace Percival when certain alleged alcohol was seized?

A. I was not present at the seizure, but I knew of the case.

Q. And were you in the Biddeford Municipal Court when the matter was brought up at any time?

A. Yes.

Q. Do you know whether Mr. Percival was present or not?

A. He was.

Q. And the county attorney also?

A. Yes.

Q. Did you hear any statement at that time as to whether or not the alleged liquors seized was alcohol or was not alcohol?

A. Yes.

Q. What did you hear the counsel for the respondent say in that case about it?

A. I can't say exactly what was said but I know they decided to have the liquors analyzed.

Q. Whether or not later on you learned from the county attorney that that analysis had been made and that the liquors were pronounced alcohol?

A. Yes.

Q. As deputy sheriff there in Biddeford did you have charge of what was called the liquor room or the rum room?

A. Yes.

Q. Wherein all the liquors seized in that community were stored?

A. Yes.

Q. Whether or not you had in your custody at one time the alcohol seized at the Percival seizure?

A. Yes.

Q. There was a big fire there in the city last summer sometime, was there?

A. In July.

Q. And the dwelling in which you lived was burned?

A. Yes.

Q. And also the storeroom for liquors?

A. Everything burned.

Q. And all the liquors contained in it were burned?

A. Yes.

Q. After that time did you have any talk with the county attorney about the disposition to be made of the Percival case?

A. Mr. Whicher, one of the deputy sheriffs talked the matter over with the county attorney in my presence.

Q. Did the county attorney tell you what he proposed to do with it?

A. He asked me what had become of the liquors and I told him that everything had burned up. Then he said it would be pretty hard work to prove a case.

Q. That was in the presence of yourself and Mr. Whicher?

A. Yes.

Q. Did Mr. Whicher help in that seizure, do you know?

A. Yes.

Q. Were you connected with the Joe Hurd case?

A. I was.

Q. Joe Hurd is a man who has been convicted of the sale of liquor to your knowledge.

A. Yes, sir.

Q. And whether or not to your knowledge he has served time in jail for it in the past?

A. He has.

Q. Did you have any talk with the county attorney at any time about the disposition to be made of that case?

A. No. We searched his house on a Sunday, I don't recall the date, sometime during the summer, and we found liquors there in the cellar and Mr. Hurd was not at home. On Monday morning he came before the court and his attorney wanted us to accept the payment of costs and nol pros the case. I told him I wouldn't consent to that.

Q. Who was the attorney?

A. Mr. Hurd, Carlos C. Hurd. I told him that the county attorney came here every Thursday to prosecute these liquor cases and I told him he had better let the matter hang until Thursday. At that time Joe Hurd was in court in the forenoon. We got through with the other cases in the forenoon. In the afternoon Joe Hurd was not there. Mr. Watkins asked

me if I had seen Joe Hurd and I told him I saw him in the forenoon but I had not seen him that afternoon. I says, "Why don't you call up his attorney and find out." Mr. Watkins went to the telephone and called up Carlos Hurd and he replied that the case had been fixed with the county attorney.

Q. You as one of the officers who made the seizure had been in attendance all day there at court?

A. Yes.

Q. And later learned that the case had been disposed of by the county attorney without consultation with the officers?

A. Without consultation whatever.

Q. Do you remember what disposition was made of that case?

A. No, I don't.

Q. You saw Hurd around town afterwards, did you.

A. Yes. I believe we got a nuisance indictment against him at the September term.

Q. You know the man never went to jail?

A. Oh, he never went to jail.

Q. Were you connected with the Gannon illegal transportation case?

A. I was not.

Q. Were you in the Cosgrove seizure?

A. I don't know what case you mean.

Q. The Cosgrove drug store.

A. We searched there and seized there. There were several seizures made over there. I don't know which one you mean.

Q. I refer to the last one made there upon which an indictment was founded and dismissed at the January term 1911.

A. No, I didn't have anything to do with that.

Cross Examined.

By Mr. PATTANGALL.

Q. How many special liquor deputies were there at Biddeford?

A. The first two years there were three.

Q. The last year and a third?

A. The last year I was the only one

in Biddeford and Mr. Watkins was located in Saco.

Q. And did you all attend to the special liquor deputy work at Old Orchard also?

A. No.

Q. Whatever work there was done in the line of special liquor deputy work in that section of the county was done by you and Mr. Watkins?

A. Mr. Whicher is also a liquor deputy from Kennebunk.

Q. During last summer, what they called the Beach season, did you and Mr. Watkins make a considerable number of searches and seizures in Biddeford?

A. We did, yes.

Q. Can you approximate the number?

A. No, I couldn't.

Q. Would it run into scores?

A. Oh, yes.

Q. More than fifty?

A. Well, we searched more than fifty times, but I don't know about finding any liquors.

Q. During that same period of time how many searches did you make in Old Orchard?

A. I think I was down there half a dozen times probably.

Q. How many times did you search White's place?

A. I searched White's place once.

Q. How many times did you search Cleaves' place?

A. I never searched Cleaves' place.

Q. Did Mr. Watkins to your knowledge?

A. Not to my knowledge.

Q. During the summer of 1911, Biddeford was not what we call wide open?

A. No sir.

Q. It was common knowledge all over that part of York county that Old Orchard was wide open, wasn't it?

A. I received complaints about places there and we searched the places and we found Alawanta beer.

Q. There wasn't much doubt was there, but what Cleaves and White were running absolutely open that summer?

A. I searched the place once and didn't find anything and it was searched afterwards by some of the other officers and nothing was found.

Q. How often did you visit Old Orchard that summer?

A. I couldn't tell you. Perhaps two or three times a week I would go down to the beach.

Q. Did you go to Old Orchard two or three times a week during the summer of 1911 and not know that liquor was being freely and openly sold there, so openly that it was sold on the tables of the restaurants without any attempt to disguise or conceal?

A. No sir, there was no way I could find out.

Q. During that summer were you in Cleaves' place at all?

A. No sir.

Q. As a man who has lived in York county and is familiar with the business men there and know something in a general way about the business in which different men are engaged, you knew that Tom Cleaves was commonly understood to be interested in both wholesale and retail liquor business, didn't you?

A. No sir.

Q. You never heard that? You never heard that he was retailing?

A. I have heard that he was retailing but I never heard anything about wholesaling.

Q. He ran a prominent place in Old Orchard, didn't he?

A. Yes.

Q. You went there two or three times a week and never went in his place at all?

A. That is right.

Q. Was there any reason why you didn't go in there?

A. No sir.

Q. You just didn't?

A. When I would have complaints I would talk it over with Mr. Watkins and Mr. Watkins swore out nearly all the warrants and I would go with him.

Q. You didn't initiate proceedings yourself?

A. No, not much.

Q. You did some in Biddeford?

A. Some but not much.

Q. But not at all in Old Orchard?

A. No, I don't think I took out a warrant in Old Orchard.

Q. Do you know any reason why Mr. Stone who was not a per diem officer and was not specially engaged in the liquor deputy work and was located in Biddeford doing civil work should have gone down to Old Orchard and have

made a seizure in the White place instead of having one of the liquor deputies do it.

A. No sir, I don't know any reason.

Q. Wasn't this the conditions: Wasn't it a fact that enforcement was being pretty well insisted on in Biddeford under the direction of somebody and Old Orchard was being allowed to run wide open under the direction of somebody, and that Mr. Stone took the position that what was good for Biddeford might be good for Old Orchard and so went out of his territory and broke into the Old Orchard camp? Isn't that the fact?

A. We had orders from the sheriff to enforce the law everywhere in the county.

Q. That is, to go ahead and enforce wherever you saw the necessity for doing so?

A. Yes.

Q. And notwithstanding those orders an officer who was not under those specific orders was the only man to get a seizure against the White place?

A. Yes.

Q. And none of you people,—you didn't get any seizure against the Cleaves' place?

A. No, sir.

Q. Was there anything in your orders that made this party down to Old Orchard immune?

A. No, sir.

Q. And there was no reason for your not getting the same results and exercising the same energy there that you did in Biddeford except that it didn't occur to you to do it?

A. I would go there with Mr. Watkins, as I say. Mr. Watkins swore out nearly all the warrants and I would go there with him.

Q. You swore out some?

A. Very few.

Q. When you had orders from the sheriff generally to enforce the law what did you think that meant? Didn't it mean to swear out warrants where you heard complaints about liquor selling?

A. Mr. Watkins signed most of the warrants.

Q. You were working under this same order from the sheriff to enforce the prohibitory law?

A. Yes.

Q. He had not changed his orders?

A. No sir,

Q. Did you understand that meant to enforce it in Biddeford and not enforce it in Old Orchard, or what did you understand?

A. I understood it was to be enforced everywhere in the county.

Q. And living four miles from Old Orchard it never had reached your ear that Old Orchard was not running under the Bangor plan but under the Coney Island plan all summer?

A. Well, I heard that they were selling there; I had a few complaints.

Q. The twice that you searched White's place where they had the barrels in the room, as I understand it, you didn't find anything?

A. No, sir.

Q. And the once that the other man searched it who was not a special liquor deputy, he found a large quantity.

A. They did.

FRED J. WHICHER, called and sworn, testified:

By Mr. HALEY:

Q. What is your name?

A. Fred J. Whicher.

Q. Where do you live?

A. At Kennebunk.

Q. What is your present business?

A. Deputy sheriff.

Q. How long have you been a deputy sheriff?

A. Three years.

Q. Under Charles O. Emery?

A. Yes, sir.

Q. Have you been a so-called special liquor deputy since you have been a deputy sheriff?

A. One year.

Q. What year have you been a special liquor deputy?

A. Last year.

Q. During which time did you spend more or less time at Old Orchard?

A. Oh, I was there some.

Q. You were tending to duties elsewhere.

A. Yes.

Q. But not specially assigned there?

A. No, sir.

Q. Do you remember of being at Alfred in September last year and

hearing any conversation between the county attorney and Deputy Sheriff Thomas Stone concerning the White case?

A. Yes, sir, I heard it.

Q. You may tell the Convention what you heard said between those men?

A. The county attorney came out from the grand jury room and he says, "I think that is the last," and Mr. Stone says, "What about the White case?" And he said, "If you are going to take that up I will have the witnesses summoned in the Cleaves case," and he sent Mr. Bergeron after the witnesses.

Q. Did Mr. Richardson use any profanity when he made that statement?

A. Yes.

Q. And did Mr. Stone use any when he made the statement?

A. He did.

Q. Did the county attorney say anything about how long he would keep the grand jury in session if necessary to indict Cleaves?

A. He said he would keep it two days.

Q. And thereupon he sent for the witnesses in the Cleaves case, did he?

A. He did.

Q. Do you know whether or not there was an indictment in the Cleaves case?

A. There was supposed to be one.

Q. Whether or not there was an indictment in the White case?

A. Supposed to be one.

Q. Do you remember a seizure made at the drug store of Wallace Percival where the officers alleged that they seized alcohol?

A. I do.

Q. Did you aid in that?

A. I did.

Q. And who else?

A. Ed H. Emery.

Q. Ed H. Emery who testified yesterday in this matter?

A. Yes.

Q. Do you know the disposition finally made of it?

A. It has never been settled.

Q. Not disposed of in any way?

A. Not to my knowledge.

Q. Were you present when the county attorney inquired of Mr. Bergeron what had become of the alcohol seized in that case?

A. I was.

Q. And he was told that it was burned up?

A. Yes.

Q. And what was his remark then?

A. He thought it wouldn't be a very strong case.

Q. Did he say why?

A. The evidence was burned up.

Q. Do you remember the Gannon case?

A. I was not in it.

Q. Do you remember who was?

A. Watkins I think, and I don't remember who else.

Cross Examined.

By Mr. PATTANGALL:

Q. Where was your field of operations as a special liquor deputy?

A. I went anywhere in the county with the rest of the officers.

Q. Where were you located?

A. In Kennebunk.

Q. And under whose direction did you act?

A. Mr. Watkins had charge of the squad.

Q. There were three of you working last summer?

A. Yes.

Q. And you attended to Mr. Watkins' summons to go wherever he desired you to go?

A. I did.

Q. Did your work take you into Biddeford?

A. Some.

Q. Into Saco?

A. Some.

Q. Into Sanford?

A. Yes, sir.

Q. Old Orchard?

A. Some.

Q. How often were you sent to Old Orchard for the purpose of ascertaining whether liquor was being sold there or not?

A. I don't remember now; I was there several times during the summer of 1911.

Q. Did you ascertain on any of those trips whether liquor was being sold in Old Orchard or not?

A. I think there was some.

Q. Did you make any seizures there?

A. I wasn't in any there; there was some made but I wasn't in any of them.

Q. There were some made by others?

A. Yes.

Q. Did you make any in Biddeford?

A. Yes.

Q. In Saco?

A. I don't remember.

Q. What were you sent to Old Orchard for if not to make seizures? You say you were sent there several times, what were you sent there for?

A. To look after the liquor business.

Q. Did you look after it?

A. I think so; I tried it.

Q. What did you do in the way of looking after it?

A. We were looking for open places.

Q. Couldn't you find them?

A. I never found them.

Q. In Old Orchard last summer?

A. No, sir.

Q. Did you go into White's place?

A. I didn't.

Q. Did you go into Cleaves place?

A. I did, took dinner there.

Q. Didn't see any signs of any liquor selling there?

A. I did not.

Q. You didn't go into White's place at all?

A. No, sir.

Q. Did you know what White's reputation was in the line of business that he conducted?

A. I know that he run a restaurant.

Q. Didn't know that it was commonly reported all over York County that White was in the liquor business?

A. I don't know.

Q. Never heard of it?

A. Perhaps I have.

Q. As a matter of fact didn't you hear it?

A. I have heard it, yes.

Q. Then when you went down there looking to see if you could find out whether anybody was selling liquor or not didn't it ever occur to you to go and look in White's place?

A. I never went in there.

Q. Why didn't you?

A. I don't know.

Q. Did you ever have any orders not to?

A. I did not.

Q. Your general orders were to go everywhere in Old Orchard to look and see if liquor was sold?

A. Yes.

Q. Were you there pretty frequently?

A. Not very.

Q. How often during the summer?

A. Oh, perhaps once a week.

Q. Did you ever meet Sheriff Emery there?

A. Yes, sir.

Q. I think he has stated he was there two or three times a week. Do you think you met him there several times?

A. I have met him there several times.

Q. Talk over the general situation with him?

A. Oh, yes.

Q. You were getting a per diem from the county commissioners, weren't you?

A. Yes.

Q. And each day that you spent in Old Orchard looking for liquor selling you received from the county of York the sum of \$2.48 and expenses, didn't you?

A. \$2.00 and expenses.

Q. And during the various days that the county of York paid you \$2.00 and expenses for looking for liquor selling in Old Orchard you never found any, did you?

A. I was in some seizures there, some searches, but I don't remember that I was when there was anything seized.

Q. Nothing found?

A. I don't think so. I don't remember anything now.

Q. How long have you been an officer?

A. Three years.

Q. How much are you acquainted in Old Orchard? Have you been there more or less for many years?

A. Oh, no.

Q. Only since you have been an officer?

A. Yes.

Q. Do you ever read the newspapers that are published in York county.

A. Occasionally.

Q. Did you occasionally last summer?

A. Yes.

Q. I suppose you are a Democrat?

A. Yes.

Q. You must have read the Biddeford Record?

A. Yes, sir.

Q. And do you ever recall reading in the Biddeford Record descriptions of the wide wide open condition in which Old Orchard was and the suggestion that there was a rum deal on there that included White's place and Cleave's place?

A. I have read that, yes, sir.

Q. And after reading that and being employed by the day by the county of York to find out whether liquor was being sold or not and acting under the instructions of the Sheriff who was anxious to enforce the law, didn't it occur to you then to go and look in White's place and see if there was any liquor there,—didn't that occur to you?

A. Why, it occurred to me to look anywhere.

Q. If it did occur to you, you never went in that particular place and looked, did you?

A. I did not.

Q. Now there must have been a reason for that and won't you tell this convention what that reason was?

A. No reason as far as I know.

Q. None at all?

A. No, sir.

Q. You were in the court room at Alfred when the county attorney brought his fist down on the table and substantially said "If you indict White I will indict Cleaves," and swore when he said it.

A. Yes, sir, I was.

Q. What understanding did you get of that conversation.

A. I didn't understand it myself. I supposed that he wanted to indict him.

Q. Had you ever before in your experience as an officer run into the proposition where the county attorney said to the sheriff or his deputies, if you take one rumseller into custody, I will take another, and said it in a threatening way,—did you ever run into that before?

A. No, sir.

Q. Didn't it give you the impression

that somebody was protecting one fellow and somebody else protecting the other fellow and that the wires had got crossed a little bit?

A. I don't know.

Q. That inappropriate language came around, didn't it, because while the liquor deputies were earnestly searching for liquor somewhere else Mr. Stone, who was not a liquor deputy at all, went down to Old Orchard and it did occur to him to go into White's place and he found liquor,—wasn't that what brought that thing about?

A. He went there and made a seizure.

Q. And found the liquor?

A. Yes.

Q. Where they had the wall and the rooms boarded off with boxed beer, as Brother Haley has described, a rather peculiar situation down there in York!

BENJAMIN F. CLEAVES, called and sworn, testified:

By Mr. HALEY:

Q. Please state your name?

A. Benjamin F. Cleaves.

Q. Of Biddeford?

A. Yes, sir.

Q. And you are Judge of the Municipal court of that city?

A. I am.

Q. How long have you been Judge?

A. Very nearly 14 years.

Q. And you have with you what records of your court?

A. I have volume 8 of criminal records beginning back in 1910, in July, and extending to the present time.

Q. Now are you able to tell us from that the number of cases which have been instituted in your court since January 1911, touching the prohibitory law.

A. I may not give it to you with exactness but I can approximate it I think. I have a card which I placed in here. I should say from recollection that there are about 600 or 700 criminal matters a year, and the average of prosecutions under the liquor law would be about a quarter part of that total, and I think that that average holds good during the period that you have inquired about. In the matter of liquor prosecutions it has

been my experience that it will not be a prosecution each day or perhaps each week, but there will be a time when for several days running there will be half a dozen or more liquor warrants each day; and then there will be several days where there will be no warrants taken out of the Biddeford court.

Q. Now, Judge Cleaves, having gone as far as that, perhaps that answers my purpose to a great extent; and I will ask you now if you will tell us how many records you have there of the commitments to jail, either because of a jail sentence or an alternative sentence during that period of time in liquor cases.

A. I have gone over this matter at your request somewhat and with Brother Lozier, and my impression is that we found four commitments to jail as the result of liquor prosecutions instituted in the Municipal Court by the sheriff or his deputies; and it has not been my custom, however, during the years I have been there to impose jail sentences except in the alternative, a fine and in default of payment of the fine a statutory period in jail.

Q. Then you think those four commitments were all commitments to jail because the respondents saw fit to do that rather than to pay a fine?

A. That is so in each instance. Of course there were not many, but there were a number of liquor matters that went up on appeal and I have no way of knowing definitely what took place in the upper court.

Cross Examined.

By Mr. PATTANGALL:

Q. Do I understand you to say that in no instance during that period of time you imposed a jail sentence in connection with violations of the prohibitory law except as an alternative.

A. That is correct.

The PRESIDENT: Does the attorney wish to have the records placed in the care of the Secretary of the Convention?

Mr. PATTANGALL: I think the general statement of Judge Cleaves is sufficient; I know it is approximately correct.

FRED S. DOYLE, called and sworn testified:

By Mr. HALEY:

Q. What is your full name?

A. Fred S. Doyle.

Q. You live in the city of Biddeford?

A. I do, yes, sir.

Q. Are you a deputy sheriff under Charles O. Emery?

A. I am.

Q. And have been for how long?

A. Fifteen months.

Q. Have you been a special liquor deputy?

A. No, sir.

Q. Are you also Captain of Police in the city of Biddeford?

A. I am, yes, sir.

Q. And have been for about a year?

A. Since the 5th day of last September.

Q. Were you present at the September term of court at Alfred in York county last year when the county attorney and Mr. Thomas Stone had some conversation about the White case at Old Orchard?

A. I was.

Q. You may state what was said and done there in your presence?

A. Well, the county attorney came out of the grand jury room and came in where we were, five of us deputy sheriffs, and he says, "I guess that is all, boys, isn't it?" and Mr. Stone says, "No." He says, "What about the White case?" He says, "You going to put that in?" and Mr. Stone said yes. Well, he swore and he says, "You can't make fish of one and meat of another; you put that case in and we will put in Cleaves' case down to Old Orchard." And Mr. Stone says, "I don't care a damn what you put in; we didn't have anything to do with Cleaves' case." He said the police force raided Mr. Cleaves and then he said that somebody had got to go to Old Orchard and summon those fellows right up here.

Q. Do you remember whether he said anything about keeping the grand jury in session any longer?

A. Yes.

Q. Because of the Cleaves case?

A. He said, "we will keep the grand jury in session two days longer but what we will have Mr. Cleaves up here."

Cross Examined.

By Mr. PATTANGALL:

Q. Nobody objected to his getting Cleaves there, did they?

A. I didn't, no, sir.

Q. I mean nobody that he was talking to?

A. No, sir.

Q. So that the threatening to get Cleaves there and to keep the grand jury there two days longer and so forth, had no effect on the people who were there, and was of no interest to them as far as you know.

A. No, sir.

Q. But from the conversation that you heard did you gather that it was his intention to dismiss the grand jury without even hearing the evidence in the White case?

A. Yes.

Q. Did he give any explanation of why he would do that?

A. No, sir.

Q. You had nothing to do with either seizure, either case yourself?

A. Yes.

Q. Which one?

A. The White case.

Q. Oh, you and Mr. Stone were the ones who made the seizure in the White case.

A. Yes.

Q. And that seizure was made on your own initiative?

A. I had a complaint that day, yes, sir.

Q. I mean without instruction from any other officer.

A. Yes.

Q. Complaint from Old Orchard?

A. Yes, sir.

Q. And in answer to that complaint you went down and searched the White place?

A. We did.

Q. And you had no difficulty in finding a large quantity of liquor?

A. No.

Q. How long have you been an officer?

A. Fifteen months.

Q. Have you presented several crim-

inal cases during that time to the grand jury, or assisted in presenting them?

A. I have assisted, yes, sir.

Q. Been concerned in them?

A. Yes.

Q. Do you know of any other instance where in presenting a criminal the county attorney threatened that "If you insisted on presenting that criminal he would present another one.

A. I never heard of one, no, sir.

Q. The experience was new to you?

A. Yes.

LUCIUS B. SWETT, called and sworn, testified:

By. Mr. HALEY:

Q. Please state your full name?

A. Lucius B. Swett.

Q. What is your business at the present time?

A. At the present time I am clerk of courts in York county.

Q. You are an attorney at law also?

A. Yes.

Q. Have you with you here any of the records of your court?

A. I have the criminal docket from 1911 until 1912 inclusive.

Q. Have you examined that docket to see what dispositions have been made of the various liquor cases instituted at the various terms of court beginning in January 1911?

A. I have.

Perhaps you have it in such form that you can state to the convention?

A. Yes.

Q. Without examining your book.

A. I have taken down the record of the disposition of the cases term by term so that it would save time at this hearing, and shall I read them?

Q. Yes.

A. I have them term by term beginning with the January term, 1911. At the January term, 1911 of liquor cases before the court I have 38; of those there were 20 old cases, that is, cases that were continued to the January term, 1911, and 18 new cases were appealed cases from the lower court, and these cases were disposed of as follows: One dismissed, four plead guilty and paid fines, one placed on probation, six filed, one plead guilty and received jail sentence and five nol-prossed.

Q. Now you may take the May term for that year.

Mr. PATTANGALL: Were they all continued?

A. Yes, but I didn't follow those continued through. I can tell you the number continued. These that I have here are simply the 18 new cases. These old cases were disposed of; there were six nol-prossed, making in all 11 that were nol-prossed for that term. Now for the May term 1911, the number of cases before the court was 27. Of that number ten were filed, fourteen nol-prossed, three jail sentences; and if you care for how these three were disposed of?

Q. Yes.

A. There were two tried and found guilty and sentenced; one plead guilty and was sentenced.

Mr. HALEY: Now you may take the September term for that same year.

A. At the September term the number of cases before the court was 16. They were disposed of as follows: Seven filed, three nol-prossed, four plead guilty and paid fines, one plead guilty and was sentenced and one tried and found not guilty and was discharged.

Q. Now take the January term 1912.

A. At the January 1912 term cases before the court numbered 29. Of that number eight were filed, nine nol-prossed, three plead guilty and paid fines, four placed on probation, one found not guilty and discharged. There were twelve filed instead of eight as I stated before.

Q. Now to review that, Mr. Swett, see if I have it correctly; that out of four terms of court, the record of which you have been over, there were five jail sentences?

A. Six I believe. There were two at the January term plead guilty and received jail sentences, and at the September term there was one jail sentence, plead guilty; and at the May term there were three.

Q. Will you please tell me again what the plea was, or whether there was a trial in the two cases where jail sentences were given at the January term 1911?

A. They each plead "guilty."

The PRESIDENT: Brother Haley, will you have the witness explain to the

convention what is meant by the term "filing," when referred to the cases?

A. As I understand "filing" the cases they are taken from the docket, or they are placed on file and not called up unless on request of the court, but it may be called up again.

Q. In other words, as a matter of custom, when a case is filed it is taken from the live docket and carried to a dead one?

A. Yes, sir.

Q. And it is rarely ever that it is revived? Is that the fact of the matter?

A. That is the way I understand it, although I have not been in the office long enough to know from actual experience in the office.

Q. And have you worked long enough to know it, or hasn't your work been along that particular line?

A. It has not been along that line very much, but I know that from general practice.

(Cross-examination waived.)

SAMUEL B. EMERY, being sworn, testified:

By Mr. HALEY.

Q. What is your full name?

A. Samuel B. Emery.

Q. Do you live in Sanford?

A. Yes, sir.

Q. How much of your life have you lived there?

A. All of my life; that is as a residence.

Q. And what business has been yours during your lifetime, since you were in business?

A. The last thirty years, the house furnishing business.

Q. When did you retire from that business?

A. I have not retired; the business is managed by my son.

Q. How long since you had the active management?

A. It is ten years since I have had active management.

Q. How long have you known Charles O. Emery?

A. All his life.

Q. Is he any relation to you?

A. His father was my own cousin.

Q. Do you know what has been Mr. Emery's occupation for several years past?

A. He was in my employ for twenty years.

Q. For twenty years while you had the management of the store?

A. Yes, sir, while I had the management.

Q. And he has lived in the same small village practically all his life?

A. Nearly all, I should say.

Q. And you of course are acquainted with a great many people in the town who know Mr. Emery?

A. I am.

Q. And with people who reside outside of that town and know Mr. Emery?

A. Some, of course.

Q. Do you know Mr. Emery's reputation for moral worth and integrity and honesty?

A. I think there is no chance of questioning it.

Q. Do you know his reputation?

A. I think I do.

Q. What is that reputation?

A. Above reproach in every way and manner.

Mr. PATTANGALL: No questions.

WALTER K. EMERY, being sworn, testified:

By Mr. HALEY.

Mr. PATTANGALL: I will say, Mr. President, for the benefit of counsel in regard to putting on witnesses, of whom I see there is a large number, in regard to the reputation of Sheriff Emery, that the State will raise no question but that up to the time of these occurrences the sheriff bore an enviable reputation. There will be no cross-examination on that question, and the council can make his questions as leading as he desires, and there will be no objection on our part. I cheerfully admit all that. Naturally the other side will not be willing to not put in the evidence.

Q. (By Mr. HALEY.) What is your full name?

A. Walter K. Emery.

Q. Do you live in the town of Sanford?

A. I do.

Q. And you are the son of the last witness?

A. Yes, sir.

Q. And since his retirement from the

management of the business have you had the management of it.

A. I have.

Q. How long since the time when Charles O. Emery worked for you?

A. Up to the time he took his office in 1909, I think.

Q. How long have you been in the store so that you knew Mr. Emery in his work?

A. I should say seventeen or eighteen years.

Q. As his employer you of course have had many reasons for talking with him?

A. Yes, sir.

Q. Can you tell the convention his manner of speech?

A. Why, he naturally speaks very low and not very distinctly.

Q. And whether or not he can get a loud voice?

A. Well, I don't know. I never heard him use one.

Q. Did you ever urge him to speak louder?

A. Yes, sir, I have.

Q. Did you ever succeed very well in getting him to?

A. Well, when I urged him to he generally did speak louder.

Q. You told me about the arrangement in your office?

A. Yes, sir.

Q. About the cash window?

A. Yes, sir.

Q. Tell the convention about it as you told me?

A. At our cashier's window there is an opening for people to talk through and transact business with the book-keeper. And many times I have had Mr. Emery talk with me through that opening and I have had to call him in to the office because I could not understand him.

Q. And that is when you were facing him and could see his lips move?

A. Yes, sir.

Q. Do you know Mr. Emery's reputation for moral worth, honesty and integrity in Sanford?

A. Yes, sir.

Q. You may tell the convention what that reputation is?

A. It is the best.

GEORGE P. CHASE, being sworn, testified:

By Mr. HALEY:

Q. What is your full name and residence?

A. George P. Chase, Sanford.

Q. How long have you lived there?

A. Ten years.

Q. You know Charles O. Emery?

A. Yes, sir.

Q. How long have you known him?

A. I have known him ever since I went there. I bought my place of him.

Q. Do you know his reputation for moral worth, integrity and honesty?

A. I should say it was good. I never heard anything to the contrary until this hearing.

Q. Answer the question. Do you know his reputation?

A. Yes, sir.

Q. What is his reputation?

A. Good.

WILLIS F. FLYNT, being sworn, testified:

By Mr. HALEY:

Q. What is your full name and residence?

A. Willis T. Flynt, Sanford.

Q. How long have you lived there?

A. Twelve years.

Q. What is your business?

A. Harness manufacturer.

Q. In that village?

A. Yes, sir; also in Kennebunk.

Q. You run two places?

A. Yes, sir, two places.

Q. Are you acquainted with Charles O. Emery?

A. I am.

Q. And you know people about Sanford who know him?

A. Yes, sir.

Q. And do you know people of Kennebunk who know him?

A. Yes, sir, several.

Q. Do you know Mr. Emery's reputation for moral worth, integrity and honesty?

A. I should say one of the best.

Q. Do you know his reputation?

A. I do.

Q. And what is that reputation?

A. I consider it excellent.

JAMES H. COBB, being sworn, testified:

By Mr. HALEY:

Q. State your full name and residence?

A. James H. Cobb, Sanford.

Q. How long have you lived there?

A. Ten years.

Q. What is your business?

A. I am a mason and contractor.

Q. Do you know Charles O. Emery?

A. I do.

Q. And by the way, Mr. Cobb, do you know Ed H. Emery?

A. I do.

Q. Do you recall one day within a few weeks, when you had some conversation with Ed. H. Emery concerning Charles O. Emery?

A. I do.

Q. Where did you meet him and have that conversation?

A. In the corridor of the town building.

Q. There at Sanford?

A. Yes, sir.

Q. How did you happen to meet him there?

A. Well, it was the morning of the Earle trial, and I walked into the trial.

Q. You have said that you had some conversation with him concerning Charles O. Emery?

A. Yes, sir.

Q. Will you tell the convention what he said concerning Mr. Emery?

A. Well, shall I tell what brought it about?

Q. I think you better?

A. The gentleman that was walking with me, Fred Andrews, he is the super in the Water Company, told Mr. Emery, he said that he understood he never wanted to see Charles O. Emery again, and he says "I want to see him twice; I want to see him go to jail a while, and then I want to see him go down to the cemetery."

Q. Now, Mr. Cobb, do you know Mr. Charles O. Emery's reputation for moral worth, integrity and honesty?

A. I do.

Q. What is that reputation?

A. Good.

MYRON E. BENNETT, being sworn testified:

By Mr. HALEY:

Q. What is your full name and residence?

A. Myron E. Bennett; Sanford.

Q. And you have lived there how long?

A. All my life.

Q. How long have you known Charles O. Emery?

A. Ever since I can remember.

Q. What is your business?

A. Publisher and printer.

Q. Did you formerly hold any official position in the town?

A. I was superintendent of schools for seven years.

Q. Do you know the reputation of Charles O. Emery for moral, worth, integrity and honesty?

A. I do.

Q. What is that reputation?

A. It is most excellent.

Q. Do you think his reputation in Sanford in that respect has changed any in the last week or ten days.

(Objected to; withdrawn.)

WILLIAM F. GOWEN, called and sworn, testified.

By Mr. HALEY:

Q. What is your full name?

A. W. F. Gowen.

Q. You live in Sanford?

A. I do.

Q. How long have you lived there?

A. I have lived there all my life.

Q. And do you know Charles O. Emery of that town?

A. I do.

Q. Do you know his reputation for moral worth?

A. I do.

Q. Integrity and honesty?

A. I do.

Q. What is that reputation?

A. I consider it of the best.

CHARLES F. BROGGI, called and sworn, testified:

By Mr. HALEY:

Q. What is your full name?

A. Charles F. Broggi.

Q. And you live where?

A. Sanford.

Q. How long have you lived in Sanford?

A. All my life.

Q. What is your business?

A. Wholesale fruits and confectionery.

Q. How long have you been in that business?

A. 25 years.

- Q. Do you know Charles O. Emery?
 A. I do.
 Q. Do you know his reputation for moral worth, integrity and honesty?
 A. I do.
 Q. What is that reputation?
 A. The very best.

WILLIAM H. ROBERTS, called and sworn, testified.

By Mr. HALEY:

- Q. What is your full name?
 A. William H. Roberts.
 Q. Where do you reside?
 A. Sanford.
 Q. How long have you lived there?
 A. Well, for the last five years.
 Q. How long have you known Charles O. Emery of that town?
 A. Between 45 and 50 years.
 Q. Do you know his reputation for moral worth, integrity and honesty?
 A. I do.
 Q. Now, what is that reputation?
 A. The very best.

JOHN T. WARD, called and sworn, testified:

By Mr. HALEY:

- Q. What is your full name?
 A. John T. Ward.
 Q. Where do you reside?
 A. Kennebunk.
 Q. What is your business?
 A. Contractor.
 Q. How long have you known Charles O. Emery?
 A. Well, six or seven years.
 Q. Do you know his reputation for moral worth, integrity and honesty?
 A. Yes, sir.
 Q. What is that reputation?
 A. It is good.

LOREN S. EDGEComb, called and sworn, testified:

By Mr. HALEY:

- Q. What is your full name?
 A. Loren S. Edgecomb.
 Q. Where do you reside?
 A. Kennebunk.
 Q. What is your business?
 A. My business has been groceries and meats and so on.
 Q. For how many years?
 A. Ever since I have been in Kennebunk and that is about 14 years.
 Q. Do you know Charles O. Emery of Sanford?
 A. Yes, sir.

- Q. Do you know his reputation for moral worth, integrity and honesty?

A. I have known him for three and a half years, and so far as I know it has been first-class.

- Q. Do you know his reputation?

Mr. PATTANGALL: That is, what people say about him.

A. I know everybody I have ever talked with says it is first-class.

WILLIAM J. MAYBERRY, called and sworn, testified:

By Mr. HALEY:

- Q. What is your full name?
 A. William J. Mayberry.
 Q. Where do you reside?
 A. Saco.
 Q. What is your business?
 A. Physician.
 Q. How long has that been your business?
 A. 25 years.
 Q. Do you know Charles O. Emery of Sanford?
 A. I do.
 Q. And how long have you known him?
 A. Well, since September 14, 1886.
 Q. Do you know his reputation for moral worth, integrity and honesty?
 A. I do.
 Q. And what is that reputation?
 A. Clean as a hound's tooth, so said.

TESTIMONY FOR RESPONDENT CLOSED.

Testimony in Rebuttal.

Mr. PATTANGALL: Mr. President, the rebuttal testimony will be very short, and I desire to say in partial explanation of its brevity that while there are one or two matters upon which I should ordinarily recall Mr. Richardson, since the case began I understand that charges have been preferred against him, and in consultation with his attorney, Judge Cleaves, I find what I naturally expected to find that under the circumstances Judge Cleaves considered it improper for him to continue longer as a witness or be subjected to further cross-examination. I think myself the position taken by counsel is entirely proper, and I have deferred to it, and therefore shall not recall him on the one or two matters

which ordinarily I would call him upon in rebuttal; but I would like to recall Mr. Ed Emery, if he is in the Hall. I make that explanation in justice to Judge Cleaves and Mr. Richardson.

EDWARD H. EMERY, recalled, testified:

By Mr. PATTANGALL

Q. Mr. Emery, you are familiar with Mr. Richardson's offices, are you?

A. I am.

Q. With the three rooms that make up the suite occupied by Mr. Richardson and Mr. Dane?

A. I am.

Q. Now, is there a sofa in that office?

A. There is.

Q. And in what room is the sofa?

A. In Mr. Richardson's office. There is one in the outer office and one in the private office.

Q. Are there desks in the offices?

A. There are.

Q. How many?

A. In the outer office I remember one, and I think there is a table or two for typewriters.

Q. And in the inner office?

A. In the inner office there is one, in Mr. Richardson's private office and one in Mr. Dane's private office; and then there are tables in Mr. Dane's private office besides.

Q. When Mr. Richardson went out of the private office on March 8th for the purpose as he then said of getting a key, were you where you could see into the private office?

A. I was.

Q. Where at that time was Sheriff Emery sitting or standing, where was he placed?

A. He was sitting in a chair so near to me that I could put my hand on his head.

Q. If you had reached through the aperture?

A. If I had reached through the aperture through which I was looking.

Q. And where was that chair located with reference to the wall through which you were looking?

A. It was setting back to the wall.

Q. How near the wall?

A. Well, certainly, the back of it must have been within that distance. (Witness illustrates with his hands.)

Q. And how far was Sheriff Emery

from Mr. Richardson's roll top desk at that time?

A. He sat so near the roll top desk that the desk being on that side of the office and Mr. Richardson sitting in front of it, by leaning forward he could reach Mr. Richardson and did when he passed him the money.

Q. How far was it from the chair where he sat to the roll top desk itself, how many feet? I don't know the width of the office, you know.

A. Perhaps four feet?

Q. When Mr. Richardson came into the room the second time after he had been out on the suggestion of getting a key what did he do first?

A. My recollection of it is that he came directly to his chair and sat down again in front of his desk.

Q. Did he take anything out of his pocket?

A. He did not.

Q. Had you previous to that seen Mr. Emery pass anything to him?

A. He passed him something in his hand, but I couldn't see what it was. That is, he passed his hand to Mr. Richardson; Mr. Richardson passed his hand under his, but I didn't see what he got, and passed it back to him before he went out to lock the door.

Q. After Mr. Richardson had returned and sat down at his desk and Mr. Emery was sitting in the chair near the wall some three or four feet from the desk did you see Mr. Emery pass him anything?

A. He did.

Q. Could you see what it was?

A. I couldn't see what it was when Mr. Emery held it in his hand, but when he left it in Mr. Richardson's hand it was a roll of money.

Q. Could you see it lying in Mr. Richardson's hand?

A. I could see it in Mr. Richardson's hand; saw him take the elastic from it and spread it on the shelf.

Q. Was there any time during the proceedings when Mr. Emery stood by the side of the roll top desk?

A. By the side do you mean in front of it or at the end of it?

Q. I mean the slide. The slide was pulled out?

A. Yes.

Q. And as I remember it the roll of

bills according to your evidence was laid upon the slide at some time?

A. It was.

Q. Was there any time when Mr. Emery stood by the side of that slide?

A. No sir, I don't remember that he stood there a moment. He stood around here, and I looking through the wall here and Mr. Richardson sat with his chair there, and Mr. Emery stood in here, having left his chair there and gone to the window for some purpose; came back and stood there while Mr. Richardson counted the money, and then they left the room together after Mr. Richardson had put it into the drawer.

Q. During the conversation on the 27th at Mr. Richardson's house was there anything said by Mr. Richardson to Mr. Emery about rumors in the county concerning official corruption?

Judge STEARNS: When was that?

Mr. PATTANGALL: On the 28th,—I said on the 27th.

Q. On the 28th at Mr. Richardson's house during the conversation between the sheriff and the county attorney was there anything said by the county attorney to the sheriff concerning rumors of official corruption of any kind in the county?

A. I didn't hear it, nor anything that sounded as though they had been talking of that particular thing.

Q. Was there any time during that conversation when you took your ear away from the pipe?

A. No sir.

Q. Did you change from one side to the other?

A. No sir.

Q. Was there any time during the conversation when the sound of the voices became confused and uncertain because of any other noises that occurred?

A. When the electric cars went by or some disturbance of that kind we couldn't hear, and when there was moving of feet as there was occasionally as though some one struck their hand on the arm of the chair it interfered with some particular word, but not with the general drift of the conversation.

Q. You related the substance of the conversation yesterday, and since that time you have heard the evidence of the sheriff in regard to it. Is there any correction that you desire to make in your former testimony?

A. Not a word that I think of.

TESTIMONY CLOSED.

On motion by Mr. Strickland of Bangor, the convention voted to take a recess until 9 o'clock, tomorrow morning.

The Senate thereupon retired to the Senate chamber.

In the House.

The House was called to order by the Speaker.

On motion by Mr. Strickland of Bangor,

ORDERED, The Senate concurring, that when the Senate and House adjourn they adjourn to meet, on Friday, April 5, 1912, at 9 o'clock in the forenoon.

On motion by Mr. Thompson of Palmyra,

Adjourned.