Legislative Record

Seventy-Fifth Legislature

SPECIAL SESSION

STATE OF MAINE

1912

HOUSE.

Friday, April 5, 1912.

House called to order by the Speaker.

Prayer by Rev. Dr. Quimby of Gardiner.

Journal of previous session read and approved.

The Senate came in and a convention was formed.

In Convention.

The President of the Senate in the Chair.

Closing Argument of Judge Stearns.

Mr. President and Gentlemen of this Convention:

That island across the sea that has blessed half the world with free institutions, saw grow up side by side two forms of trial of persons accused of being unworthy to hold office; two forms of state trials; trial by impeachment and trial by address of the Parliament to the Throne. In all the English-speaking world these forms of trial have taken root and lodgment and are the most dignified and majestic that human beings may conduct. Who, that has read the glowing pages of Macaulay, can ever forget the trial by impeachment of Warren Hastings? The forum was fixed in the most famous room in the world, the great hall of William Rufus, whose arches have rung with the acclaim of throngs who have seen the anointing of thirty kings. There is that in the history of these forms of trial that appeals to the reverential spirit of man, to his respect for orderliness, for dignity. So there can be in this State no court organized with such power, and whose verdict will be followed by such grave consequences, as that formed by the members of these two branches of the Legislature, voting afterwards in their separate chambers upon the evidence that has been adduced while you are a common body.

Now, I come for the short period of an hour, to discuss the issues that are so fearful to this quiet old man, who has sat by my side for the last two days. It has been said in this chamber that he is a bad man, a scoundrel, that he has committed crimes most offensive to the consciences of good men and women. Asking if this old man appears like an offender, let me suggest to you that more than half a score of fine appearing men, more than a dozen of his neighbors and acquaintances for a life-time, have come into this chamber and in his presence proclaimed to you in terms not uncertain that his character, moral worth and reputation are unquestioned and above reproach. With this knowledge of the old man's character, as proven from the lips of more than half a score of men, who spoke with the intelligence and the feeling and the truth of friends who knew, with this knowledge to start with you must see how this old man must suffer under these awful imputations. Ah, indeed, with the character that he has borne, with the character he has now, with the soul that he bears, I believe this man has descended in the last few days into that pit of human misery where the heart seems to crackle like burning flesh upon hot coals. What has the man done? He is charged with offering Asa Richardson, county attorney of the county of York, a bribe. He is charged with having bribed Asa Richardson. Mr. President and gentlemen, who is the accuser? It is Asa Richardson. I have had a belief that the human soul is framed in features that disclose and declare its character, good or bad. You, gentlemen, have looked into the face of Asa Richardson. Is my theory supported, my belief of a life-time well founded? What kind of a county attorney has this Asa Richardson made? What has he done as an officer of the law since he filled the office for a year and three months in the county of York? He has told you something himself. You have seen him, you have his appearance, you have heard his story, you have heard him examined and cross-examined. Should it be said that the cross-examination of Asa Richardson was severe by counsel for this old man,

I answer that it was counsel's duty, under the circumstances, if possible to present the soul of Asa Richardson to this Convention. If the cross-examination was such that he cannot hereafter forget it, counsel should not be blamed. As the accuser of this old man, you are entitled to the fullest knowledge of him, as a man, and as an accuser.

What is Asa Richardson as a county attorney, read by the record in his county, and by the testimony in this case? It was his duty to prosecute violators of the prohibitory law. It is the theory and belief of the members of the party to which he belongs, that such violators should be surely tried, condemned and punished; and in the belief of many punished by certain imprisonment in the county jail. After a record of fifteen months, after a term of service of fifteen months, the dockets of his county disclose that in 110 prosecutions, six men have received jail sentences. You heard the record read, you heard of the vast number of indictments that were buried in the musty, silent grave where indictments are filed, a grave whence there is no resurrection in almost all cases. You have heard, as it was read from the record, the number of nolprosses, or the number of cases that were presented and were ready for trial, in order for trial, where by the fiat and the authority of the county attorney the course of justice was stayed, and the indictments or processes dismissed. You have heard, from the testimony and the record, the number of cases in the lower court. They amount to about 600 a year, whereof 25 per cent are liquor cases. The aggregate of a fourth of these 600 cases, and 150 for the balance of his term, are liquor cases. You have heard, when you heard that testimony, that two persons only in that time, and among that great number of accused, received sentences in jail; and you heard the frank admission of the judge that no person who had the ability and desire to pay a fine would be sent to jail. With the corrective of the upper court, where indictments could be found, even the sentencing by the lower court to a fine and never imprisonment, could not to any degree have tied the hands of this county attorney if he had desired to enforce the law in a drastic manner.

You have heard his record, as displayed to you by the case called the White case. You have heard the testimony of witnesses that there was an inn keeper in Old Orchard of the name of White, who for some reason or other had such immunity and protection that although the officers had caught him red-handed and made a seizure of great quantities of intoxicating liquors, this county attorney was fain to finally dismiss the grand jury, then in session, without an indictment under the pretext that he had no other business. When these honest officers who had enforced their duty as they understood it, and made this seizure and brought the case into court and were there present to testify before the grand jury, heard the statement of the county attorney that his business was finished, they arose and rebuked him and insisted that White should be tried, whereupon the county attorney said, "If you indict him I will indict Cleaves," his neighbor. Witnesses were summoned, presumably both of those men were indicted, continuances of the cases came, terms went by, and finally when the judge of the Supreme Court had refused to ratify an arrangement by this county attorney of some sort, whereby Mr. White would not be punished, and had ordered a trial, then showed up a blank indictment, not better than the sheet of paper that I hold in my hand, unsigned by county attorney, unsigned by the foreman of the grand jury. Was that accidental? If it was then it is almighty curious that he should have had the reluctance that he manifested in the beginning to indict this man White. You have had in the record the testimony of the Percival case. You have had the testimony of the different officers, and so it must plainly appear to you that in the month of February, last—preceding the 27th day of that month—this county attorney was discredited. Discredited in ability, gentlemen of the convention; dis-

credited in integrity as his record is read in the light of the evidence and of the dockets that have been shown before you. Now then, discredited, as I say he was, did he conceive the purpose, either in his own heart, or actuated by advisers, of rehabilitating himself, of building up himself by the destruction of this old man, the sheriff? What did he do to destroy the sheriff? I submit to you, and I submit to you that it is a fair statement, after what he did, as shown by the evidence, as absolutely proved, that he should be denied forever among honest men the character of a gentleman such as ought to pertain to an attorney at law. Am I right when I make this bald statement? I believe I am right when I submit to you that he can neither be in the ranks of gentlemen whom honest men respect, nor in the ranks of attorneys at law who are worthy of the confidence and employment of clients. The characteristics which he has displayed in his relations with this old man, are those of the disreputable and the soulless and not those of the high minded and honorable. Those methods I shall speak of more at large hereafter.

I say that this county attorney has sought to destroy this sheriff, nor, as I understand it, does he or would he deny it. And who supports the county attorney in this effort at the sheriff's destruction? The sheriff's nephew! I call him, as descriptive of his character, what I think will appeal to every fair-minded man in this convention, a fanatic. In the pathway of history we have a long line of fanatics who have made their existence felt in the world. Because Brutus was a fanatic he shed the great Caesar's blood, and the greatest intelligence that has ever lived on this earth was blotted out; because John Calvin was a fanatic he saw without pity Servetus consumed alive in the flame, for disagreement with him in religious belief and teaching. Because John Knox was a fanatic, when he was told of the awful tragedy that took place in the Royal Castle, where was committed foul murder—in the very presence of his queen herself, the most beautiful who ever filled a throne, and who was bearing at that moment the most precious burden that a woman could ever bear, the embryo of a future king, he said "Most pious act and worthy of all praise." Because Ed H. Emery, as he is called, is a fanatic, he has allowed the foul fiend of malice to enter and possess his soul so that he will use in reference to his old uncle those dreadful expressions, "I want to see him but twice more, once in the jail then in the cemetery."

Fanaticism must detract from the character of the best men. John Knox and John Calvin have been reckoned among the great lights of the world, and yet fanaticism changed them. Fanaticism will change a modern man so that it will destroy his sense of dignity, of decency and overwhelm forever the great moral law, the spirit of truth. Ed H. Emery was a fanatic; such a fanatic that in the dreadful anger that he carried in his heart against one of his near kindred, he would not stop at anything to destroy him. There was fanaticism in Ed H. Emery. You may have a good man, and allow him to possess such fanaticism, and any object in this world that becomes obnoxious to him he will seek to remove.

Now as the fanatic he was, Ed Emery did things that violated the principles, the moral belief, the feelings of mankind, when he undertook the downfall of his uncle; when he chose the methods that then were chosen; when he became one of the actors in those methods. I see him now, as he lay prostrate on the floor in that office, in the town of Kennebunk, in the still and mysterious hours of the night. He tarried there two nights and three days watching at a hole that he might destroy his uncle; with no couch but the hard floor, with no pillow but a book, sustained on bread and water. In this pursuit that I call unhallowed, because it was a pursuit of his near relative, to wit, his own uncle, he was actuated by that awful spirit of fanaticism that distinguishes fanaticism everywhere. But this is not all. When I cross-examined this man, he said with awful sacrilege, he believed his Divine Master would have approved his course. I say it was sacrilege, and I want to recall to you that

Divine Being who wandered on the shores of the sea of Gallilee, leading that sorrowful, that beautiful life, that has shed down on all the ages since, through the masses of the world the gentle spirit of Love, of Charity, of Mercy and Justice. I say it is sacrilege for a man who pursued the methods of this nephew to say that the Master could approve his course.

There came a time in the county of York when conditions were realized by different people, probably by many people, to be at least undesirable, perhaps intolerable. In that state of things, one Read, a member of the Democratic State Committee, sought an interview with the County Attorney. He knew as everybody else knew, that this county attorney had not affiliated much with the sheriff; he knew there was a condition of things where the law was not enforced, in the city of Biddeford, probably with a sentiment existing as does exist in other places, against its enforcement. So he sought an interview with this County Attorney, with the purpose as he has testified to you, of bringing together the two officers, who of all others could give the county, observance of law, and of peace and orderliness. After the interview, the county attorney sought the Sheriff, and he sought him with a plain and unmistakeable purpose to lead him into his toils for his destruction. The opening had come, the pretext had come. This county attorney, discredited, incapable, now saw the opportunity of winning at least the approval of a portion of the community, if he could by any chance fasten upon the sheriff the stigma of dishonesty, of corruption or of ill-doing. So the first thing he does, according to the testimony, after he had arranged there should be an interview between himself and the sheriff, is to cut a hole connecting his neighbor's office and his own. He won't tell us when he cut that hole. No witness that he calls will tell us. Even the gentle girl, who is an assistant in his office, does not know when the hole was cut. What is the object of mystery about this? Why could not the county attorney tell you, gentlemen of the Convention, what day he cut it, or approximately what day, or what the occasion was, or detail to you the circumstances about it? It was simply one of his instrumentalities, one part, anyhow, of his machinery to destroy this officer, that he cut that hole between his neighbor's office and his own; subjecting to eavesdroppers and listeners, whoever would, the secrets of his clients or his neighbor's clients, that are supposed to be communicated to the ear of an attorney surrounded with all the guaranties of sacredness and privacy that should protect the communication of the penitent to his priest. But he cut that hole, and you have seen how he had it guarded by Ed H. Emery. Now having cut the hole, as he did, and having taken into his confidence, or he undoubtedly had had him in his confidence a long time before—but having communicated with Ed H. Emery, he procured another man of fanatical instincts and practices, one Ed I. Littlefield, he is called; and then he arranges undoubtedly, in the first instance, with the purpose of using the hole, to have the old man, the sheriff, come and see him. And on the 28th day of February in the morning, this sheriff, as I believe, absolutely unsuspecting wrong, and contemplating no wrong, came to the town to see this Asa, this County Attorney. Now Asa did not use the hole that day. He had it prepared, he had his aids, he had the comparatively, probably entirely honest boy, and he had the two fanatics. But yet he did not use the hole that he had cut in his neighbor's wall that day. He evidently decided that it was hearing that he wanted that day, and not seeing. So he took his companions, his gang of assistants, back to his house and when the old sheriff unsuspecting, approached, these assistants were placed in the cellar, as they told you frankly and proudly, too, with their ears pressed against the hot air pipe that carries the heat above. And they told you that they listened and they heard. And then they attempt to support the story of this county attorney. A story if true enveloping him forever hereafter in a mantle of infamy, and if false in a mantle of blacker infamy. If he

tells the truth, I say he is infamous. If he has told the story falsely he is infinitely more infamous. Am I right, Gentlemen of the Convention?

What took place in that room that is called the living room of the county attorney, on the 28th day of February? You have heard this old man's version of it, the version of this sheriff, who is enveloped, who is clothed from head to foot in the robe of a pure character given him by the best men in York county. Shall his story weigh against the story of confessed doers of evil. Match his appearance upon the stand, as he has appeared before you, with that of his accuser and his principal witnesses. I ask you what does he gain or lose by the comparison? Is there any word in his own testimony that condemns him, as it comes, judged by the circumstances, judged by all the testimony? He enters that presence, where three witnesses were under his feet, concealed in the darkness of the cellar, brought there for the purpose of discrediting and destroying him. He was above. The witnesses were in the cellar. What took place was told by the county attorney, to be ratified by those witnesses. What took place, as developed through the testimony of the county attorney, was for the most part absolutely innocent, and of innocent intent and purpose. The talk about the conditions, the talk about the Bangor plan, the talk about the different cases in certain places, the talk about the unreasonable woman, about the anonymous letters, the sad note of discouragement of the old sheriff, the much talk of the county attorney. Now what took place? The county attorney said that in that interview this old sheriff wanted to buy him, proposed to buy him. And as I understand the testimony, the county attorney consented to sell himself and did sell himself. Am I right? Are these the charges? The sale was to be at the rate of fifty dollars a week, with a division of spoils during the beach season. Now I ask you if, with 110 cases this county attorney could only land four men in jail in fifteen months, and two or three of them on pleas of guilty, it was worth while for the old sheriff, albeit he were the tool of law-breakers and corrupt as hell itself, to buy him. There was no appreciable danger of anybody violating the rum law going to jail with that small margin. Yet this county attorney says that was what the contract was, what he sold himself, his character for. His official care was to be keeping men out of jail. There could be no motive on the part of evil, designing men, if there were such, who could have been acting through the sheriff, to make so hard a bargain with this incompetent county attorney—$2600 a year, $50 a week, with the prospect of more. Now do you believe that this old man proposed to buy that county attorney on that day at his house? Is his own version true that when inquired of whether he had heard a rumor that he was being paid $50 a week as official corruption, he said frankly that he had heard the rumor? Here is the loud-voiced, loud-mouthed county attorney talking above; here is the low-voiced sheriff talking there; the county attorney talks about $50 a week, about division of the profits in the beach season. How easy it would be, gentlemen of the convention, with this designing county attorney, with these witnesses imperfectly hearing underneath, to parade his own views and statements so as to include the guilt of the sheriff, and deny the sheriff those precious words he uttered that prove his innocence completely. Did these men hear, these men down in the cellar, and what did they hear? These creatures, Ed. H. Emery and Ed. I. Littlefield, did they hear, and what did they hear? They said they heard practically all the conversation. I believe Ed. Emery admits that there was a time when the cars were going down or up, when there was a shuffling of feet on the floor, when there were unusual noises, when perhaps he did not get every word that this low-voiced old man said, but he got enough, as he claimed, to convict him

of a heinous crime. What did they hear? I inquire, being in the cellar, against this current of hot air that was carrying up sound and everything else,——not down toward them but up toward the pure heavens,—what did they hear? What do you individual members of this convention, who have hot air furnaces in your houses, what do you remember about trying to talk with your man or your son, or somebody in the cellar when he is about the furnace? You realized the fact that it was almighty hard to make him hear, although you hear the slightest tinkle on the metal. Many of you have been awakened in the morning with the most disagreeable of all sounds, that of hearing the man stir up the furnace. Disagreeable because it calls you back from dreams to the reality of life, the heavy burdens of the day that must be taken up and borne. What did those mean hear with the sounds going down? They do not agree as to what they heard. But they do agree that immediately before this experiment was actually made, before the act took place, they had a rehearsal, and they all agree that immediately after the interview they assembled together and compared notes, patching to what the county attorney said the recollection of the others. Can you ever get truth in such an investigation as that? Can you ever get that reliable testimony by which you will fix the destiny of this old man? I do not believe you can. The young man Roberts had no interest, he does not claim to be a member of the Civic League. The young man Roberts says that this horrible list that was to destroy forever the sheriff, was in the possession of the county attorney, and not in the possession of the sheriff at all, and that the county attorney showed it to him, although the county attorney had previously sworn that he had no list. How much of that testimony will you believe?

Then again, on the 8th day of March, following, in pursuance still of this wicked design to destroy him, the old man was summoned, or came rather, into the county attorney's office. The county attorney says he came in pursuance of a wicked agreement. You have heard the explanation of why he came. Which will you believe, that of the man who is clothed with character, that of the man who claims he has character, or that of the man who frankly admits and says under oath that he has no character, because he accepted a bribe? Which will you believe, gentlemen of this convention? Did he go in pursurance of a wicked agreement that he had made with this county attorney, or did he go with the honest purpose which he told you he did?

Now I have told you that on this occasion, after Ed Emery had spent the days and the nights in that place, under the hard conditions that he did, there came a time when this county attorney wanted evidence of seeing and not of hearing. So now he sets a trap. He tells you how careful arrangements were made so that when the old man came to the office, Ed. H. Emery, a good man otherwise, but a fanatic could descend from the dignity that should clothe upright manhood and keep it in the paths of righteousness, and kneel and fall and creep as it were, upon the ground, to the end that he might steal the rights, the character of one of his nearest kindred. Now let us see. Seeing is needed. It is necessary that he should be notified when the sheriff comes, this fellow on watch, who is keeping such careful watch. The signal is agreed upon, the young girl is to give two taps on the door. The hole is cut. Here are all the curious contrivances which reminded you, as you heard the testimony today, of the stories you read of mediaeval transactions. The cunning ingenuity that the county attorney has attempted to display, reminds me of the stories of the old ages, when virtue did not exist and crime and wickedness were rampant in the land. Such things should not be now, in this day and generation of ours. He wants somebody to see, and no other witness appeared but this Ed H. Emery. Ed H. Emery has told you that he saw through this hole, and what he saw through this hole, and how near he was

to the sheriff, and he illustrated by lowering his posture, shortening his form and enveloping his head and shoulders in a great coat. He says he screwed his face into this hole, substantially filling it, and there he observed every object that could be observed. In that posture he swears to you positively that he could not hear Sheriff Emery, and yet he tells you in his testimony that he could have reached his hand through the hole and put it on the old man's grey head. He was 18 inches from him, and yet he said he could not hear him. Down on a level with the old man, with this great coat enveloped around his head, acting as the great horn of a graphophone to collect the sound and transmit it to his ear, placed as he was, he swears he could not hear him talk, could not distinguish his words, but he could see what happened. I submit to you as reasonable men, as honest men, whether it be possible that if Ed H. Emery could hear down cellar, that he could not hear the old man's voice there? He saw what? He saw, which was the fact, this county attorney leave the room. What did he leave it for? Unprepared when the sheriff came, he went out to get this roll of bills that he had provided himself with. Ed Emery did not see him receive the bills from the sheriff. He saw the hands of the two men close together. Afterwards, for the first time, he heard the rustling and he saw the five crisp bills, for the first time that he ever saw them and they were in the hands of the county attorney.

They never came into the hands of the county attorney from the hands or possession of the sheriff, but were in those of the attorney or his confederates long before this old man came there.

Deal with this old man, gentlemen of this convention, deal with him as you would have your father or your brother dealt with under like circumstances.

Closing Argument of Attorney General Pattangall.

Mr. President and Gentlemen of the Convention:

This hearing which in a few moments will be closed, is as important a hearing as ever has or ever will engross the attention of a Legislature of Maine. You are meeting to perform today, and, because of other proceedings begun yesterday, to continue to perform tomorrow, as solemn a duty as it could fall to the lot of legislators to perform. And I cannot but believe that you approach the performance of that duty in the calm judicial spirit with which it must be approached, and which you must maintain all through your proceedings, else the purpose of your duty cannot be carried out.

Ever since this State was a State we have had in our Constitution a provision which obviated the necessity of ever putting on our statute books a law for the removal of officials—such as some western states have lately enacted by court procedure—which obviates even the consideration in Maine of the process of recall by election.

So great a student of history, so great a statesman, as ex-President Roosevelt, in discussing the recall in a speech at Columbus, Ohio, quoted from the Massachusetts' constitution a provision exactly identical with this under which you are acting, and stated that, in his mature opinion a State which had such a clause as that in its constitution needed nothing more. And yet that clause amounts to nothing, unless when occasion demands and a trial is had by a Maine Legislature under that clause, you approach the trial and carry out the proceedings with the care of jurors and the dignity of judges.

It is not my purpose, it is not my duty, nor would it be right for me, in presenting to you what I have to say in this matter, to attempt to swerve your judgment by playing upon your prejudices, seeking to arouse your passions, or by persuasive words to lead you to take a wrong view of any testimony that has been submitted here. I do not conceive it to be my duty to even express an opinion as to the effect of that testimony, but to lay it before you, as frankly, and as carefully as I can in the brief time al-

lotted to me to address you. You may assume that the duty which I am performing today is not an agreeable one. To address a jury in a court-room, where no political interests are at stake, is not a hard task for an attorney, even though he may not wholly sympathize with his client's case, because in such a situation none but the cheapest and most ignorant men accord to the attorney any but the best of motives. But I know that in the present state of public feeling in the State of Maine, it is impossible for men even of fair intelligence and good understanding, to conceive of such a thing as that one who has been and is active in politics, could divorce his mind from the political side of a controversy like this, even long enough to present a case to the Legislature of Maine. I know full well that no matter what I do in this case, no matter how well I present this case, no matter how fully I may discharge my duty toward the great State of Maine, which is my client here today, that certain men who can conceive of nothing but partisanship, whose minds are unable to rise above it, will accuse me of having done less than I should, and certain other men, whose minds are of like caliber but differ with those in political belief, will accuse me of doing more than I should. And well do I know that this association, which stood behind the original prosecution of this case down in York county will give me little credit for ought I do here or elsewhere.

I stand here not for the purpose of seeking credit either from a political party or from any organization, but because in order to sustain the dignity of the government of this State, when an official was brought before the courts under the circumstances in which this sheriff came, your Governor, as was his right and his duty, summoned the Legislature to hear the case and instructed me as one of the officers of the law under his direction, to present it to you.

To take up the case with care and fidelity then, to examine it as we should examine it in the light of calm reason is your duty and my duty. And in order to do that strip the case of all extraneous matter for a few moments and bring it down to the simple narrow issues defined in the resolve introduced by Senator Donigan, which brought the case before your body. You are not trying County Attorney Richardson now. You will be later. But whether County Attorney Richardson did his duty as an officer of the law in York county or not is no concern of yours just now, Gentlemen, and no concern of mine. That is not the issue here. Whether County Attorney Richardson entered into a corrupt arrangement by which he protected a liquor dealer by the name of White down in Old Orchard, is not within the limits of the charter under which you sail today. That comes up later. And that could only be introduced, and was only properly introduced for the purpose of affecting his credibility as a witness and showing possible animus on his part. But that is not the issue which you are determining. Neither is it, and I say it in fairness to Sheriff Emery, the issue here whether he did or not properly enforce the prohibitory law in York county. He may or he may not have done so. That is not for your consideration now. You are limited in your consideration here to the two charges made against him. You cannot go beyond them, either to help him or to hurt him. You have no right to do it. And I will not by any words of mine attempt to lead your minds beyond that which you have the right to consider. He is charged, first, with having on the 28th day of February last attempted to bribe the county attorney; he is charged, second, with having on the 8th day of March, in pursuance of the agreement then entered into between them, of having actually accomplished the bribe, so far as he at least was concerned. What are the facts? The methods employed,

while pertinent to the discussion, while properly commented upon by counsel for Sheriff Emery, are not the issue. You will not when you separate to your respective chambers and go into executive session, vote on whether or not you approve such methods. If you did your votes would be unanimous that you do not approve them, and I should only regret that I had been obliged to resign from the House of Representatives, that I had not an opportunity to add one more to that vote. For whatever the facts, no man can look with more abhorrance, loathing and contempt than do I upon the methods revealed here. But you are not trying the methods excepting so far as they reveal the character of the men testifying, and go to their credibility. Methods amount to nothing here. You are trying the fact. The truth is the truth though the meanest man on the face of God's earth speak it. A fact is a fact from whatever source it emanates, and you are here to determine where the truth lies, to seek the clear waters of truth, though you may find them bubbling from the muddiest soil. Where is the truth? That is your inquiry. On your oaths as Legislators, and in your hearts as men seeking to do their duty, you will seek the truth.

On the 27th day of February Sheriff Emery for some purpose repaired to the house of the county attorney. What was the purpose? A meeting had been arranged. A meeting had been arranged for some purpose. What was it? You have the evidence of the county attorney on that point. You have the evidence of Mr. Read; you have the evidence of the sheriff. Mr. Read testified that any talk which he had with the county attorney related partly to the resumption of the payment of the per diem to the deputies, and partly to the proposition that some better plan to carry out enforcement in Biddeford might be made. A suggestion was made that the sheriff and the county attorney could get together and talk those matters over. Mr. Richardson, giving no detail, says that they met because of the conversation he had had with Mr. Read and by appointment through Mr. Read. Sheriff Emery says that Mr. Read sent word to him to come to see him in Biddeford on important business, and that he went there and proceeded to the county attorney's house. Was the purpose for which the sheriff and the county attorney met a good purpose or a corrupt one? There is your first inquiry, is it not, in seeking after the truth? If in truth and in fact, so far as the sheriff was concerned, they met simply as he understood it, to talk over how they had better carry on enforcement or semi-enforcement or no enforcement in York county, how they had better perform their duties in York county, then, so far as the sheriff was concerned, of course his going there was entirely unnecessary, no matter what the county attorney may have had in his mind. If, on the other hand, the sheriff went there for the purpose of getting the county attorney to corruptly agree to permit non-enforcement, or semi-enforcement in the county, then that is important for you to consider. Now they met; they talked over various ous things; they talked over the liquor situation; they discussed the Bangor plan; they discussed the failure of enforcement in the county. I state these things in the affirmative because so far they agree. They both agree that they discussed these subjects; all the witnesses agree that they were discussed. Your inquiry there cames down to the proposition of whether that discussion was carried on in the way Sheriff Emery says it was, or whether it was carried on in the way Richardson and the witnesses in the cellar say it was. You have heard that testimony. Throw out for the moment the testimony of Richardson. Throw out the testimony of Emery, because of his zeal and fanaticism, if you like, in the conversation that occurred at the house. Throw out the testimony of Edwin I. Littlefield for the same cause, if you like, with regard to the conversation that was had

in the house. Is Roberts' testimony worth anything? Is he a fanatic? Does he falsify? Is he wholly mistaken? Did Roberts hear the sheriff say anything about dividing money? That, it seems to me, should be your next inquiry in searching after the truth. Allow for the difficulty of hearing; allow for the proposition that when men go to a certain place thinking they will hear a certain thing, and hear something, that they may misconstrue it; allow for all that, and yet weigh in your minds for what it is fairly worth, the testimony of Roberts as you recall it. If there was the statement made there, that Roberts testifies he heard, then there was a corrupt agreement entered into between the two men. If Roberts is wrong about it, of course it follows that the other men are wrong. What he heard or testifies he heard, I shall, so far as my intention at least goes. follow the rule that I laid down of making no affirmative statement to you except where the testimony is admitted. What Roberts says he heard is inconsistent with the theory of innocence.

These men met again on the 8th of March. They met in the office of the county attorney. They met there for some purpose, for men do not meet without a purpose. For what purpose did they meet on the 8th day of March? Is not that a subject for your diligent inquiry? The county attorney says they met in order that the sheriff should pay him part at least of this corruption fund, which he had, according to the evidence of Mr. Read, solicited in the first instance from him. The sheriff says they met because there was left uninvestigated certain liquor places in Kennebunk which the county attorney had agreed to investigate and report upon later. No other purpose is suggested. They met for the one purpose or the other. Which was it? Bring to bear upon that question all the surrounding circumstances and all the testimony that touches upon what might lead them to meet, and answer that question in the light of all the evidence. what went on in that office? There is no question but that there was a hundred dollars there. There is no question but that at some stage of the proceedings it appeared upon the little shelf of the roll-top desk. There is no question but that it was wrapped in a sheet of paper and put into the drawer, and that Miss Roberts came and took it out and passed it to Littlefield. Those things are admitted facts. They have significance or not, just as you believe that that hundred dollars came from Richardson's outer room or from the pocket of the sheriff. It was there; that is admitted. Where did it come from? Richardson says it came from the sheriff's hand; Ed Emery says it came from the sheriff's hand; that he saw the sheriff's hand held over Richardson's and open, and then he saw, looking down through that hole, the money lying in the county attorney's hand. He says that the sheriff sat in a chair by the wall with the hole here, just over his shoulder, and that Richardson sat in a chair by the desk, and that their hands were crossed in plain sight. Does he tell the truth? He either tells the truth, Gentlemen, or he is the wickedest man that God has placed on the face of this earth since Judas Iscariot committed suicide. That is for you and not for me, but I say to you that no zeal, no fanaticism, nothing but the blackest hearted malice could account for a man telling that story unless that story is true. The sheriff says at the time he stood by the side of the desk, the county attorney took the money out, and, as part of the plot, of course, laid it on the desk, and that then it came within the range of vision of Emery, if Emery was behind the hole. I have practiced law a few years. I have heard some perjury, I have heard some intentional, wilful, perjury, and some innocent, mistaken, perjury, if innocent and mistaken are words that should be applied

to the word perjury; false swearing, perhaps I should have said. I think I can distinguish between evidence which may arise from an honest mistake and evidence which must either be the truth or absolute falsehood. I say to you without any idea in saying it of attempting to influence your decision as to whether the statement of Ed Emery is true or not, that it cannot be accounted for, if false, on any other hypothesis than that he has decided, deep down in his mind and in his heart, that he is willing to perjure his soul into hell for a million years for the sake of sending an innocent man into retirement and possibly into prison. If that is true, if his statement is true, if money passed from the sheriff's hand to the county attorney's hand, then, in spite of the damnable methods, and they are damnable, in spite of the good character and the good reputation which Sheriff Emery has borne for so many years, and every man's heart goes out in pity to the man who has lived a long life of rectitude and who for any reason whatever steps over the line,—in spite of all that, if Ed. Emery saw that money pass, what is your duty and mine? And if he did not see it pass, no human being on the face of God's green earth ever ought to shake his hand again, nor ought he ever to look mankind in the eye. In seeking after truth, and that is what you are going to do, consider what went on in the office. Consider it in the light of the evidence you have heard. Weigh against the evidence of Ed Emery his fanaticism and his zeal, for I would state this matter as fairly as I can toward Sheriff Emery, as well as toward the other men concerned. Weigh against the evidence of Richardson the methods that he has employed and does not appear to understand the wickedness of, and yet decide the fact as to whether or not Ed. Emery saw that money passed. For that is the issue that you are going to decide in the second count of the resolve which is presented before you. Something has been said to me, and I will delay your deliberations but a moment more, something has been said to me in a careless way, because we all know how in legislative matters we freely discuss in the halls of the Legislature those things upon which we are acting, as to the possible political effect of a decision one way or the other in this case. In the name of Heaven, do not let any man in this Legislature, if he believes Sheriff Emery innocent of the charge put against him, sacrifice him because of any idea that political advantage is to be gained. That would be as wicked a thing to do as to shoot down an opposing voter at the ballot box. Neither for political advantage should any man vote to keep in office one whom he believes to be guilty.

Not only is Sheriff Emery on trial today, but the Legislature of Maine, and in a measure, the State of Maine, is on trial. No matter what the result of your deliberations will be, for whatever its result I have no doubt but the State will receive it as the conscientious result of your deliberations, no matter what the result may be, you will be justified in reaching it, and the State will justify you in reaching it, if you reach it through the calm paths of reason and discussion, but should you reach it by partisan division, by an effort to make party politics out of either the crime or the misfortune of this man, whichever you decide it to be, then this Legislature instead of being entitled to the thanks of the people of the State of Maine, would be entitled to their execration and disgust.

Gentlemen, I intended to go over this matter in even briefer time than I have occupied. I know every member of this Legislature. I have sat with you in the Legislature and worked with you here. I do not believe that there is a single man in either branch that ever has in the past or will in this case seek to do ought else than his full duty with this great responsibility resting upon him.

You have given careful consideration and splendid attention to the testimony that has been put in. By your resolve you provided Sheriff Emery with as able counsel as lives within the borders of the State of Maine. You meet in a few moments to get together and formulate your decision in the matter. And I say again, that no more important duty than renderiing that decision in accordance with right, as you see it, will ever in your lives rest upon you.

I thank you, Gentlemen.

The following order was presented:

Ordered, That the Convention now dissolve, and that the Senate retire to the Senate Chamber and the members of the House remain in the Hall of the House.

The order received a passage.

The Senate thereupon retired to the Senate Chamber.

In the House.

The Speaker in the Chair.

Mr. STRICKLAND of Bangor: Mr. Speaker, I move that the Hall of the House be cleared of all except members of the House of Representatives in order that this House may go into Executive session.

The motion was agreed to.

In Executive Session.

The SPEAKER: Gentlemen of the House: We will now consider the following address:

STATE OF MAINE.

In the year of our Lord one thousand nine hundred and twelve.

Resolve in favor of the adoption of an address to the Governor for the removal of Charles O. Emery, sheriff of the county of York.

Resolved, That both branches of the Legislature, after due notice given according to the Constitution, will proceed to consider the adoption of an address to the Governor for the removal of Charles O. Emery, sheriff of the county of York, for the causes following:

First. Because the said Charles O. Emery did on the 28th day of February last promise one Asa A. Richardson, who was then holding the office of State attorney for the county of York, to pay him a certain sum of money, to wit, the sum of $50 per week, in consideration whereof the said Richardson was to refrain from prosecuting certain violators of law, and

Second. Because the said Charles O. Emery did, on the 8th day of March last, in pursuance of the corrupt agreement entered into on said 28th day of February between said Emery and Richardson, pay to the said Richardson the sum of one hundred dollars, all of which constituted a violation of the laws of the State and especially of the provisions of Section 5 of Chapter 123 of the Revised Statutes.

What is the pleasure of the House with reference to the adoption of the address?

Mr. Strickland of Bangor moved that the House proceed to vote upon the charges in this address, each charge separately, and that when the vote be taken it be taken by the yeas and nays.

The motion was agreed to, and the yeas and nays were ordered.

The question being on the adoption or the rejection of the charges contained in the first paragraph of the resolve,

Mr. Strickland of Bangor moved that the first paragraph in the resolve be rejected.

The SPEAKER: Those voting yes, will vote in favor of rejecting the first charge; those voting no will vote in support of the first charge, that the first charge be sustained. The clerk will call the roll.

The following members were by unanimous consent excused from voting: Cronin of Lewiston, Monroe of Brownville, Perkins of Mechanic Falls and Sawyer of Dexter.

YEA—Allen of Columbia Falls, Allen of Jonesboro, Ames, Bearce, Boman, Burkett, Campbell of Cherryfield, Campbell

of East Livermore, Chase of York, Clark, Conners, Copeland, Couture, Cowan, Cyr, Deering of Portland, Descoteaux, Dow, Dresser, Dunn, Dutton, Farnham, Files, Frank, Goodwin, Gross, Harmon, Hastings, Heffron, Hodgkins, Hodgman, Hogan, Kelleher of Portland, Kelleher of Waterville, Lambert, LeBel, Libby, Manter, Marriner, McAllister, McCurdy, Merrifield, Miller, Mower, Murphy, Newbert, Noyes, Otis, Packard, Patten, Pelletier, Penley, Perkins of Kennebunk, Phillips, Pinkham, Pollard, Ross, Scates, Shea, Skehan, Sleeper, Small, Active I. Snow, Alvah Snow, Stetson, Strickland, Thompson of Palmyra, Thompson of Presque Isle, Thompson of Skowhegan, Trafton, Trask, Trim, Tucker, Weymouth, Wilkins—75.

NAY—Andrews, Austin, Benn, Berry, Bisbee, Bowker, Buzzell, Chase of Westfield Plantation, Clearwater, Davies, Davis, Deering of Waldoboro, Doyle, Drummond, Emerson, Fenderson, Flood, Hersey, Johnson, Kelley, Kennard, Knight, Littlefield of Bluehill, Littlefield of Wells, Macomber, Mallet, McBride, McCann, Merrill, Mitchell, Morse of Belfast, Peterson, Pike, Porter of Mapleton, Porter of Pembroke, Quimby, Robinson of Lagrange, Russell, Smith of Newport, Smith of New Vineyard, Snow of Bucksport, Soule, Stinson, Trimble, Weston, Wheeler, Whitney, Wilcox—48.

ABSENT—Anderson, Averill, Brown, Colby, Dufour, Emery, Gamache, Hartwell, Jordan, Kingsbury, Lawry, McCready, Morse of Waterford, Newcomb, Percy, Peters, Plummer, Robinson of Peru, Thomas, Waldron, Woodside—21.

So the first paragraph of the charges in the resolve was rejected.

The question being on the adoption or the rejection of the charges contained in the second paragraph of the resolve,

Mr. Strickland of Bangor moved that the second paragraph in the resolve be rejected.

The SPEAKER: Those voting yes, will vote in favor of rejecting the second charge; those voting no, will vote in support of the second charge, that the second charge be sustained.

The clerk will call the roll.

The following members were by unanimous consent excused from voting: Cronin of Lewiston, Monroe of Brownville, Perkins of Mechanic Falls and Sawyer of Dexter.

YEA—Allen of Columbia Falls, Ames, Bearce, Burkett, Campbell of East Livermore, Chase of York, Clark, Conners, Copeland, Couture, Cowan, Cyr, Deering of Portland, Descoteaux, Dow, Dresser, Dunn, Dutton, Farnham, Files, Frank, Goodwin, Gross, Harmon, Hastings, Hodgkins, Hodgman, Hogan, Kelleher of Portland, Kelleher of Rockland, Lambert, LeBel, Libby, Manter, Marriner, McAllister, McCurdy, Merrifield, Mower, Murphy, Newbert, Noyes, Otis, Packard, Patten, Pelletier, Penley, Perkins of Kennebunk, Phillips, Pinkham, Pollard, Ross, Scates, Shea, Skehan, Sleeper, Small, Alvah Snow, Stetson, Strickland, Thompson of Palmyra, Thompson of Presque Isle, Thompson of Skowhegain, Trafton, Trask, Trim, Tucker, Weymouth, Wilkins—69.

NAY—Allen of Jonesboro, Andrews, Austin, Benn, Berry, Bisbee, Boman, Bowker, Buzzell, Campbell of Cherryfield, Chase of Westfield Plantation, Clearwater, Davies, Davis, Deering of Waldoboro, Doyle, Drummond, Emerson, Fenderson, Flood, Heffron, Hersey, Johnson, Kelley, Kennard, Knight, Littlefield of Bluehill, Littlefield of Wells, Macomber, Mallet, McBride, McCann, Merrill, Miller, Mitchell, Morse of Belfast, Peterson, Pike, Porter of Mapleton, Porter of Pembroke, Quimby, Robinson of Lagrange, Russell, Smith of Newport, Smith of New Vineyard, Active I. Snow, Snow of Bucksport, Soule, Stinson, Trimble, Weston, Wheeler, Whitney, Wilcox—54.

ABSENT—Anderson, Averill, Brown, Colby, Dufour, Emery, Gamache, Hartwell, Jordan, Kingsbury, Lawry, McCready, Morse of Waterford, Newcomb, Percy, Peters, Robinson of Peru, Thomas, Waldron, Woodside—21.

So the second paragraph of the charges in the resolve was rejected.

On motion by Mr. Strickland of Bangor, a recess was taken until 2 o'clock in the afternoon.

Afternoon Session.

Mr. Strickland of Bangor moved that the House now go out of executive session and resume the regular session of the House.

The motion was agreed to.

In the House.

The House was called to order by the Speaker.

The Senate came in and a convention was formed.

In Convention.

The President of the Senate in the Chair.

The secretary of the convention then read the following resolve:

STATE OF MAINE.

In the year of our Lord one thousand nine hundred and twelve.

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

RESOLVED, that both branches of

the Legislature, after due notice given according to the Constitution, will proceed to consider the adoption of an address to the Governor for the removal of Asa A. Richardson, State Attorney for the County of York, for the causes following:

First: Because the said Asa A. Richardson, who was then holding the office of State attorney for the county of York, and on the 23d day of February, A. D. 1912, did solicit money from one Charles T. Read in consideration whereof he agreed to refrain from prosecuting certain violators of the prohibitory law who should thereafter come legally before him in the capacity as State attorney as aforesaid:

Second: Because the said Asa A. Richardson did at the September term of the supreme judicial court, A. D. 1911, in and for the county of York, procure an indictment against one William L. White for violation of the prohibitory law which said indictment was presented at the said September term and the case against said White continued to the January term of said court at which term the said Richardson requested permission to file said indictment and after the court had refused to grant said permission, said Richardson produced in place of the indictment in question a paper, purporting to be an indictment, which was unsigned either by him, the said Richardson or by the foreman of the grand jury, whereupon the said White went free and that because of said ignorant and corrupt act of the said Richardson, the said White was not punished for his said violation of the prohibitory law.

Third: Because the said Asa A. Richardson at a hearing before the Legislature of Maine in proceedings for the removal from office of one Charles O. Emery, who was then and there sheriff of the county of York, gave false testimony under oath.

Fourth: Because the said Asa A. Richardson, in pursuance of a design to convict the said Charles O. Emery of offering to bribe him, the said Richardson, resorted to methods in the procuring of evidence against the said Emery which were improper and unworthy of an attorney.

Fifth: Because the said Asa A. Richardson, by reason of his incompetency and ignorance of the law, has brought the office of State attorney for the county of York into disrepute and contempt.

Resolved: The House of Representatives concurring, that these resolutions and statements of causes or removal be entered on the Journal of the Senate and a copy of the same be signed by the President of the Senate and served on said Asa A. Richardson by such person as the President of the Senate shall appoint for that purpose, who shall make return of said service upon his personal affidavit without delay, and that the fifth day of April, A. D. 1912, at 11 o'clock in the forenoon, be assigned as the time when the said Asa A. Richardson may be admitted to a hearing in his defence.

Hon. William R. Pattangall, attorney general, stated that he represented the State by reason of a resolve passed by this Legislature.

By direction of the President of the Senate the name of Hon. William R. Pattangall, attorney general, was entered upon the records as representing the State.

Hon. Benjamin F. Cleaves of Biddeford requested that the names of Benjamin F. Cleaves of Biddeford and George L. Emery of Saco be entered upon the records of the convention as counsel for the respondent.

Mr. Cleaves then requested that a general denial of each and every allegation in the resolve be entered upon the records of the convention, and the secretary of the convention was directed to make such entry upon the records.

Attorney General Pattangall stated that unless the convention desired to have the rules of procedure read, counsel for the State and for the defence were willing to waive the reading of the rules of procedure, counsel upon both sides being familiar with the rules.

Proceedings in Richardson Case.

Mr. PATTANGALL: Mr. President and gentlemen of the Convention: I desire to inform the convention that after giving the matter some consideration I shall offer no evidence with regard to the first charge in the resolve, because I want to eliminate everything that can possibly be eliminated from the case and bring it into as small a compass as possible on account of the matter of time.

Under the second charge the State will offer evidence; that is the charge relating to the so-called White case.

Under the third charge, the charge of giving false testimony before the Legislature in the Emery case, the State will offer evidence; and the evidence offered in connection with that charge will also cover the fourth charge.

Under the fifth charge the State with the permission of the Convention will offer no evidence; and I will, if the Convention will permit, dispense with making a formal opening statement in detail because the details of the evidence which I will present have been gone over fully before this same body of men. I will simply say that the evidence which will be offered, confining it to the charges which I have mentioned, will be the evidence of Officers Stone and Doyle with regard to the White place and a transcript of the testimony of Asa A. Richardson given in the Emery case, which transcript contains a statement concerning the White case; and under the third charge I shall offer the entire testimony of Mr. Richardson given against Mr. Emery, together with the record of the vote taken by this Legislature this morning.

I will ask counsel for the defence if I would need to call Mr. Whitman to prove the transcript of the evidence, or simply have him certify it?

Mr. CLEAVES: It will be satisfactory to let him certify it.

(A transcript of the testimony of Asa A. Richardson was then certified by Mr. Whitman.)

Mr. PATTANGALL: I offer a certified copy of the testimony of Asa A. Richardson given at a hearing before the joint convention of the Senate and House of Representatives of the 75th Legislature in the matter of Resolve for the adoption of an address to the Governor for the removal of Charles O. Emery, sheriff of the county of York. I will ask counsel for the respondent if they desire all the evidence read at this time?

Mr. CLEAVES: No, it may be understood that the transcript being in either side may refer to it; and in advance of the presentation of the respondent's case I should like to be informed of what particular things the Attorney General will place greatest reliance upon.

Mr. PATTANGALL: That is perfectly agreeable to me.

The PRESIDENT: The transcript will be placed in the hands of the Secretary of the Convention who will place his initials upon it, calling it State's Exhibit No. 1.

Mr. PATTANGALL: I will ask that the Clerk of the Senate and the Clerk of the House prepare a record of the vote taken in the Senate and House in brief form, to be certified to by them, and I will offer that at the close of the oral testimony.

(Counsel for State and respondent conferring.)

Mr. PATTANGALL: Counsel for the respondent state that they would be willing to admit a mere statement of that vote to save the bother of making a certified record, provided the convention deems it admissible; and that being the case, I think we might take the question of admissibility up at this time and decide that, and then the record will take care of itself.

The PRESIDENT: The President will rule that it is not admissible.

Testimony.

Thomas Stone, being sworn, testified:

By Mr. PATTANGALL.

Q. What is your full name and residence?

A. Thomas Stone; Biddeford, Maine.

Q. During last year were you a deputy sheriff at Biddeford?

A. Yes, sir.

Q. During your services as deputy sheriff last year did you have occasion to be connected with a case

against one White at Old Orchard for violation of the prohibitory law?

A. Yes, sir.

Q. Whether or not you made a raid at White's place and made a seizure there?

A. Yes, sir.

Q. Do you remember when that was?

A. I believe it was the 29th day of July, 1911.

Q. As a result of that seizure was an attempt made to procure an indictment against White at the September term of court?

A. Yes, sir.

Q. Will you relate what conversation you had at Alfred with County Attorney Richardson concerning the White indictment, prior to the procuring of the indictment?

A. It was Friday, I believe, about the last day of the grand jury sitting. In the forenoon we were the other officers and I, were sitting in the waiting room adjoining where the grand jury was in session. Mr. Richardson came out of the grand jury room and he says, "I guess that is all, boys." I says, "What is the matter with the White case?" He says, "Are you going to put in the White case?" I said "Yes, sir, that is what I am here for." He struck his hand on the table and said "By God, you indict White and I will indict Cleaves." I said "I don't care a damn who you indict. There are no strings on me. That is all I have to say about it."

Q. Did you then procure the witnesses in the White case?

A Mr. Doyle and I went in and gave our testimony before the grand jury.

Cross Examination.

By Judge CLEAVES:

Q. This William L. White place of which you speak is a restaurant at Old Orchard, is it?

A. Yes, sir.

Q. And the cars go down there and at their terminus at Old Orchard stop very near the building where the White restaurant is; is that true?

A. It is quite close.

Q. The Cleaves building is directly opposite the car terminus?

A. No, sir.

Q. Nearly so?

A. Yes, sir.

Q. And the White restaurant is next to the Cleaves restaurant?

A. Yes, sir.

Q. And that particular locality in in the summer season is the busiest part of Old Orchard, is it not?

A. Outside of the pier, I think it is.

Q. And the Boston and Maine passenger station is directly opposite both the Cleaves and the White places?

A. Yes, sir.

Q. And aside from the railroad platform, which is immediately opposite the White restaurant, and the terminus of the electric car line, which is as you have located it, do you think that even the pier at all times of day, Sundays and weekdays, is anywhere near as populous and busy as that locality?

A. Not on Sundays; around the pier and on the beach I think it is.

Q. In that immediate locality and in sight of this place is where most of the people congregate daily, including Sundays?

A. I think sometimes there is more of a crowd on the pier and around the beach, than at the depot.

Q. Will you tell us what you found in the White restaurant at the time of this seizure, giving a description of the place where you found it and the interior of the rooms upon the same floor where you found it?

A. I was only in one room.

Q. Give us a description of that room and the situation of the liquors you found, and describe them as well as you can?

A. There are two doors going into the White Cafe. One leads into the cafe and the other into the office, and the door further up towards the Old Orchard House,—that is the door of the office,—and you go into the door and on the left towards the back of the room, then there was a screen built like that (ind.), and in behind this screen was the beer, barrels or cases, and the tubs.

Q. Tubs of ice with beer cooling upon it?

A. Yes, sir.

Q. And how many cases of beer were there?

A. I can't tell you. I have a list

at Biddeford. I didn't bring it with me.

Q. Approximately?

A. I should say 300 or 400 bottles. Mr. Burns says more than that; I don't know.

Q. And piled up behind this screen, —which screen was how far from the front entrance of the building?

A. I should say 20 feet.

Q. And in this same room that you entered when you first went into the building?

A. Yes, sir.

Q. Did you visit, either alone or in company with any other officer, this White place before this time?

A. Yes, sir.

Q. How long before?

A. Oh, it was sometime in the spring, I think.

Q. For the purpose of executing any process?

A. Yes, sir, we went to search for liquor.

Q Did you find any?

A. No, sir.

Q. Did you subsequently up to the present time, either alone or in company with any other officer make any search or seizure in that same place?

A. No, sir.

Q. Were you at the time of this seizure one of the designated liquor deputies of Charles O. Emery, sheriff of York county.

A. No, sir.

Q. Who were those liquor deputies?

A. Mr. Watkins of Cornish, Mr. Whicher and Mr. Burgeron.

Q. Were any of those officers with you at the time you made this seizure?

A. No, sir.

Q. Was any request made by you or Mr. Doyle for either of them to accompany you?

A. We could not find them.

Q. Was any request made?

A. No, sir.

Q. Did you make an effort to find them?

A. Yes, sir.

Q. Those three men, either together or singly had, to your knowledge, been on duty all summer at Old Orchard?

A. I don't know; I saw them at Biddeford a good deal.

Q. There are many things we don't know absolutely, which we feel pretty sure of. From what knowledge you have of those three men have you any doubt that they spent a considerable portion of their time through that month of July at Old Orchard?

A. I could not tell you. I know they have been there, but I don't know what time they spent there.

Q. Have you any opinion upon that which you give this convention?

A. No, sir.

Q. And from anything you know or have learned you cannot give this convention an idea of what time they spent at Old Orchard?

A. No, sir. I know they were there, but I don't know how much.

Q. Were they the only designated deputies of Mr. Emery?

A. So far as I know.

Q. Why did you go to Old Orchard that day?

A. From a complaint.

Q. Coming to you in what way? I don't ask you who the complainant was?

A. I got a letter.

Q. How long before that day?

A. I got one that morning and two or three during the week.

Q. The week previous?

A. Yes, sir.

Q. In a general way complaining of conditions at that particular place?

A. Yes, sir.

Q. In that letter was there any suggestion that there were other places at Old Orchard, besides this one.

A. No, sir.

Q. They mentioned William L. White, and in that letter, or in any of them was there any suggestion that the writer had made complaint to the regular liquor deputies?

A. They never said it in the letter.

Q. Did you know personally the person who made the written complaint?

A. No, sir.

Q. Were they signed or anonymous?

A. It was an anonymous letter.

Q. So that the situation as it presented itself to your mind was that it was a communication which called attention only to the William L. White

place at Old Orchard? That is, you were called upon or requested, not being a liquor deputy, to go to Old Orchard and make an investigation of the White place?

A. Yes, sir.

Q. How much of a search did you make for either Mr. Watkins, Mr. Whicher or Mr. Burgeron?

A. I went up Main street. I thought if I found them anywhere that is where I would find them.

Q. After you got to Old Orchard did you make any search or inquiries for them?

A. No, sir. We got right off the train—we left Biddeford at five o'clock and were in White's at a quarter past five.

Q. And perhaps in a minute you had found the liquors of which you have spoken?

A. Yes, sir.

Q. While you and your fellow-officers were in the White place have you knowledge of any other officers searching the Cleaves place?

A. They came to us while we were in Mr. White's.

Q. Who were searching in the Cleaves' place?

A. The Old Orchard police.

Q. Did they have some liquors from the Cleaves' place, removed from the Cleaves' place before you had removed entirely the liquors from the White place?

A. So they told us. We had difficulty in getting a team down there. We asked two expressmen and they said they were busy.

Q. While you were there making the search—while you were making the seizure, did you see either of the three liquor deputies?

A. I think one of then; I think we saw Mr. Watkins.

Q. Where did you see him?

A. He stood down where the cars stop, when I went out to find a team.

Q. Did you see either of the others?

A. No.

Q. Did you see either of the others that evening?

A. Yes, sir, we saw them in the rum room?

Q. Did you have any talk with either of them?

A. I didn't see Whicher; I saw the other two.

Q. Did you have any talk with Mr. Burgeron about the seizure?

A. No, sir, not a word.

Q. Did you afterwards?

A. We might have spoken about it.

Q. Is it not a fact, Mr. Stone, perhaps not within your knowledge, but I will make it stronger than that, to my belief not within your knowledge, that there was at Old Orchard a thorough understanding, participated in by several people in the liquor business, that the sheriff and no one of his liquor deputies would disturb them during the summer months.

A. I do not know anything about it.

Q. Was that a persistent rumor which came to your attention at various times during the summer.

A. I heard it.

Q. You heard it a number of times?

A. No, sir.

Q. More than once?

A. Oh, yes.

Q. And in your private visits to Old Orchard, when you did not feel that you were acting in your official capacity, didn't you see sufficient to convince you that the charge was true?

A. I didn't go where they were. As I didn't go there to do business I didn't go near them.

Q. Did you see anything in any of your visits to Old Orchard that in fact did convince you that those charges were true?

A. No, sir.

Q. But the conditions there last year were familiar to you, were they not?

A. No, sir. I don't see as they were any different from any other year.

Q. That year and other years was it not persistently rumored that places were being protected by the sheriff and liquor deputies?

A. No, sir. I know they was not protected the two years before.

Q. Was not that rumored?

A. I never heard it rumored before, in 1909 or 1910.

Q Understand me, I want to give you a clear bill of health before this convention. Nobody has ever thought or suspected you of being crooked in anything, and I don't. Was it not

your understanding that the reason why these complaints of which you have spoken were made to you, rather than to the sheriff or either of his liquor deputies, that the writer or writers of the letter felt that it would be no use to make complaints against those places or that place to the sheriff or his deputies.

A. They didn't state so in the letter.

Q. Didn't you read that letter and with your knowledge of the conditions at Old Orchard, and having heard the rumors, conclude that that was the reason the letters were sent to you rather than to the three liquor deputies?

A. I didn't know whether they received the same letters or not.

Q. Didn't you conclude it was at least strange that the letters were sent you rather than the sheriffs?

A. I didn't come to no conclusion. I got the letters, and went after those liquor deputies and didn't find them—

Q. Didn't you come to any conclusion at all in regard to why you received that letter?

A. No, I didn't come to any conclusion.

Q. Didn't it strike you as a little bit strange?

A. I thought they wanted the place searched.

Q. Didn't it strike you as strange that you got the letter rather than the sheriff?

A. No, sir, I get lots of letters from people and on other places.

Q. How long a period would that cover?

A. From the 19th of January up to the present day.

Q. At that time you had ceased to be a liquor deputy?

A. Yes, sir.

Q. You were a liquor deputy up to January 19, 1911?

A. Yes, sir.

Q. From the conversation with either of the three liquor deputies do you know whether they were receiving letters with reference to the White place?

A. I don't know.

Q. Did you ever hear them say they were or were not?

A. No, sir.

Q. In your conversation with the sheriff of the county do you know whether he was receiving any letters in reference to the White place?

A. No, sir, I never had any conversation with him about it.

Q. You knew, did you not, that shortly before the White seizure, that Mr. William L. White, the proprietor of the place and Thomas L. Cleaves, proprietor of the next adjoining place, had had quite a serious difficulty with each other in which an axe figured?

A. I read it in the paper.

Q. And the matter had been aired in the court, with the result of Mr. White's conviction in the lower court and being fined; that was previous to this seizure?

A. I could not say.

Q. You are chief of police of Biddeford?

A. Yes, sir.

Q. And have been since September of last year?

A. The 5th day of September.

Q. And have been a deputy of the sheriff for a little more than three years?

A. Three years and three months.

Q. Other than your visits to Old Orchard on the 29th of July if that was the date of the White seizure, did you search any other places for intoxicating liquors elsewhere than in Biddeford?

A. Yes, sir.

Q. Where?

A. Old Orchard.

Q. How many places?

A. Well, I searched a place they call the Casco Club, and two places near by there.

Q. About this same time?

A. Just before that.

Q. After that time did you search any places at Old Orchard,—other than in Biddeford,—after the 29th?

A. No, sir, I did not.

Q. Are you willing to state to the convention, and if you are not I will not press the matter, whether after the White seizure you had any conversation with the sheriff or any communication or suggestion from him, that you had better attend to your own business in Biddeford?

A. No, sir. Never a word was said to me of anything of that kind.

Q. Any suggestion of that kind?

A. No sir.

Q. Were you advised by the sheriff or anyone claming to represent him that you had better leave the enforcement of the prohibitory law to the liquor squad?

A. No, sir.

Q. Why didn't you go to Old Orchard after July 29th?

A. I didn't get any complaints. And another reason, we tried to get Mr. White in before the municipal court of Biddeford, and Mr. Richardson didn't seem to want to put him in. Mr. Richardson, when the case would be assigned for a day, if Mr. Richardson was not there, the counsel for Mr. White was there, and when Mr. Richardson was there, counsel for Mr. White would be absent, and we never could get it tried. I told myself "I guess I won't bother any more."

Q. That is the reason you did not go elsewhere at Old Orchard, because Mr. White was not to be prosecuted to your satisfaction in the court?

A. Yes, sir, and that is the reason why I didn't get any more complaints, as I wasn't getting anything out of it.

Q. And you was not getting even fees?

A. No, sir.

Q. You were getting your pay as chief of police?

A. I wasn't chief of police then.

Q. What pay did you get then?

A. No pay. We got our fees, but they didn't amount to anything.

Q. Is it not a fact that the attornew for Mr. White, Mr. Hurd—he was his attorney?

A. Yes, sir.

Q. Was he not suffering from trouble with his eyes, so that for quite a considerable portion of the summer he was at the Maine Eye & Ear Infirmary?

A. I don't know, but he was doing work on the assessor's books all that summer.

Q. Was he at work all the time?

A. Pretty near all the time, with the assistance of somebody else.

Q. You remember he wore smoked glasses all the time?

A. Yes, sir.

Q. So that there was a real or pretended trouble with his eyes?

A. I know he wore glasses.

Q. Did you ever make a request to me as judge of the municipal court, that Mr. White should be brought in?

A. No, sir, I thought that was Mr. Richardson's place.

Q. You never made any such request of me?

A. No, sir.

Q. Were you present when I finally notified Mr. Hurd that the White matter must be gotten out of the way, that his illness could not be an excuse for any further continuance?

A. I think I was there.

Q. It was something like that?

A. Yes, sir.

Q. And I told him he must have his client in court?

A. Yes, sir.

Q. And if the records show that he was arraigned in November 1911, would that correspond with your recollection in the matter?

A. No.

Q. Have you any recollection?

A. No.

Q. Would you want to say that November 2, 1911, was not the time when he was arraigned?

A. I would not say; I could not say when it was.

Q. You have no recollection of it either way?

A. No, sir, I have not.

Q. Mr. Doyle has since become your captain of police.

A. Yes, sir.

Q. And was at the time a deputy of the sheriff?

A. Yes, sir.

Q. Had he during the previous two years of Mr. Emery's administration been a deputy?

A. He was a deputy since January, 1911.

Q. So that last summer was his first summer as a deputy of the sheriff?

A. Yes, sir.

Q. Then Mr. Watkins, of whom you spoke, was one of the sheriff's deputies?

A. Yes, sir.

Q. And upon February 9th, in the afternoon of that day, did you as a deputy of the sheriff serve upon Mr. Watkins any precept?

A. I did.

Q. And which you read to him?

A. Yes, sir.

Q. Was that precept signed by Charles O. Emery, as sheriff of your county?

A. Yes, sir.

Q. And was the effect and purport of that precept a notification by the sheriff that Lindley M. Watkins as a deputy was thereby removed from office?

A. Yes, sir.

Q. What time did you serve that precept upon Mr. Watkins?

A. I could not exactly tell you. In the afternoon; I had to call him out of the Nickle.

Q. And the Nickle opens about two o'clock?

A. Yes, sir, two.

The PRESIDENT: May I ask you, Judge Cleaves, what points you are trying to prove by this line of questions?

Judge CLEAVES: Mr. President, the answer to that question may involve a somewhat extended statement with reference to it. I do not know that I can make it as brief as I ought. Our position is this: One of the charges preferred against this respondent is that he gave testimony before this convention is another matter which was false, when he was under oath. Another is that in seeking to obtain evidence against the sheriff of York county he employed methods which were unbecoming an attorney. We say that in order to show that the statements which he made and which are part of the evidence in this case, and among which statements is this statement that he received an offer for the payment of money in the future, and received finally a payment of $100. In order to show that that statement was true we ought to be permitted to show something of the previous acts and the situation of the sheriff, so far as the liquor traffic was concerned, in order to show that the sheriff by conduct—into which we shall go or attempt to go later by proof—was in an attitude of mind and a condition, by reason of his environment, so that it would not only be reasonable to believe, but almost a fact that what Asa A. Richardson did tell was the truth.

The PRESIDENT: The President cannot see what the removal of Deputy Watkins had to do with that.

JUDGE CLEAVES: Mr. President, Sheriff Watkins had made two seizures in places where the sheriff had told him he must not interfere, and within two hours of that time he was served with the order of his removal, to the end, as we say, that the sheriff in furtherance of his corrupt purpose might not be interfered with by an officer who would not follow his instruction.

The PRESIDENT: I think the matter in regard to the removal of Sheriff Watkins may be excluded.

JUDGE CLEAVES: Let me understand the ruling of the Chair. Is it the ruling of the Chair that it may be omitted in the interrogation of this witness, or finally?

The PRESIDENT: As far as this witness is concerned.

JUDGE CLEAVES: Let me ask another question of the Chair, if you please. I have interrogated this witness as the officer who served the precept removing Mr. Watkins. I should like an opportunity to prove, as a subsequent part of our case either now or later, by this officer that he did serve and legally and properly serve a precept that removed Mr. Watkins from his office.

The PRESIDENT: There is no objection to that.

JUDGE CLEAVES: I want to show that he completed the service.

Q. Was it after two o'clock when you made that service?

A. Yes, sir.

Q. Did you drive to the house of the Clerk of Courts, Mr. Emmons that same afternoon?

A. Yes, sir.

A. And filed the precept with him as Clerk of Courts?

A. I told Mr. Emery I would go to Alfred, so I got an auto and started and got stuck, and we had to dig ourselves and come back, and then went over to his office and served it on him.

Q. So that by nine o'clock that evening you had deposited the notice and

your return with the Clerk of Courts?

A. Yes, sir.

Re-direct.

By Mr. PATTANGALL:

Q. What term of court was it at Alfred when you had the conversation with the County Attorney in regard to the White case, which you have related?

A. September 1911.

Q. How many times, if at all, was the postponement of the hearing of the White case before the Biddeford municipal court, caused by the county attorney?

A. Well, I couldn't say how many times. The judge said the record is there where he warned the attorney for respondent November 2d. We were there every week, I think. Rum cases are tried every week.

Q. I am asking you about that particular case?

A. I can't tell you.

Q. If I understood you correctly there were postponements of the hearing on account of the county attorney?

A. Both on account of the county attorney and the respondent's attorney.

Q. Did you have any conversation with the county attorney about any of those postponements?

A. I asked him once about the White case.

Q. What reply was made?

A. He didn't make much of a reply. He turned to one side and said he would attend to it.

Q. In connection with the prosecution of White, was that prosecution impeded in any way by any county official for the county attorney?

A. Not as I know of.

Mr. PATTANGALL: That is all.

FRED S. DOYLE, called and sworn, testified:

By Mr. PATTANGALL.

Q. Last summer were you a Deputy Sheriff?

A. I was.

Q. And were you concerned in the prosecution of the White case?

A. I was, yes, sir.

Q. Will you relate what occurred at the September term of court at Alfred in connection with the White case so far as the county attorney was concerned?

A. I think it was about four o'clock when the county attorney came out of the grand jury room and he says, "Well, boys, we are all done," and Deputy Stone says, "What about the White case?" and he says, "You going to put that in?" and Stone says, "Yes," and he says, "You put that in and I will put the Cleaves case in," and he says, "You can't make fish of one and meat of another," and he says, "Somebody has got to go to Old Orchard right off," and Stone says, "I don't care a damn if you do put it in." Asa says, "Somebody has got to go to Old Orchard right off and summons the Cleaves people," and Stone says, "We didn't have anything to do with the Cleaves people, making the seizure, the police force did that."

Q. Later were the witnesses in the White case brought in before the grand jury?

A. Mr. Stone and I went home that day.

Q. Do you know whether the case was presented to the grand jury or not?

A. Yes, sir, it was.

Q. At that term?

A. Yes, sir.

(Cross examination waived.)

Mr. Pattangall then offered and read the following extract from the testimony of Asa A. Richardson in the Emery case:

Q. Now do you remember a certain inn-keeper by the name of White?

A. William L. White, yes, sir, I know him.

Q. Of Old Orchard?

A. Yes, sir, William L. White; yes, I know him.

Q. Now do you remember in two terms of court in your county of asking that an indictment against him might be filed?

A. It was discussed.

Q. And was such filing refused by two justices of the court, of the Supreme Court?

A. No, by Judge Haley at the last January term.

Q. You requested him to file this indictment?

A. Yes.

Q. And he declined to do it?

A. Yes.

Q. Allow it to be done?

A. That is correct.

Q. Required the man to be put on trial, didn't he?

A. I don't think he required him to be put on trial at that time.

Q. At some time?

A. At some time, yes, sir.

Q. Now sir, what did you produce as an indictment upon which he could be tried?

A. Well, I will tell you. An indictment was found against William L. White of Old Orchard at the September term of court. His counsel was bothered with——

Q. I didn't ask you about that.

A. Won't you let me——

Q. This is cross-examination, and the Attorney General will allow you to make any explanation you want to. I submit to the President of this Convention that it is my privilege and my right to cross-examine.

The PRESIDENT: The witness shall answer the questions.

Judge STEARNS: Now I say, what was produced?

A. May I explain it?

The PRESIDENT: You may answer the questions.

Mr. PATTANGALL: I will allow you an opportunity to make an explanation on re-direct.

Judge STEARNS: What was produced as an indictment upon which that man could be tried?

A. An indictment that had not been signed.

Q. Not been signed by you?

A. Not by me or by the foreman of the grand jury.

In other words, you presented to the Judge of this Court a blank?

A. Yes.

Q. Upon which to try that man?

A. Yes.

Mr. PATTANGALL: I also wish to offer the following testimony on re-direct examination of the same witness:

"Mr. PATTANGALL: The witness desired to explain two matters and I want to give him an opportunity to do so before he leaves the stand.

Q. Now, Mr. Richardson, will you make such explanation as you desire in the matter of the blank indictment in the White case, in regard to which the attorney questioned you, and which you desired to explain.

A. The White indictment was drawn in September of last year. As a matter of fact it was not signed either by myself or the foreman of the Grand Jury; it was simply a clerical error and got filed in court without having been signed. The respondent appeared, although I may say that counsel, if I have the facts correctly in mind, counsel for Mr. White, was suffering with some trouble with his eyes, eyritis, or something of that sort, whatever it might be, I don't know; and they came to Alfred in September and gave bonds on that same indictment twice, from day to day during the term for a continuance to the January term. When the case was called at the January term of court that matter was learned, that it had not been signed by the county attorney or by the foreman of the grand jury, when the case was to be settled. That was the first I learned of it, the first that counsel for the respondent learned of it and the first that the clerk of courts learned about it."

LUCIUS B. SWETT, called and sworn, testified.

By Mr. PATTANGALL:

Q. State your name?

A. Lucius B. Swett.

Q. You are Clerk of Courts for York county?

A. I am.

Q. Can you tell from your records the number of cases tried since January 1, 1911 involving violations of the prohibitory law?

A. The number that have been tried?

Q. I don't mean tried. I mean the number that are on the record, the number of indictments brought.

A. If I could use the paper that I used yesterday would that be sufficient?

Q. I have no objection and I have no doubt Brother Cleaves would have no objection.

A. I will give them to you by terms if that is permissible.

Q. All right.

A. At the January term, 1911, there were 38 cases before the court; at the May term 1911, there were 27 cases; at the September term 1911, there were 16 cases, at the January term 1912, there were 29 cases.

Q. Making 110 cases in all?

A. I haven't added them up.

Q. Will you give the disposition of those cases?

A. At the January term 1911, the cases were disposed of as follows: One dismissed, 16 plead guilty and paid fines, one placed on probation, seven filed, two plead guilty and sentenced and eleven nol-prossed. At the May term there were 10 cases filed, 14 nol-prossed and three received jail sentences. At the September term there were seven cases filed, three nol-prossed, four plead guilty and paid fines, one plead guilty and sentenced, one tried and found not guilty and discharged. At the January term 1912, there were 12 cases filed, nine nol-prossed, three plead guilty and paid fines, four placed on probation, one tried and found not guilty and discharged.

Q. At the January term two plead guilty and went to jail. Were there trials in those cases?

A. At the January term?

Q. No, they plead guilty.

A. Yes, two at the January term 1911 plead guilty.

Q. And at the May term?

A. At the May term two were tried and found guilty and one plead guilty.

Q. At the September term, what was the plea of the one who had the jail sentence?

A. He plead guilty.

Q. Have you the record of the White case about which testimony has been given?

A. Yes.

Q. Please read it.

A. (Witness reading from record) "State against William L. White, nuisance, September: capias issued September 22d, 1911: Respondent recognized 6th day in $500 with George A. Anthorne, Frank Cole, both of Biddeford, as sureties; Respondent recognized 21st day in $500 for January term 1912 with Fred C. Goodwin and R. H. Ford, both of Biddeford, sureties; continued," I have that in the January record, and at the January term 1912 the case was nol prossed.

Q. Was there any indicement filed in the Clerk of Court's office?

A. Yes.

Q. Have you the original indictment?

A. I have.

Q. And that indictment or that paper which purports to be an indictment is unsigned by either the county attorney or the foreman of the grand jury?

A. It is unsigned.

Q. When did you become clerk of courts?

A. On the 22d of last month, March.

Q. You were not familiar with the office at the September or January terms?

A. No, sir.

Q. Do you find any other indictment on file against White as having been brought at the September or January terms?

A. No, sir.

Cross Examined.

By Mr. CLEAVES:

Q. Will you give me your September number of the William L. White case, meaning the number of the case of State vs. White, about which you have been speaking, as found in your September 1911 docket.

A. 263—excuse me, there is another entrance, 153, that I didn't notice, State vs. White.

Q. Will you look and see what that is?

A. That is just State of Maine vs. William L. White, no bill, January 1911.

Q. So that the only matter upon the docket of the September term, 1911, in which there was an indictment found is the one numbered 263 on that docket?

A. 263, yes, sir.

Q. Will you look at the paper which you produced to show to the attorney general and see if you find on the outside of that folded paper the number 263.

A. I do.

Q. Has there been a pencil mark drawn through that number?

A. There has.

Q. Now will you look at your January 1912 docket and tell me what the number of that same case is upon that docket?

A. 71.

Q. Who was your immediate predecessor in the office?

A. Willis T. Emmons.

Q. I will ask Brother Emmons to step to your side for a moment and have you permit him to look at the indictment or the paper concerning which you have testified for the purpose of his seeing whether the figures 263, with the pencil mark drawn through them and the number 71 are each in his handwriting and were made by him.

Mr. PATTANGALL: If you don't wish Brother Emmons for any other purpose that may go into the record at this time.

Mr. CLEAVES: By consent of the Attorney General I can make a statement that will avoid the necessity of using a witness. Willis T. Emmons who was formerly clerk of courts and who immediately preceded this witness, states to me at this moment that the figures 263 through which a lead pencil mark has been drawn and the number 71 which appears upon the outside of this paper which is marked "Indictment, State of Maine vs. William L. White," were made at his office, and that at the January term of the Supreme Court, or at the September term of court 1911, held at Alfred that same paper was the one which was returned to the files of the Clerk of Courts by the county attorney as one of the indictments found at that term; and that immediately or shortly afterwards he placed or caused to be placed upon this indictment the number 263; that it is the custom in York county to have a docket for each year, and that 263 was the number of the indictment or paper so returned upon the 1911 court docket; that when it came 1912, and Willis T. Emmons was still clerk of courts, he started his new docket eliminating from that matters which had been finally passed upon and which were no longer upon the continued or live docket of the court; and when this matter was reached this number became 71 upon the new docket; and that he placed or caused to be placed upon this paper the new number 71, and that this is the paper which was returned to the file of the court as the result of the grand jury's deliberation in September and remained upon the files of the court so long as he was clerk of courts.

Q. (By Mr. Cleaves) Now I show you this paper about which we have just been speaking, Brother Swett, and ask you if with the exception of the name of the person complained against or investigated, the place where he lives, any dates appearing there—if with those exceptions the rest of that paper is all printed.

A. Yes, sir.

Q. That is the ordinary statutory printed form of an indictment for a liquir nuisance, is it?

A. Yes.

Q. And you are an attorney at law?

A. Yes, sir.

Q. And familiar with our statutes?

A. Yes.

Q. That is, more or less familiar, anyway?

A. Yes.

Q. With the exception of the signature of the foreman of the grand jury and of the county attorney, is that indictment drawn in accordance with the statute and the recognized forms of criminal pleading?

A. I understand that it is.

Mr. PATTANALL: It is all printed except the dates and the name, isn't it?

A. Yes.

Q. And you think those are filled in correctly?

A. Yes, that is, as far as the dates —I don't know about that.

State Rests.

Mr. CLEAVES: Through the President of the Convention I would like to make an inquiry of the attorney general merely for the purpose of ascertaining whether it may be by inadvertence or design that the transcript of the testimony of county attorney Richardson has been introduced under

that specification in the charges in which it is stated that he gave false testimony under oath in the hearing yesterday. I merely ask whether his position would be what I apprehend it may be, that a simple reading of it would convince any one of its untruth or whether he had omitted inadvertently any testimony tending otherwise to show that it was untrue —merely for the purpose of finding out so that later it may not be said it was an oversight upon his part of testimony sought to be introduced.

Mr. PATTANGALL: Mr. President, for reasons which I think are sufficient I will say to Counsel for the Respondent and to the Convention that I shall confine my argument to the Convention to the White case and shall refer only to the testimony of the county attorney so far as it relates to the White case and to the testimony of the clerk of courts with regard to the rest of the record simply so far as it bears upon the proposition that the White case was handled as it was either through a corrupt motive or gross incompetence; and I will say, not that I mean to argue now, but that I do that because I deem that sufficient, and I have no desire to go any further than I am obliged to go.

Mr. CLEAVES: I was wondering, Mr. President, in view of the statement of the Attorney General, whether we would not be fully within our rights and if so whether the mode of procedure would not be the one which I suggest, that there be stricken from the record and withdrawn from the consideration of this convention all charges excepting the one with reference to the White matter, and I ask the ruling of the President upon that matter.

Mr. PATTANGALL: I think Mr. President, that the motion made by counsel for the respondent or the suggestion is an eminently proper one.

The PRESIDENT: The President wishes to disagree with counsel, saying that this resolve and the charges contained therein were passed in both branches of the Legislature by separate vote, and the charges as presented in this bill must remain upon the record, and I so rule.

Mr. CLEAVES: Perhaps my suggestion went further than that. I feel, Mr. President, that the position of the respondent ought to be made as clear and definite as amongst us we can do it, and I appreciate the spirit of apparent fairness which the Attorney General has exhibited. I agree with the President that it cannot be stricken from the record, and if you will recall I stated "or withdrawn from the consideration of the Convention." Now I apprehend that this Convention being formed as it is, I suggest that the Convention can if it sees fit, vote not to consider any except the charge with reference to the William L. White matter. I feel in view of the suggestion of the Attorney General that that should be done before the respondent states his defence or introduces any testimony.

The PRESIDENT: The President will rule that under the rules adopted for the joint convention that no motions can be made, no debate, unless to dissolve or take a recess. It is the privilege of either branch to vote in their separate chambers on these measures, but in joint convention they cannot vote; and I so rule.

Mr. CLEAVES: I do not want the Convention to feel that I am overfussy about this matter, but I would like to inquire through the President, of the members of the Convention whether it might not be fair anyway and wise to have a recess to enable each branch to take such vote or such action upon these suggestions both of counsel for the Government and counsel for the Respondent as they see fit.

The PRESIDENT: The President will rule that recess is not necessary at this present time because the matter can be taken care of in each branch when the matter is brought to each branch. The President will further state that if there is no evidence presented on one count or another of course the Senate or the House will not act upon those counts.

Defence.

The case in behalf of the respondent was opened by George F. Emery, Esq.

During the course of Mr. Emery's opening, he said:

Mr. President, I feel it my duty as counsel for the respondent in this matter here to explain to you the situation that we necessarily find ourselves in and which we will meet as we believe we should meet, for the best interests of the respondent. The President of the convention has ruled that the charges, as in the address should remain as a part of the record before this convention, each and every one of them to be considered by you. That is the case. The attorney general for the State has very kindly consented that he would confine himself only to the charge that relates to the William L. White matter, and shoulld urge that that was the only thing you should consider; but still we know that although you are now considering a new case, because of the necessity of it, because of the methods of procedure, the address being brought in before the other case had been tried or completed, that the entire matters surrounding Mr. Richardson and the sheriff of York county are before your minds and although we absolutely trust your integrity to keep yourselves within that case, we as counsel for the defence believe that it is our sworn duty to now open up the entire matter and present testimony to refute every charge in the address which you must finally determine by your votes.

Mr. PATTANGALL: Of course, Mr. President, If the defence do that I should be entirely within my rights, in argument, cross-examination, and all that I care to do, to go into the various charges into which the defence goes.

The PRESIDENT: You would.

Testimony.

ASA A. RICHARDSON, being, sworn, testified:

By Judge CLEAVES.

Q. Your name is Asa A. Richardson?

A. It is.

Q. You live in Kennebunk?

A. I do.

Q. You are county attorney for the county of York?

A. Yes, sir.

Q. And have been such since the first day of January, 1911?

A. Yes, sir.

Q. How long have you lived in Kennebunk?

A. As much as 35 years, perhaps more. I don't remember, exactly.

Q. As a younger man did you learn the trade of a shoemaker?

A. I did.

Q. At what age did you begin the study of law?

A. When I was thirty.

Q And studied the usual two years —or two years and a half, and then was admitted?

A. I studied two and a half years and then was admitted.

Q. Since then you have been in practice entirely in York county, and at Kennebunk?

A. Yes, sir.

Q. Charles O. Emery of Sanford was at the time you became county attorney, sheriff of York county, was he?

A. Yes, sir, he was.

Q. When, if at all, in 1911, did you have knowledge of facts or circumstances which caused you to feel that you ought to investigate with reference to Sheriff Emery or any of his deputies?

A. The latter part of August or early in September of that year.

Q. Did that have to do with the automobile races at Old Orchard upon Labor Day?

A. Yes, sir.

Q. Without stating what you said, which would be improper, did you have a conversation with reference to that matter, previous and shortly previous, to Labor Day, with one of the sheriff's deputies?

A. I did, yes, sir, with Fred J. Whicher of Kennebunk.

Q. After that and until during the January Term of Court, did sufficient facts or circumstances come to your attention to require you to do anything further, that you recall?

A. Not that I recall, sir.

Q. During the January term of court at Saco, who presided?

A. Judge Haley.

Q. Judge Haley was, for a number of years, during all of his practice, a member of the York county bar, was he not?

A. Yes, sir.

Q. And was such when he was elevated to the bench?

A. Yes, sir.

Q. You knew him well?

A. I knew him very well, sir.

Q. After the grand jury had reported at that term of court, and you had brought in a prisoner indicted under the liquor law, did you make a motion in regard to that case, to which Judge Haley made any reply publicly, in the court room?

A. I did, sir.

Q. What did Judge Haley say?

A. May I explain it?

Q. No. What did Judge Haley say at that time?

A. He told me that,—as I remember the facts,—he told me—he said—he made this statement that if we could not, or if the officers could not bring in different cases from that, he thought —the substance was that he didn't believe the officers were doing as they ought, for this reason, as he said, "Poor old women are being brought in"——

Mr. PATTANGALL: Of course, Mr. President, I do not want to object to anything that is any good, but to introduce Judge Haley's statement, is a little far-fetched. I cannot bring the Judge here.

The PRESIDENT: It seems to me that the counsel can frame his question so that the witness can answer responsively.

Judge CLEAVES: Was the substance of Judge Haley's statement, which he made while court was in open session, substantially this: That liquor was being sold openly in the city of Biddeford, and that some people were getting rich out of it, and that the officers, or the authorities, ought to be able to bring in something besides that kind of cases upon which to punish people in the court—was that the substance of it?

A. I should say that was the substance of it.

Q. Without stating what you did say to any of those people, did you thereupon talk with several people in regard to the conditions?

A. I did, yes, sir.

Q. With some of the people in your home town?

A. I did, yes, sir.

Q. With some of the church people, later?

A. Yes, sir.

Q. Was it brought to your attention during the latter part of the January term of court,—that same January, 1912, term of court, that a considerable number of liquor saloons were being opened up in the city of Biddeford?

A. It was town talk, sir.

Q. Did you make at that time some personal investigation to satisfy yourself whether that was seemingly true?

A. Yes, sir.

Q. When did the January term of court adjourn?

A. It adjourned on the second day of February.

Q. How soon after that did you and others whom you had interested, begin to devise some way of discovering whether those conditions about which you had heard, were actually true or not?

A. I think a week or ten days.

Q. Was Rev. Mr. Cann of Kennebunk one of the men you consulted?

A. Yes, sir.

Q. Was Edwin I. Littlefield one of them?

A. Yes, sir.

Q. And Dr. Frank M. Ross a third?

A. Yes, sir.

Q. Had arrangements been started to bring to York county some detectives for the purpose of making some preliminary investigations?

A. Yes, sir.

Q. Upon the 22d day of February were you informed that Charles T. Reed had called at your office in Kennebunk?

A. Yes, sir. I had been to Kittery that day.

Q. How soon after that did you go to Biddeford?

A. I went to Biddeford—as a matter of fact, I went the next day.

Q. Were you there upon the 23d?

A. Yes, sir, Friday.

Q. For what purpose were you there?

A. To attend court in the Biddeford municipal court. As a matter of fact we have one day a week for rum cases. Thursday being a holiday, I went Friday.

Q. Thursday was Washington's birthday, recognized as a holiday?

A. Yes, sir.

Q. Did you see Mr. Reed that day in the city building?

A. I did, sir.

Q. Who spoke first with reference to any meeting, or conversation?

A. I think I did.

Q. What did you say, and make it brief?

A. I told him, "I understand you want to see me—do you?" and he said he did when I was at liberty.

Q. When you came out what did you say to him?

A. I told him I was ready.

Q. Where did you and he go?

A. We went to the third floor, I think, of the city building, into a room on the door of which was printed "Board of Registration," I think.

Q. Did you have any key to that room?

A. No, sir.

Q. Did Mr. Reed?

A. Yes, sir.

Q. Was it at his suggestion or yours that you went to that room on the third floor of the city building of which he had a key and you had not?

A. It was his suggestion.

Q. State, and as briefly as you can, with fairness to yourself and this convention, what was said by you and Mr. Reed?

A. We stepped into the room—he unlocked the door, and we went in and shortly sat down. He said he had something he wanted to discuss with me, a matter he wanted to discuss with me, and he began the discussion of it. He told me something of the conditions that had existed in York county, especially in Biddeford, for a long time, quite a period of years, as I remember it, and then he told me something of the proposition which he had arranged for the regulation of the liquor business in Biddeford—especially in Biddeford. He spoke of no other town in the county. And he finally told me, after having spoken of the fact that it was possible to make a regulation, that the officers had been cared for; that the police department had been seen to. He told me then that I might have $50 per week for the purpose, or in consideration, that I would institute no proceedings in Biddeford against liquor dealers; that I would not introduce spotters; that there had been spotters in the city in the past, and that I would see to it, so far as I was able, I was not to allow, or to insist upon people going to jail after they had been convicted of liquor selling; that the liquor dealers might be allowed to go into court three times a year and pay a fine.

Q. Was that the substance of what he said?

A. Yes, sir.

Q. What did you say at his conclusion?

A. I told him I wanted to consider the matter, and would see him again.

Q. That was what time of day; what part of the day?

A. That was before dinner on the 23d day of February.

Q. Within how long a time after that, if at all, did you talk with anyone about that interview which you had had?

A. I talked with Judge Cleaves of the Biddeford municipal court within an hour.

Q. Did you go over that matter quite fully?

A. I did, sir.

Q. Whom next and when did you consult with in regard to the matter, having in mind Mr. Littlefield?

A. I am very sure I talked with Dr. Ross, of Kennebunk. I believed I talked, I am not sure, that day with Mr. Littlefield, also in that town, that afternoon, as I remember it.

Q. That same afternoon?

A. I think so.

Q. As a result of any advice you received from either Dr. Ross or Mr. Littlefield, did you go to Biddeford the next day?

A. I did, Saturday.

Q. Did you see Charles T. Reed?

A. Yes, sir.

Q. Where?

A. At his office.

Q. About what time?

A. I can't fix the hour, although I think I left Kennebunk two minutes after one.

Q. Did you go to his office?

A. Yes, sir.

Q. Did you find him there?

A. I don't think he was in the office when I went in, but came shortly after.

Q. Where did you and he go?

A. To his private room.

Q. Was there anyone in his outer office, so far as you know?

A. I think there was an old gentleman.

Q. At the time you began to talk, what became of him?

A. I heard him go out in the corridor.

Q. What talk did you and Reed have? Make it brief.

A. I told him I had considered the proposition of the day before, and that I had come to talk with him about it. I told him I didn't believe I wanted to do business with anyone except Charles O. Emery of Sanford. He told me he thought I was very foolish, for he believed it was hardly probable that Mr. Emery would keep it to himself. But he said "However, I will arrange for a meeting between you and Mr. Emery." I won't say that he fixed the day, but it was the first of the week.

Q. Was that about the substance of the talk, so far as it is of importance in this matter?

A. I think it is, sir. I was there a very short time.

Q. While getting ready to leave Mr. Reed's office, or before you left, what took place with reference to a telephone message and any remark that he made to you?

A. While we were talking the telephone bell rang and he spoke to someone on the end of the line, and then he says "Someone knows you came to the office, and I guess you will stay here—I will ask you to stay here for a few minutes after I go out." He went out and I remained in the office.

Q. For about how long?

A. Not more than five minutes. I walked out into the front office, and also the front room.

Q. Did you see Mr. Reed again before the 28th day of February?

A. Yes, sir.

Q. When and where?

A. At my office in Kenenbunk on the 27th.

Q. What part of the day?

A. The afternoon.

Q. Give us the conversation so far as it is important in this matter?

A. In the morning—I will say that in the morning I learned from the lady in the office that Mr. Reed wished to make an appointment with me, she having received it over the telephone. In the afternoon he came to the office. I don't know what time he came. We were in the private room, and were there, well, it may be half an hour, and maybe it was a little more than that. We talked on general things for some little time, and the talk finally drifted into this liquor question which had been proposed and about which he had spoken to me.

Q. By the way, Mr. Reed is naturally quite an entertaining and prolific conversationalist?

A. Yes, sir. He told me something of the way they were doing business, and described to me how perfectly they were doing business; that they had books containing the names of the parties in the business, although he said the names were in cypher, so that no one could read them except himself and one other gentleman. I don't know that he told me—I don't remember that he told me anything more that was important.

Q. Had you any information from Mr. Reed which led you to believe that Charles O. Emery would be at your home either the latter part of that afternoon or the early evening?

A. I don't remember that he told me

Q. I did not ask you that. Had you any information that led you to believe that the sheriff would be there either that afternoon or early in the evening?

A. Only from what he told me the Saturday previous.

Q. Did you have at your home the latter part of that afternoon or the early evening, Edward H. Emery, Edwin I. Littlefield and Elmer Roberts?

A. Yes, sir.

Q. While they were there did you have any telephonic communication from Charles T. Reed?

A. Excuse me—if you will fix the day?

Q. The 27th?

A. Not while they were there. Oh, yes, I did. Excuse me.

Q. Tell us about that, briefly.

A. I had expected Mr. Emery, the sheriff, but he hadn't come that afternoon. About 6 o'clock, I called Mr. Reed. I think Mr. Emery was present, Edward H.

Q. Did you get Reed?

A. Yes, sir.

Q. Did you talk with him anything about the sheriff not being there?

A. Yes, sir.

Q. Was there an interval of an hour or so and then did you hear from Reed again?

A. Yes, sir.

Q. From anything he said did you learn that the sheriff would not come that evening?

A. I learned he would come the following morning at 10 o'clock.

Q. Was that what Mr. Reed said to you, in substance?

A. Yes, sir.

Q. As a result of that did you go and see someone that evening?

A. Yes, sir.

Q. The Rev. Mr. Cann?

A. Yes, sir, and I telephoned to Oscar W. Clark.

Q. Did you make arrangements with those men to be at your office about 10 o'clock the next forenoon and to remain there?

A. Yes, sir.

Q. Who of those knew why they were to be there?

A. Possibly Mr. Cann.

Q. None of the others knew the definite purpose?

A. No, sir.

Q. Why did you have Mr. Cann and the others at your office that morning?

A. Mr. Cann——

Q. For what purpose?

A. Because of something I had said over the 'phone to Charles T. Reed.

Q. What was your object in having those people there?

A. I wanted Mr. Emery to come to my house rather than to my office.

Q. Had you made arrangements for Mr. Edward H. Emery, Edwin I. Littlefield and Elmer Roberts, the evening before, when you found the sheriff was coming, for them to be there the next day?

A. Yes, sir.

Q. Had you made any arrangement with your stenographer, Miss Roberts, to inform the sheriff when he came to the office, where he would find you?

A. Yes, sir.

Q. Upon the 28th, in the morning, who came to your house?

A. Charles O. Emery, the sheriff.

Q. Who was there when he arrived?

A. Myself and my wife, Mr. Edward H. Emery, Edwin I. Littlefield and Elmer Roberts.

Q. When the sheriff came into your premises where did they go?

A. Into another room, and as I afterwards learned, they passed down into the cellar.

Q. Upon the previous day had they been in the cellar?

(Before this question was answered, Judge Cleaves consulted for a moment with the attorney general.)

Q. There has been filed here, Mr. Richardson, a copy of your entire testimony, so far as it relates to the 27th and 28th days of February, and the incidents of March 8th.

A. Yes, sir.

Q. And that was the testimony which you have already given orally before this convention in the hearing upon the charges against Charles O. Emery. Have you anything that you desire to add to that statement or anything that you wish to correct, that is of any importance at all, as you remember it?

A. As I remember it, I have not.

Q. Was that story as so told, true?

A. It was, sir, according to my memory of the facts.

Q. In the summer of 1911, which was the first summer of your incumbency of your office, was your attention in anyway called to the White place, in any definite way, or was it something just general?

A. The White place?

Q. At Old Orchard?

A. Yes, sir, it was.

Q. Was it because of a seizure made by Thomas Stone and assisted by

Capt. Doyle, on the 29th of July?

A. Yes, sir.

Q. By the way, during your entire term has it been your custom to go, at any time, anywhere, upon the request of any official, and prosecute in the lower courts all liquor matters?

A. Yes, sir.

Q. And in pursuance of that habit, how often have you gone into the Biddeford municipal court during that time?

A. Once a week every week that there was any business to be done.

Q. And most every week there is something?

A. There has been up to ——

Q. And as you understand the statute, that is not part of your duty, is it?

A. That is my understanding of the statute, sir.

Q. When was your attention called to the White seizure?

A. I think sometime in August of 1911.

Q. Shortly after the seizure?

A. I think so.

Q. Now, if you will accept my statement, and if the attorney general has no objection to its going in in this way, the docket of the municipal court of the city of Biddeford shows that upon the second day of November William L. White was arraigned, pleaded not guilty and waived examination. Then the matter went to the supreme court upon appeal, did it not?

A. Yes, sir.

Q. Now, having in mind Mr. Stone's statement that the case was continued, sometimes because of your absence, and sometimes because of the absence or the excuses of Mr. White's attorney, won't you state to this convention what you understand to have been the reason that this case was continued from some time in the early part of August, when it was called to your official attention, to the second day of November, which would be by one intervening term of the supreme court?

A. It was because of the,—because of some trouble which Mr. Carl C. Hurd, who acted as attorney for Mr. White, was having with his eyes, as he expressed it to the court and to me.

Q. Were you present a number of times upon liquor Thursday, when I was presiding in the court, and when other liquor matters either came up for trial, or were called up for some action, when Mr. Hurd was present and gave some excuse for a further continuance of the White case, and did that upon several occasions?

A. Yes, sir.

Q. Do you recall, having heard Mr. Stone's statement, of being absent at any time and your absence causing a continuance of the White case or any other case?

A. I don't remember any, sir.

Q. Do you recall that finally, just before the second day of November, that being the time when the assignment was had, that I said to Mr. Hurd in your presence in open court, that he must bring in his client and clean the matter up on my docket?

A. Yes, sir.

Q. Was it shortly after that he came in and the proceedings were had?

A. Yes, sir.

Q. Mr. White's case was presented to the September grand jury?

A. Yes, sir.

Q. And an indictment was found by the grand jury?

A. Yes, sir.

Q. You brought into court, amongst other indictments, a paper which has been shown in evidence here, and signed neither by yourself nor the foreman of the grand jury. Without going into the secret doings of the grand jury, what had been your custom in regard to the time you wrote indictments which had been voted?

A. I wrote them in the evening after the grand jury was dismissed for the day. That was my custom.

Q. When did you cause indictments so voted to be signed by the foreman and yourself, ordinarily?

A. Ordinarily, at the latter part of the term.

Q. Have you any theory or knowledge why that indictment, or that paper, was not signed so asto make it an indictment?

A. No, sir, excepting that it was an error upon my part.

Q. It may have been a blunder?

A. It probably was, sir.

Q. At the September term, the rec-

ords of the clerk, which have been read, show that Mr. White was first arraigned and furnished bail from day to day, and then finally furnished bail upon a continuance for the next term?

A. Yes, sir.

Q. At whose instance was he first brought in and arraigned and furnished bail from day to day?

A. At my instance.

Q. What, if any, excuse was made by Mr. Hurd, as attorney for White, to Chief Justice Whitehouse, who presided at that term, as a reason why the matter should be continued?

A. Because of the trouble he was having with his eyes, that he could not attend to court work.

Q. As a result did the Chief Justice continue the matter?

A. Yes, sir.

Q. Did you have anything to do with it, except to be present there and listen?

A. That is all.

Q. Were you present when White furnished his bail from day to day, or upon the continuance, either one?

A. I don't think I was there when bail was furnished.

Q. After the grand jury had been discharged at the September term, and the indictments and this paper, returned into court, did you, so far as you know, have that indictment in your possession for an instant afterwards?

A. No, sir, I did not.

Q. As you recall it, there is a rule of the supreme court, which applies not only to the practicing attorneys, but also to the State attorney, and which is obligatory upon the clerk of courts, that no paper,—which includes indictments, of the court, shall be out of his personal custody. Do you recall that rule?

A. I think I do, sir.

Q. When did you ascertain, and how, that this indictment was not an indictment because it was not signed?

A. I learned that at the latter part of the January term of this year.

Q. Now, had you made any motion with reference to the White indictment, to the court?

A. It was understood—shall I explain it?

Q. No. Had you made any motion or suggestion to Judge Haley in regard to the indictment?

A. I had.

Q. Was that, in substance, that the indictment should be filed?

A. Yes, sir.

Q. What was your understanding, or what were your reasons for wanting that indictment filed? Did it have anything to do with the Tom Cleaves matter?

A. Yes, sir.

Q. That being so, had you knowledge of the fact that Thomas L. Cleaves and Charles L. White, of Old Orchard, and being the persons we have described by other testimony, had had a serious difficulty that summer, before the seizure, in which an axe figured?

A. That is true.

Q. Had you also knowledge that a warrant against the Cleaves place had been issued and served while Stone and Doyle were in the White place?

A. I did not know that warrant was served while they were in the White place.

Q. Did you know that something was pending down to Old Orchard?

A. Yes, sir.

Q. What was your understanding in regard to White and Cleaves, whether they had both paid fines, or both had not paid fines, or what was the situation, so that you made a suggestion to Judge Haley that the White indictment be filed? What was your understanding of the situation of both White and Cleaves?

A. My understanding, so far as the Cleaves case was concerned, was that he had paid one fine at the September term, and there was nothing else on the record, so far as I know.

Q. And White had not paid any?

A. White had not paid any, but there was an appeal case from the Biddeford municipal court, and an indictment, and I believed those two parties should be served alike, so far as punishment in the supreme court was concerned, and I suggested that the indictment be filed.

Q. And Cleaves had paid a fine of $100 at the September term?

A. Yes, sir.

Q. White had not paid anything at that time?

A. No, sir.

Q. His appeal case came up in the January term?

A. Yes, sir.

Q. And there was pending the indictment you obtained at the September term?

A. Yes, sir.

Q. What arrangement was made, if any, through the counsel of Mr. White, as to the payment of the fine upon the appealed matter?

A. It was——

Q. Was it arranged that the fine should be paid?

A. Yes, sir, on the search and seizure, and the indictment for nuisance to be filed?

Q. If the arrangement had been carried out would it have left each as having paid the same amount?

A. Yes, sir, as I understood it and believed it.

Q. Have you any desire to state anything in regard to the September term, and the statement of Capt. Doyle and Mr. Stone in regard to that matter? If you have, make it as brief as you fairly can? You know what I am calling attention to?

A. I think the statement of Capt. Doyle in the matter is mainly correct, except that it was in the morning, rather than in the afternoon.

Q. And Mr. Stone's statement is equally correct?

A. Yes, sir.

Q. You knew Lindley M. Watkins, who, for quite a period of time was one of Sheriff Emery's liquor deputies?

A. I did, sir.

Q. And was Mr. Watkins the one whom you often saw and made special complainant in liquor matters all over the county?

A. Yes, sir, since the first of the year, a year ago.

Q. And did Mr. Watkins render you quite important assistance for the performance of your duties?

A. So far as he was able, yes, sir.

Q. And your relations were cordial and friendly?

A. Yes, sir.

Q. Did you know of the fact that Lindley M. Watkins was removed as one of Sheriff Emery's deputies?

A. I learned of it from the newspapers.

Q. And was it about the 9th of February?

A. I know it was early in February.

Q. How soon after that did you see Sheriff Emery and have any talk with him, if you remember, in regard to that matter?

A. Shortly after that.

Q. Was it between the time of the removal and the 21st day of February?

A. Yes, sir, I think it was.

Q. You saw the sheriff at the court room?

A. Yes, sir.

Q. Mr. Watkins was there with you?

A. Mr. Watkins and I were in the court room, and the sheriff came into the room.

Q. What did you ask him in regard to his reasons for removing Mr. Watkins?

A. I told the sheriff I was very sorry he had found it necessary to remove Mr. Watkins, and I asked why he removed him. I said further, "I know very well he has been active in the work which he is here to do," meaning the liquor business, and I said, "I wish, Mr. Emery, you would re-appoint him."

Q. What did Mr. Emery state when you asked him why he removed him?

A. He didn't give me any reason why he removed him. He said that he regretted the removal very much, and was making arrangements to reappoint him.

Q. Did he say anything about being "cornered?"

A. Yes, sir, he said, "They have me in a corner, and I can't help it." Sheriff Emery said that.

Q. Was it after Deputy Watkins' removal, and after you had this conversation with Sheriff Emery, and after you and two or three others at Kennebunk had partially made arrangements to have some detectives do preliminary work in the county? Was it after all those things, that you and Mr. Reed had the conversation which you have related?

A. Yes, sir, that is true?

Judge CLEAVES: I think, Mr. President, that I have covered the matter. If I have omitted anything I will ask to have the privilege of asking further questions.

Cross Examined.

By Mr. PATTANGALL:

Q. Mr. Richardson, during your term of office as county attorney has there ever been an instance except the White case when an indictment was found to have been unsigned?

A. I don't remember any, sir.

Q. You would remember it if there had been one, wouldn't you.

A. I think so.

Q. Aren't you sure of it?

A. Practically sure; I don't remember of any.

Q. You have been county attorney 15 months?

A. Yes, sir.

Q. Now, do you know whether you ever had to nol-pross an indictment during those four terms of court during which you have been county attorney on account of having been unsigned, except this one?

A. I don't remember of any, sir.

Q. And you can't say for sure?

A. I am satisfied that I have not.

Q. I think you would know.

A. I don't remember any, Mr. Pattangall, I would be very glad to tell you if I remembered of any, I don't remember of any.

Q. When White's case and this other man Cleaves' case came up they were both indicted in September, weren't they?

A. Yes.

Q. And Cleaves paid a fine?

A. Yes.

Q. And White's case was continued?

A. Yes.

Q. Now, your object or your idea rather was to treat those two men alike? That is, as I understand it?

A. Yes, in the punishment.

Q. I mean in the punishment.

A. Yes.

Q. Meantime the search and seizure cases against both places had been pending, one in the Old Orchard court and one in the Biddeford court?

A. I am informed, Mr. Pattangall, that the Old Orchard case was disposed of or settled at the time of the seizure. I may be mis-informed as to that, but I have no knowledge of it.

Q. I won't say pending. I will say, meantime a search and seizure case had been brought against each of them, one in the Old Orchard court and one in the Biddeford court?

A. Yes.

Q. You knew that White's case in the Biddeford court had been appealed and had then come into your hands as county attorney for settlement?

A. At the January term?

Q. Yes, at the January term.

A. Yes.

Q. Now, at that term of court Mr. Emery who is of counsel for you told you that Cleaves had paid a fine in the Old Orchaard case, didn't he?

A. I don't remember about that if he did, I know we had a discussion about it.

Q. Just a minute—

A. Excuse me, sir.

Q. You heard his opening statement here, didn't you, a few minutes ago?

A. Yes. I did hear him make his statement.

Q. You heard him say that he told you so, didn't you?

A. If he did I felt that he was not representing it to me as it was, or didn't understand it, that was all. I didn't understand that he paid but one fine.

Q. You don't think that Mr. Emery, as a reputable member of your Bar would come to you as county attorney and tell you that his client had paid a fine in the lower court unless he had done it?

A. No, sir, I know very well he would not. Now, if you will let me explain I will try and tell you.

Mr. CLEAVES: I will take care of you on re-direct examination.

Mr. PATTANGALL: I will let him do it now.

Q. When you reached your January term Mr. Emery had informed you that his client had paid a fine at Old Orchard. You knew he had paid one in September, and if Mr. Emery was telling you the truth that would make two fines on him?

A. Yes.

Q. Wouldn't it, Mr. Richardson?

A. Yes.

Q. Now, if you were going to punish those two men alike you wouldn't accomplish that act by letting the other fellow pay one fine and failing to indict, would you?

A. Excuse me, will you please repeat that question.

Q. If you were going to punish these two men equally you wouldn't accomplish that purpose by letting White pay a fine on the appeal case and failing to indict, would you?

A. No, sir, I would not.

Q. And that was what he got, wasn't it?

A. Evidently, yes, sir.

Q. Do you appear in Biddeford practically weekly on account of the liquor cases?

A. I do when there is business, sir.

Q. That is, for liquor cases?

A. Yes, sir.

Q. And is there usually some at least once a week?

A. Very many of the Thursdays I have had business there, yes, sir, during the 15 months I have been in service.

Q. And have appeared representing the State in very many liquor cases in the court during that time?

A. Quite a good many, yes, sir.

Q. As a rule, I suppose you don't have to try many of them?

A. Well, often we do have to try, yes, sir.

Q. Quite a large percentage are not tried, are they?

A. Up to this fall we tried quite a few, yes, sir.

Q. Quite a good many that are not tried where they come in and plead guilty?

A. Yes, that is true.

Q. So that you have both trials and cases that are not tried?

A. Yes.

Q. And in all the cases where you appeared before the Biddeford municipal court for 15 months, all the liquor cases, you never asked for a jail sentence, did you?

A. In the Biddeford court?

Q. Yes.

A. No, sir.

Q. Not one?

A. I don't remember that I have.

Q. Don't you know you didn't?

A. As a matter of fact, I have, yes.

Q. You didn't get it?

A. No. I will tell you about that if you would like me to.

Q. No. I am not going into the detail of all those cases. Time won't allow. But did you more than once ask for jail sentence?

A. Yes.

Q. And unsuccessfully?

A. No, sir, the recorder was in court at this time as I remember it.

Q. And did you get the jail sentence?

A. No, sir.

Q. I say, "unsuccessfully." You were unsuccessful?

A. That is true. You have it correctly.

Q. And you only asked when the recorder was there?

A. The recorder was there when I asked. I remember the time I asked.

Q. When Judge Cleaves was there, there was no reason why you wouldn't ask him if you thought the fellow ought to have a jail sentence?

A. There wasn't.

Q. In your cases up above when you got up before the jury in the Supreme court you weren't in the habit of asking for jail sentences there, were you?

A. I have asked for jail sentences, sir.

Q. Judges refuse them?

A. No, sir. I have got some of them in jail.

Q. Certainly you have; but I say not as a habit, not as a general rule, you never asked for a jail sentence in the Supreme Court and had the Judge refuse it, did you?

A. No, sir.

Q. Now at the last January term you didn't have any jail sentences, did you?

A. I don't remember, General.

Q. I am going to say to you that you did not because I have just heard the clerk of courts testify, and the clerk says you did not.

A. All right.

Q. And you didn't ask for any, did you?

A. I don't remember.

Q. Judge Haley didn't refuse any, did he, that you asked for?

A. I asked to have one fined and he refused to do it, and put him on probation.

Q. But you didn't ask Judge Haley

to send a liquor seller to jail and have him refuse it, did you?

A. No, sir, he would have done it I think.

Q. If you had asked him?

A. I think so.

Q. Now at that term of court you had according to the clerk's records 29 liquor cases of which twelve were filed, nine were nol-prossed, three were fined, four were put on probation and one was tried and found not guilty. Now that was the month when Judge Haley told in public court about the conditions that existed in York county and which demanded some radical measure of enforcement, wasn't it?

A. Certainly, yes, sir.

Q. And when he intimated pretty publicly that the officers were not doing their duty?

A. Yes, sir.

Q. And that was the same month when people were negotiating with you to pay you $50 a week not to ask for jail sentences?

A. No, sir, that was not the month.

Q. It was the month before.

A. No, sir, that was two months after.

Q. January is the month before February. Now, you take my word for that.

A. That is true; you are right, yes.

Q. Now I say to you because I want to get this right,—during the 15 months you had been constantly appearing before the Biddeford Municipal court as prosecuting attorney and faithfully looking after the liquor cases, you had not from that court got anybody in jail for liquor selling?

A. From the Biddeford court, no, sir.

Q. Now during the January term of court preceding the time when this bribe was attempted you had not asked to have anybody go to jail for liquor selling?

A. I don't think so, sir.

Q. During the September term previous to the January term of court you had had according to the clerk records one jail sentence?

A. Yes.

Q. And that September term followed the Old Orchard or Beach season, didn't it?

A. Yes.

Q. Is it a fact that Old Orchard was wide open that summer?

A. I wasn't down there I don't think during the summer.

Q. Did you hear anything about it?

A. I heard so, yes.

Q. There was the current report all over the county, wasn't it?

A. That was current report, yes.

Q. That Old Orchard was wide open?

A. Yes.

Q. Did you send a detective there?

A. No, sir.

Q. Did you send any spotter there?

A. No, sir.

Q. Did you send any minister from Kennebunk down to look Old Orchard over?

A. No, sir.

Q. Did you go down yourself to look it over?

A. No.

Q. Wasn't Watkins a liquor deputy then?

A. Yes.

Q. And wasn't he a faithful official?

A. Very, I believe.

Q. Wasn't he a friend of yours?

A. Yes.

Q. And in your confidence?

A. Yes.

Q. And you talked freely together?

A. Yes, and others of the deputies talked freely.

Q. And their authority was—Old Orchard was covered by the field of their authority?

A. Yes.

Q. Did you make any effort through Watkins or anybody else to close Old Orchard up that summer?

A. One of them told me he would.

Q. He didn't do it?

A. I don't think he did.

Q. He didn't do anything toward it, did he?

A. No sir.

Q. Was there anything done toward closing Old Orchard up excepting the seizure made on White's and Cleaves' places?

A. No, sir, not so far as I know.

Q. And so far as you were concerned, you didn't want White indicted, did you?

A. Didn't want White indicted? Yes, I wanted White indicted.

Q. If you wanted him indicted why did you say to the officers what they say you said about the indictment?

A. Now, I can't tell you. I don't remember but I believed as I told you, that both of those fellows should get punished equally.

Q. Exactly, and if you didn't indict either of them they wouldn't either of them have been punished, would they?

A. I saw no reason why they shouldn't be indicted. I felt that the officers were not——

Q. Just wait a minute. Isn't it true, as Stone says, that you went over to the officers' room and said "The work is all done," or "Is there anything more?" or words to that effect?

A. Yes.

Q. Now isn't it true when you spoke of the White case you gave him the answer which he says you gave him?

A. No, sir.

Q. That is not true?

A. No, sir, he gave an answer that I swore about it, and I didn't swear.

Q. Leaving the oath out, isn't the answer true excepting the swearing?

A. What was it?

Q. Don't you remember it?

A. No, I don't.

Q. And you sat right there?

A. I don't carry these details in my mind.

Q. Do you think that was a detail?

A. That was a detail, yes. Now I will tell you what I remember of his saying if you would like to have me.

Q. You won't hesitate, will you, to relate to this Convention the details of the conversation which you claim you had with Charles Reed last January, will you?

A. No, I wouldn't hesitate.

Q. But you would say that you can't remember what Stone and Doyle testified to here?

A. What Doyle said was practically correct, sir, as I remember it.

Q. All right, I will take Doyle if you have forgotten Stone.

A. Very well, all but the oath, and I say I can't separate the oath from the rest part of it. Doyle said all right.

Q. We will have it noted in the record that you object to the oath, and you may go along with the substance of it. That is what I want to get at. The matter of the oath I would not criticise anyway—I swear myself. You heard what Doyle said?

A. Yes.

Q. And you say you did say to Doyle what he says you did?

A. In substance, yes, sir.

Q. Now tell me why you didn't want—why you objected to indicting White?

A. I didn't object to indicting White. I said "If White is to be indicted Cleaves must be, too."

Q. Why didn't you want to indict both of them?

A. I was willing to indict both of them.

Q. Why did you talk it over with anybody? And did you send for a single witness against either of the men?

A. No, sir. I didn't know the names of the witnesses. I supposed the officers were the witnesses in the Cleaves case.

Q. Did you send for the officers to come before the grand jury?

A. The officers were there.

Q. Did you call them before the grand jury?

A. I asked them who were witnesses in the Cleaves case.

Q. Let's keep to the White case. Had you gone out there and asked anybody who were witnesses in the White case?

A. No, I went out and asked if there was anything more to be brought to the attention of the grand jury.

Q. And Mr. Stone or Mr. Doyle, one of them said the White case, didn't they?

A. Mr. Stone did, yes, sir.

Q. The White case?

A. Yes, sir.

Q. Now did you then say, "Where are the witnesses in the White case?"

A. No, probably not.

Q. You didn't, did you?

A. I don't think I did.

Q. You said, "If he is going to be indicted I will indict Cleaves," didn't you?

A. Yes, "we must include Cleaves" —yes that is right.

Q. And as a matter of fact on account of a flaw White never was indicted, was he?

A. No, on account of a flaw which I have described. We went through the form, however, in good faith I believe.

Q. Were White and Cleaves men who were reputed to be regularly in the liquor business?

A. I have heard so, sir, since.

Q. I don't mean that you know that of your own knowledge, but were they men who were reputed to be in the liquor business?

A. As I have told you, I have heard so.

Q. The proposition that you discussed with Read, so far as is involved the punishment of liquor dealers, was that the dealers if they were assured a measure of protection would be willing to pay three fines a year, wasn't it?

A. That was one of them, yes

Q. That was a part of the proposition?

A. Yes

Q. Now nobody had bothered the dealers at Old Orchard in 1911, had they?

A. No, sir, only those two seizures.

Q. Was there anybody down there who had paid three fines that year?

A. I don't think so. I don't know what happened in the court down there.

Q. Was there anybody that had through your office paid two fines?

A. No, sir.

Q. Was there anybody that through your activity had paid one fine from Old Orchard except those two men.

A. No, sir.

Q. Was there anybody in Biddeford who had paid three fines?

A. I can't tell you; I don't know.

Q. Do you recall any?

A. I don't recall any, no, sir.

Q. So far as you were personally concerned, you believed in the enforcement of the law, didn't you?

A. Yes.

Q. And not in attempting to adopt any system of regulation?

A. That is true.

Q. And you had so believed all the time that you have been county attorney?

A. Yes.

Q. And you believed it to be your duty, if the sheriff was not doing his duty to find out why he was not doing it, and investigate his department as you say you did?

A. So far as I could.

Q. Now, during the summer of 1911 you were aware that there was absolutely no enforcement of any kind, pretended or otherwise, at Old Orchard, weren't you?

A. I learned so afterwards.

Q. Didn't you know it during that summer?

A. No, I did not, except in one instance where I don't remember whether I have described it or not.

Q. Do you take the Biddeford paper?

A. I do not, no, sir.

Q. How far do you live from Old Orchard?

A. Oh, possibly a matter of 15 miles.

Q. And you never heard all summer that Old Orchard was wide open?

A. I won't say that; but I was with my people at a point further on at the Beach last summer, all summer long.

A. All through the Beach season?

A. Yes, sir, from Decoration day until nearly the first of October except when I was in town part of the day each day.

Q. Do you say, Mr. Richardson, testifying here under oath that during an entire summer while you were county attorney of the county of York that Old Orchard was in the wide open condition that everybody here says it was and that you didn't know it?

A. I wouldn't say that, no, sir.

Q. Then you did know it?

A. I knew something of it. I didn't know all about it. I didn't know it was so bad as it was.

Q. And notwithstanding the fact that you believed in enforcement and believed in it so thoroughly that you were willing to go through what you have testified to here to catch a sheriff who was not enforcing the law in Biddeford you made no attempt either to close up Old Orchard or find out if bribery was going on there?

A. I wasn't the officer to do it.

Q. Who did you ask to?
A. Fred Whicher.
Q. What did he reply?
A. I will explain it to you if you would like to have me.
Q. Just answer the question. What did he reply?
A. He said that he would.
Q. He didn't, did he?
A. No.
Q. Did you speak of it again to him?
A. No.
Q. Did that startle you with regard to Old Orchard, to tell an officer to clean it up and have him say he would and then not do it?
A. I didn't understand Old Orchard was as wide open as you speak of all summer long. I understood it was during the races there, those three days. Now I may be in error, but that is the way I understood it.
Q. You didn't go down there to find out?
A. I didn't go there to find out, no, sir.
Q. But you went to Biddeford, took a minister and went over there and bought liquor in 23 places to find out?
A. No, sir.
Q. You went over there?
A. Yes.
Q. Didn't you go to some places and buy liquor?
A. Yes, two.
Q. You heard about them in Biddeford?
A. Heard about them in Biddeford, yes, sir.
Q. When you heard that Old Orchard was wide open did it occur to you to go down there and buy liquor and find out about it?
A. As I have told you, I didn't hear that it was wide open except those three days.
Q. Now I am coming back again because you and I are going to be frank with each other. I want to know if you testify to that, testifying here under oath, that you only knew Old Orchard was opened up three days last summer.
A. That is my understanding of it, sir.
Q. That is all you know of it?
A. That is my understanding of it.
Q. And do you think Old Orchard could run wide open all summer and the county attorney of York county not know it?
A. I wouldn't think so, no, sir.
Q. But it did happen?
A. That is what happened to me.

Re-direct Examination.

By Mr. CLEAVES:
Q. The Attorney General asked you in regard to jail sentences in the lower court in Biddeford.
Mr. PATTANGALL: I want to say I am not criticising you in that. I believe in the financial system myself.
Mr. CLEAVES: I can ruin a man through his pocketbook better than I can by putting him in jail. I want to know whether Mr. Richardson understood that was my custom.
A. Yes, that was the custom in your court.
Q. And in the upper court do you know of anywhere in the State of Maine, no matter who is or who has been county attorney, of his making any great scream or outcry to the supreme court justices to send people to jail for violation of the liquor law—have you ever heard of it?
A. No, sir, I never have.
Q. Now I wanted to ask something in regard to the matter of nol prossing cases both in the lower court and in the upper court, and perhaps I can with the consent of the Attorney General get right at the matter I want immediately.
Mr. PATTANGALL: Sure.
Mr. CLEAVES: As I understand the law, and I ask you if you agree, when a warrant or complaint is made under the intoxicating liquor statute, and a warrant issued by the magistrate and that goes into the hands of an officer he must serve that precept. Is that right?
A. Yes.
Q. And as far as you know that often times and more often than otherwise the deputy sheriff executing that precept will go into the premises described and find, for instance, in a man's dwelling house, a jug with some liquor in it and no other evidence of unlawful traffic excepting the possession of liquor?
A. Quite often.

Q. And oftentimes a bottle of liquor. Now under whatever conditions may exist is it the duty of the officer to bring what he finds away?

A. It is absolutely.

Q. And is it his duty to order the respondent into court?

A. It is.

Q. And in those matters where only the possession of a small quantity of liquor has been found both if it should be in the lower court or the upper court has it been your custom to suggest a nol pros?

A. It has.

Re-cross Examination.

By Mr. PATTANGALL:

Q. You don't know the practice of all the county attorneys of Maine about asking for jail sentences, do you?

A. He asked me if I had ever heard of it. I don't know, sir.

Q. Now don't you know as a matter of fact that there are counties in Maine where the county attorneys ask for jail sentence in every case except first offences?

A. I don't know, sir.

Q. Haven't you ever talked over enforcement with the Civic League people, Mr. Emery and your other friends?

A. Yes.

Q. Haven't they ever talked with you about that method of enforcement having jail sentences?

A. No. Edward Emery never did, and I have not talked with others of the Civic League.

Q. Then I misunderstood perhaps your position. I understood that your position was that acting in accordance with what you understood to be the practice of county attorneys throughout the State of Maine, you would not ask for jail sentences in liquor cases?

A. Under what conditions, sir?

Q. Under ordinary conditions, if you have a case against a man—

A. Yes, certainly.

Q. You wouldn't ask for a jail sentence?

A. It is according to the case.

Q. Unless there was something about the case beside the mere selling of liquor?

A. Well then it might be according to the respondent, and the conditions.

Q. You don't understand that the law is any respecter of persons and that the respondent has anything to do with it?

A. Well, for instance, assuming that it is the second or third or fourth or an old offence and you ask for a jail sentence as I have in the past——

Q. In the Supreme court?

A. Yes.

Q. And in the 110 cases that came before the Supreme court under your jurisdiction, is it true that you only had six cases out of the 110 where it was the second or third or fourth or old offence?

A. I can't tell you.

Q. Do you think the other 104 were new offences?

A. Probably some of them were old, older ones quite likely.

Q. Tell me what was your practice? Wasn't it ordinarily, and as your records show your practice was almost invariable not to ask for jail sentences?

A. That is what this record is, yes.

Q. And that is all the record you have as county attorney?

A. That is all the record I have as county attorney.

A. And as I understand. you did that in pursuance of the belief that that was the general practice through the State? Did you?

A. I did, yes; I believed it was the general practice in our county.

Q. In your county?

A. Yes.

Q. And that being the general practice, can you conceive of any reason under the light of the sun why a man would pay you $50 a week to keep up that general practice?

A. No.

(At this point recess taken until 7.30 o'clock in the evening.)

Evening Session.

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

The PRESIDENT: In view of the fact that the attorney general says that he will introduce no evidence or argue on no count, except count num-

ber two in the resolve it is my ruling that no testimony will be admitted except as applied to count number two. The Attorney General will have the right to put on such witnesses as he pleases to contradict the testimony of Mr. Richardson.

Mr. PATTANGALL: Mr. President, if that should be your ruling I should not feel at liberty to attempt to rebut any portion of Mr. Richardson's testimony, except that part relating to that particular count, and neither should I desire to do so.

The PRESIDENT: My ruling is that you have a perfect right, the State has a perfect right, to rebut any testimony that Mr. Richardson may have given himself.

Mr. PATTANGALL: I won't claim that privilege.

Mr. CLEAVES: Mr. President, as near as I understand your ruling the situation is, as I conceive it, that before adjournment which was had about six o'clock, the Attorney General stated to the Convention that he should only argue upon the matter which related to the White case. Thereupon counsel for this respondent suggested that there might be a way in which the resolve containing the charges could be so fashioned by either the convention as a whole or in separate session acting separately, that the charges then would reflect the attitude of the two branches, rather than the statement of the Attorney General, who is a member of neither branch; and that thus this convention might be governed not only by its inclination to fairness, but the record in the case. The Chair suggested that it could not be done by the convention, and thereupon I suggested that a recess be taken during which each branch might meet and vote, eliminating all but the second charge, or so reform the charges, entirely with our consent, that they would reflect, not only to this convention but to all others who saw and read the exact charges upon this respondent was being tried. The Chair ruled that no such recess was necessary. There has been since then a recess, and previous to which counsel for the respondent opened up the matter fully, and previous to which, without objection upon the part of the Attorney General, we went at length, both in opening and in the examination and cross-examination of one witness, into matters which are not embraced in the William L. White charges. No action I understand has been taken by either branch, separately, during the recess. The Chairman now rules that the testimony will be confined to the William L. White charge, although the charges as now existing and presented to this convention, and upon which they may vote, contain all the charges which were originally in. I understand, from the rules of this procedure, that were I a member of this body I could not appeal from the ruling of the Chair. Certainly, as counsel I would have no such right under the rules of procedure. I can only protest and proceed.

The PRESIDENT: In reply to counsel for the respondent I will say the Chair made its ruling this afternoon and those rules will stand. Judge Cleaves will proceed.

Mr. PATTANGALL: Do I understand the situation now to be, if you please, Mr. President, that evidence and argument will be confined to the matters relating to the charge contained in the White case?

The PRESIDENT: And with the privilege on the part of the State of arguing and contradicting such testimony as may have been introduced this afternoon outside of the White case.

Mr. PATTANGALL: I frankly say in regard to that that if that limit is put on to the evidence, I should feel only that I ought to argue the White case and it is all I should argue.

WILLIS T. EMMONS, being sworn, testified:

By JUDGE CLEAVES:

Q. Your name is Willis T. Emmons?

A. It is.

Q. And up to the 22d day of February this year you were Clerk of Courts in York county?

A. Up to the 22d day of March.

Q. Mr. Swett, who just testified,

was your immediate predecessor?

A. Yes, sir.

Q. And took the records of the court which formerly had been in your custody as clerk from you upon your retirement?

A. He did.

Q. How long had you been Clerk of Courts?

A. Since January 1, 1900.

Q. Calling your attention to the William L. White indictment, which you have seen, I will ask you if that is the first indictment during your years of service in the Supreme Court of this State that has been nol prossed because of some error?

A. No, it is not.

Q. How frequent and how numerous have been the varying instances?

A. Oh, that would be impossible for me to tell. I could not recall an indictment by the name of the respondent where it has been done before. I know as a matter of fact that it has been done several times.

Mr. PATTANGALL: The fact that it has been nol prossed because of error?

A. Yes, sir.

Q. (By Judge Cleaves.) You have known Mr. Richardson as a member of the bar and as county attorney for how many years?

A. Since his admission to the bar.

Q. You are now collector of the port of Portland?

A. I am.

Q. Have you ever seen, in your experience with Mr. Richardson as attorney, or Mr. Richardson as county attorney, the slightest indication on his part to do less than his sworn duty?

A. I never have.

Q. Have you had any dependable suggestion, have you heard any dependable suggestion from any source, up to the time this matter came up, to indicate that there was any suspicion that he was doing less than his sworn duty?

A. I never have.

Q. Were you clerk of courts and in court when the grand jury reported at the September 1911 term?

A. I was.

Q. Were there returned to you in written form the result in indictments of the deliberations of the grand jury at that term, to you as clerk of courts?

A. Yes, sir.

Q. Was there among them a paper which you saw this afternoon in Clerk of Courts Swett's possession?

A. Yes, sir.

Q. Did you recognize the number, 263, and upon the outside of the indictment in any lead pencil figures which had evidently subsequent to their making been rubbed out?

A. I remember the number. It is my recollection that it was 223.

Q. Who crossed that out and inserted the number 71?

A. Miss Gould, the clerk in my office.

Q. You recognize her handwriting?

A. Yes, sir.

Q. Was it done under you direction?

A. Yes, sir.

Q. The earlier number was the number of the indictment upon the 1911 docket?

A. Yes, sir.

Q. And the other number was the number upon the 1912 docket?

A. Yes, sir.

Q. Did that paper come into your possession at the same time that the other returns from the grand jury came into your possession as clerk of courts at the September 1911 term?

A. It did.

Q. Was it out of your possession up to the time you ceased to be clerk of courts, was it out of your custody?

A. It was not.

Q. Is that the same paper, is the paper you saw this afternoon the same one which has so been in your custody?

A. It was.

Q. When the matter of the State against William L. White upon that indictment came up for the consideration of the court, were you present?

A. I was, yes sir?

Q. Was that done in the court room proper or in Judge Haley's room as you recall it?

A. What do you mean was done?

Q. When the matter was first discussed in regard to its being filed, where was that done?

A. The first discussion in regard to the indictment being filed was in Judge Haley's office.

Q. And participated in by Mr. Richardson and Judge Haley?

A. Yes, sir.

Q. Was there a dispute and difference of opinion upon the part of the county attorney and others present as to whether Thomas L. Cleaves had paid more than one fine?

A. There was, yes, sir.

Q. What did the county attorney maintain was the fact, according to his recollection?

A. That Cleaves had paid a fine only upon a nuisance indictment.

Q. Was it your understanding at the time of this discussion that Mr. White was also to pay a fine of an equal amount?

A. Yes, sir.

Q. Do you recall at the September term, 1911, in connection with this indictment, taking bail for Mr. White's appearance first from day to day?

A. Yes, sir.

Q. Later in the term upon continuance, of taking bail to the next term?

A. Yes, sir.

Q. Did you hear, and if so, do you recall the reason why the case was continued?

A. It was upon the request of Mr. Hurd, who was sick with some trouble with his eyes. In fact he telephoned me that he didn't want his client to plead to the indictment until he had an opportunity to be in court.

Q. In the Supreme Court an entry cannot be made on the criminal docket except by you, can it, or by your direction?

A. It cannot.

Q. So that any cases that have been nol-prossed or filed or dismissed, you have had knowledge of the facts which preceded the order of that entry and have actually made the entry yourself, is that true?

A. I have had knowledge of most cases; not all.

Q. Having in mind the conduct of Mr. Richardson as county attorney during the four terms when he acted as such, while you were clerk of courts, in what respect, if any, did his conduct differ from that of any other county attorney whom you recall in your experience?

A. It didn't differ in any respect.

Q. Something has been said by the way of cross-examination in regard to the call for jail sentences; did he differ in that respect from other county attorneys whom we have had, in your recollection?

A. Yes, sir, he did differ in respect to county attorney Hobbs; he called for jail sentences in every case he had, I think.

Q. With the exception of County Attorney Hobbs, who preceded him, was there any difference?

A. I think not.

Q. If an indictment be filed does that mean that it may be called forward by the county attorney at any time for action by the court?

A. It does.

Q. It is simply taken off from the live docket and filed away upon the supposition that the offending party will not again offend.

A. That is the idea.

Q. That was the old probation idea before we had probation officers?

A. It was.

Q. During the September term as Clerk of Courts did you have that indictment open that you recall at all?

A. I don't recall of having it open.

Q. In the matter of taking bail, not only in Mr White's case, but in other cases, would there be any occasion for you to open the indictment to examine it?

A. There was no occasion to open it at all. It is printed on the outside and shows what the indictment is for.

Q. At the January term up to the time when the discovery was made that the indictment was not signed, to your knowledge had it been opened?

A. Not to my knowledg

Q. Had there been any occasion for any court official to open or examine it?

A. I don't remember of any.

Q. Who called for the indictment?

A. Mr. Hurd.

Q. Retail briefly the circumstances?

A. Do you want the circumstances leading up to this matter?

Q. Yes?

A. There were two appeal cases against White; one a search and seizure case, and another an appeal case for assault and battery upon Thomas Cleaves, and this indictment for a nui-

sance. Mr. Hurd said that it was understood that his client should pay a fine upon the appeal search and seizure case, and that the other cases would be filed. In consultation with Mr. Richardson I found they had not agreed upon the circumstances, and Mr. Richardson insisted that he should pay the costs upon the assault and battery case. Mr. White through his counsel declined to do that, for the reason that if he paid the costs it would show that he was in default. Then the matter of taking bail was taken up, and they were to pay a fine upon the appealed search and seizure, and the other two cases after consultation with Judge Haley, were to be continued. The jury, as I remember it, had been excused, and it was the last day of court. Mr. White had sent for his sureties, and Mr. Hurd came to the desk and said "I might as well see this indictment against White, if he is to be arraigned on it." Then he hadn't been arraigned. I got it out of the box and passed it to him. He took it and looked at it, and placed his face close to my desk, and he said "What is the matter with that?" pointing to the fact that there were no signature. I remarked that it looked as though there was a good deal the matter with it. I turned to Judge Haley, who was in his seat, and I said "This indictment doesn't seem to be signed at all." "Well," he says, "it is no indictment. Are you sure that is the original indictment?" I turned it over and looked at my numbers and said "It is certainly the original indictment or the paper filed for that." Mr. Richadson was in the back part of the room and he came up at the request of Judge Haley and was informed what the matter was with the indictment. He took it and looked at it, and said "I don't see what we can do with that."

I don't recall whether Mr. Hurd said to nol-pross it or whether Judge Haley said that was the only thing to do. That was said by somebody and that was the entry that was made.

Cross Examination.

By Mr. PATTANGALL:

Q. You say there was some discussion there in regard to whether Cleaves had paid one fine or two, in which the County Attorney maintained he had paid but one.?

A. Yes, sir.

Q. Who was the county attorney discussing that with?

A. Well, he discussed it with—I didn't hear him discuss it with Mr. Emery, but Mr. Emery came out of the room to me and spoke to me about it.

Q. You heard him discuss it with somebody?

A. Yes, sir, with me.

Q. Did you mean when you said there was some discussion that he discussed it with you?

A. He discussed it with Judge Haley.

Q. Judge Haley didn't know how many fines White had paid, did he?

A. He did.

Q. How?

A. I don't know.

Q. How many did he say he had paid?

A. He said he paid two fines in the lower court.

Q. And Mr. Emery said so?

A. Yes, sir.

Q. And the County Attorney maintained he had not, did he?

A. First he did, yes, sir.

Q. Well, did he finally come around to the conclusion that he had paid two fines in the lower court?

A. Yes, sir.

Q. So that before that discussion ended the County Attorney knew and admitted that Cleaves had paid two fines, is that right?

A. Yes, sir.

Q. Notwithstanding that he still insisted that White ought to pay one, is that right?

A. No, sir that is not. He took the position that Cleaves had paid but one fine, so that he presented the matter and said he had agreed with Mr. Hurd that it should be filed.

Q. Now when he finally got around to finding out that Cleaves had paid two fines, he asked to have the case continued, did he?

A. Well, it was determined that it should be continued. I cannot recall whether he asked for it or not.

Q. You do not think that Judge Haley asked for it to be continued?

A. No, sir.

Q. Was not the whole discussion there whether White did pay two

fines or one so to put him on a parity with Cleaves?

A. Yes, sir.

Q. When it was finally decided by the County Attorney after the information he had received that Cleaves had paid two fines, did he make any demand then to have White pay the other?

A. Yes, sir, he insisted he should pay the other, and that is the reason White sent for his bail.

Q. Did White demand trial?

A. I didn't hear him demand it.

Q. What difference did it make where the jurors were excused?

A. It didn't make any difference; he was obliged to arrange for bail.

Q. What was the purpose of having the case continued? Why did he want it continued?

A. It could not be tried.

Q. Was there anybody at any time in connection with the White case that suggested there was actually anything to try to the jury?

A. I don't think so.

Q. I don't. Was there any reason for continuing that case except that the County Attorney was willing to have it go over; anybody urging any reason for it?

A. I didn't hear any reason urged.

Q. Repeat the name of the County Attorney who preceded Richardson?

A. Mr. Hobbs.

Q. How long was he County Attorney?

A. Four years.

Q. And during the period that he occupied the office of County Attorney it was his invariable practice to ask for jail sentences in liquor cases?

A. You might call it so.

Q. I will say very general practice?

A. Yes, sir.

Q. So that for four years the precedent had been established in the county that violators of the prohibitory law when possible would be punished by jail sentences.

A. If the County Attorney had his way.

Q. When the County Attorney asked for jail sentences did the judges ever refuse it?

A. I never knew them to.

Q. Then he had his way if he got a verdict of guilty?

A. Yes, sir.

Q. And the practice inaugurated at the first term of the present County Attorney in January, 1911, in which the disposal of cases was as follows: One dismissed, 1 placed on probation, 16 plead guilty and paid fines, 7 filed, 11 nol-prossed, 2 plead guilty and sentenced, was a new practice in York county was it not?

A. It was different from the practice of the four years before.

Re-direct.

By Judge CLEAVES:

Q. Either the Attorney General confused himself or me, and I would like to know which. I understand the situation to be this in the White matter: That at first Mr. Richardson insisted that each should stand the same, and that when White paid a fine that would make him the same as Cleaves?

A. Yes, sir.

Mr. PATTANGALL: You mean when he paid a fine in the lower court?

Judge CLEAVES: Yes, sir. (To the witness) And when the County Attorney found that was no longer true he insisted upon White paying a fine upon the indictment?

A. Yes, sir.

Q. And then Mr. White commenced to get his bail?

A. Yes, sir.

Q. The jury had gone?

A. Yes, sir.

Q. Who could try William L. White that term of court with the jury gone?

A. Nobody could.

Re-cross Examination.

By Mr. PATTANGALL:

Q. Now just a minute. What day was that?

A. The 2nd day of February, I think.

Q. When did the jury go?

A. The 2nd day of February.

Q. What time did they go?

A. In the forenoon; at least in time to catch the noon train.

Q. And when the jury went the County Attorney had informed the court that he had no more work for it?

A. I don't know.

Q. You know that the court would not let them go until there was no more work to do?

A. Yes, sir.

Q. You do not think, being a clerk of long experience, that the court would let that jury go until the County Attorney had been called upon and had informed the court that he had no more work for them to do?

A. I don't suppose so.

Q. At that time the White case was not disposed of?

A. No, sir.

Q. And the counsel, for the respondent was there?

A. Yes, sir.

Q. And after your long experience don't you know that if the counsel for the defence or the County Attorney had had a consultation with the court and they had wanted a trial that the jury would have been held?.

A. Yes, sir, if either were anxious for a trial, or had expected it.

Re-direct.

By Judge CLEAVES:

Q. As I understand it Mr. Richardson had, previous to telling the court that he had nothing for the jury, had concluded that the indictment might be filed, thus leaving White and Cleaves even?

A. Yes, sir.

Q. And the jury was gone before he discovered that he was in error?

A. I don't know, but it was about the time they were going.

Q. So that it is your recollection that the jury was discharged before he learned of his error?

A. Yes, sir.

Re-cross Examination.

By Mr. PATTANGALL:

Q. I don't suppose the county attorney decided to file that indictment before he asked Judge Haley whether he could or not?

A. I don't suppose he did.

Re-direct.

By Judge CLEAVES:

Q. You have been county attorney, have you not?

A. Yes, sir.

Q. Has it not been your experience as county attorney for four years and clerk of courts for many years, that when the county attorney has investigated a matter, and concluded that it ought to be placed on file, the court almost invariably concurs in the county attorney's judgment?

A. Yes, sir.

Re-cross Examination.

By Mr. PATTANGALL:

Q. And Judge Haley continued that custom?

A. Yes, sir, he did in this case.

EDWIN I. LITTLEFIELD, being sworn, testified:

By Judge CLEAVES:

Q. What is your full name?

A. Edwin I. Littlefield.

Q. Your home is in Kennebunk?

A. Yes, sir.

Q. And you have lived there practically all your life?

A. Yes, sir.

Q. How many years have you known Asa A. Richardson?

A. Ever since I have known anyone.

Q. You lived in the same town that he does?

A. Yes, sir.

Q. And frequently see him?

A. Yes, sir.

Q. And frequently meet and converse with the same people who meet and converse with him?

A. Yes, sir.

Q. You have been frequently at Biddeford and Saco?

A. Yes, sir.

Q. And at terms of court where Mr. Richardson was acting as county attorney and where people from all over the county gather as jurors and parties?

A. Yes, sir.

Q. During that time have you ever heard any dependable suggestion that Asa Richardson as county attorney was doing less than his sworn duty?

A. Not that I recall.

Q. Do you know what his reputation is for truth and veracity in York county.

A. I should say as good as the average.

Judge CLEAVES: Perhaps you hate to brag, Mr. Littlefield, in view of what has taken place.

Mr. PATTANGALL: No question.

ELMER ROBERTS, being sworn, testified:

By Judge CLEAVES:

Q. What is your full name and residence?

A. Elmer Roberts, Kennebunk.

Q. What is your business?

A. Grocery and meat business.

Q. How long have you lived at Kennebunk?

A. About 12 years.

Q. Have you known Asa A. Richardson during that time?

A. All of that time.

Q. Since his election and qualification as county attorney have you heard any dependable suggestion whatever that he was doing as county attorney less than his sworn duty?

A. No, sir, I don't think I ever did.

Mr. PATTANGALL: No question.

Mr. EDWARD H. EMERY, being sworn, testified:

By Judge CLEAVES:

Q. Your name is Edward H. Emery?

A. Yes, sir.

Q. And you live at Sanford?

A. Yes, sir, I do.

Q. And you are a member of the Christian Civic League of the State of Maine?

A. I am.

Q. How long have you known Asa A. Richardson?

A. I could not tell definitely, but for several years; perhaps five or six.

Q. Do you know what his reputation is in York county for truth and veracity?

A. I never heard anything to the contrary to its being good.

Cross Examination.

By Mr. PATTANGALL:

Q. You never have heard it discussed, have you?

A. No, sir, I never heard it discussed that I recall.

JOHN P. DEERING, being sworn, testified:

By JUDGE CLEAVES:

Q. Your name is John P. Deering?

A. Yes, sir.

Q. And you are a member of the York Bar?

A. Yes, sir.

Q. And Judge of the Municipal Court of Saco?

A. Yes, sir.

Q. And you have known Asa A. Richardson how long?

A. Fifteen years.

Q. And since his election and qualification as County Attorney has he tried cases before your court?

A. He has.

Q. Whether or not he has appeared for the government in liquor matters?

A. He has.

Q. In his conduct of those cases and his attitude toward the court, have you seen anything to cause you even to suspect that he was doing less than his sworn duty as County Attorney?

A. I have not.

Q. Anywhere, since his election as County Attorney until perhaps you came here, have you heard any suggestion that he was doing less than his sworn duty?

A. No, sir.

Cross Examination.

By Mr. PATTANGALL:

Q. You knew he was not asking for jail sentences?

A. I didn't hear that talked until I came here.

Q. Then really you didn't know much about what he was doing as County Attorney until you came here?

A. From my observation I have not heard anything except that he was doing his duty.

Q. How much have you seen of him if you did not know that he was not asking for jail sentences; if in fact out of one hundred and eleven cases he only asked for jail sentences in five, how much did you know about what he was doing?

A. I have been to the Supreme Court and have heard him try some cases each term.

Q. Some liquor cases?

A. I think so, yes, sir.

Q. Had you paid any attention to his course of conduct in the Supreme Court in the prosecution of liquor cases?

A. Not as to whether he asked for jail sentences or not.

Q. Or what disposal he made of his cases?

A. No, sir, I didn't follow that. I

never heard any complaint about it and it never was drawn to my attention.

Q. You didn't know whether he nol prossed or fined, or what he did in those cases?

A. No, sir, I can't say I did.

JOSEPH DANE, being sworn, testified:

By JUDGE CLEAVES:

Q. What is your name and residence?

A. Joseph Dane; Kennebunk.

Q. What is your occupation?

A. Treasurer of the Savings Bank in Kennebunk.

Q. And have been such for how long?

A. Nine years.

Q. And previous to that time were you connected with the institution in any other way?

A. No, sir.

Q. How long have you known Asa A. Richardson?

A. Twenty years.

Q. And in your almost daily life do you mingle among the same people he mingles among in your town, some of them, anyway?

A. Yes, sir.

Q. Since he has been County Attorney have you heard any suggestion whatever that as County Attorney he was doing any less than his sworn duty?

A. No, sir.

Cross Examination.

By Mr. PATTANGALL:

Q. Did you ever hear the matter discussed at all as to whether he was doing his sworn duty or not?

A. No, sir.

SAMUEL W. JUNKINS, being sworn, testified:

By JUDGE CLEAVES:

Q. Your name is Samuel W. Junkins?

A. Yes, sir.

Q. You live at York?

A. Yes, sir.

Q. And have lived there all your life?

A. Yes, sir.

Q. You are one of the County Commissioners of York county?

A. Yes, sir.

Q. And have been acting as such for how long a time?

A. Eleven years.

Q. Your duty as County Commissioner requires you to go into a good many of the towns in the county in the run of a year?

A. On some business, yes, sir.

Q. And as County Commissioner do you meet quite generally people from the different sections of the county?

A. I do.

Q. You have known Asa A. Richardson for how many years?

A. Ten years, at least.

Q. And have known him quite intimately since he was County Attorney?

A. Quite.

Q. You have been more or less brought into contact with him officially since he has been County Attorney; have you heard any suggestion from any source that he was doing less than his sworn duty as County Attorney?

A. I don't know that I have.

Cross Examination.

By Mr. PATTANGALL:

Q. You mean that you have heard no criticism of his actions as County Attorney?

A. Not against, no adverse criticism.

Q. None but favorable criticism?

A. I won't say that, because recently I think there has been something said; up to this date, I mean.

Q. Up to what day?

A. Up to today.

Q. Up to today you heard none but favorable criticism of his work as County Attorney; is that correct?

A. I don't know but it is; I can't say; I don't remember that I have heard anything adverse.

Q. Don't you know, as a matter of fact, that everybody in York county has criticised Asa Richardson for losing practically every case he has tried since he went into the office?

A. No, sir.

Q. Did you ever hear of the Snow case?

A. Yes, sir.

Q. Did you hear any criticism of his course in that case?

A. Not that I recall now.

Q. They all thought that he did well?

A. I don't know.

Q. Did you hear of a rape case where the man confessed, was tried and went clear? Did you hear of that?

A. I remember the case.

Q. Did they comment favorably on that case?

A. I don't know as they did.

Mr. PATTANGALL: I should say not.

Judge CLEAVES: Let me correct, Mr. President, a certainly erroneous statement on the part of the Attorney General. I cannot think it was willfully done. The case which the Attorney General refers to, the man has not gone free; he is under a thousand dollar bonds, and I am his counsel. And the County Attorney screamed himself almost hoarse at the January term to get it tried, and the only way I got it continued was by showing that the respondent's wife was under a physician's care and if she had to go to court it might result in nervous prostration.

Mr. PATTANGALL: (To the witness) Did you ever hear about that case?

A. I do not recall of comments I have heard; I have heard of the case.

Q. Is Doctor Snow under bail?

Mr. EMERY: He is in jail.

Mr. PATTANGALL: When was he tried?

Mr. EMERY: He is in jail.

Mr. PATTANGALL: (To the witness) Were there trials for breaking and entering in the Snow case?

A. Yes, sir.

Q. Are those men in jail?

A. Not to my recollection; I don't know.

Q. Down in your county you were County Commissioner when Hobbs was County Attorney?

A. Yes, sir.

Q. And during his administration did you know, being about the court, that jail sentences were the rule in liquor cases?

A. I know there were liquor cases and jail sentences when they were called for.

Q. You were about the courts about every term; you were there in the Court House and you follow enough of the work of the County Attorney to know in a general way what he is doing?

A. We tried to; we didn't always succeed.

Q. And it was Mr. Hobb's policy to ask for jail sentences?

A. Yes, sir.

Q. You never heard Mr. Richardson ask for jail sentences?

A. No, sir.

Re-direct.

By Judge CLEAVES:

Q. Let me see about the Snow case. See if this is your recollection of the fact, that the gang in your county known as the Snow gang, Fred B. Snow, Ted Bragdon, Frank E. Whitehead, and May Snow, wife of the Doctor, Fred B. Snow. Fred B. Snow is in Thomaston. Do you recall when he was sentenced?

A. I don't recall.

Q. Ted Bragdon is not in the State of Maine; Frank Whitehead was tried and acquitted. Do you recall that?

A. Yes, sir.

Judge CLEAVES: And Mrs. Maud Snow was let out of jail so that her child might be born at home.

FRANK M. ROSS, being sworn, testified:

By Judge CLEAVES:

Q. Your name is Frank M. Ross?

A. Yes, sir.

Q. You live at Kennebunk?

A. Yes, sir.

Q. You are a practicing physician?

A. Yes, sir.

Q. How large a territory does your practice extend over?

A. Oh, an area of ten or twelve miles.

Q. How long have you been in practice there?

A. Thirty-seven years.

Q. How long have you known Asa A. Richardson?

A. Thirty-five years.

Q. And are you in the habit of meeting not only people in the area in

which you practice, but people from other sections of the county?

A. I am.

Q. You, Doctor, I believe are much in favor of a rigid enforcement of the prohibitory law, and always have been.

A. Yes, sir, I always have been.

Q. Since Asa A. Richardson has been County Attorney have you had any occasion to think that he was doing less than his sworn duty as County Attorney?

A. I have not.

Q. You have realized the difficulties under which he had to labor as County Attorney?

A. I have.

Q. Have you heard from anyone else that he was doing less than his sworn duty?

A. I have not.

Cross Examination.

By Mr. PATTANGALL:

Q. Have you been familiar, Doctor, with the matter of whether or not he requested jail sentences?

A. I have not.

Q. You don't know about that?

A. I have not been familiar with it.

Q. Were you familiar with the conditions as they existed in Old Orchard last summer?

A. I was not knowing to the condition, but I heard that through the summer months, perhaps of August, the town was thought to be quite wide open. And when the automobile races was there two or three days it was thought to be decidedly so. I don't go there often and was not there at that time.

Q. You didn't hear very much about conditions there except at that period?

A. I did not.

Testimony Closed.

The argument in behalf of the respondent was then made by Hon. Benjamin F. Cleaves, as follows:

Mr. President and Gentlemen of the Convention: You and I have reached a point in this case and in this special session of the Legislature when we have a duty to perform. It is near the close of a session called for certain distinct purposes in the beginning and anticipated no doubt by you all as being a session that would be speedily and more or less happily concluded. Certain things came up which made it necessary to prolong the session, and although you regretted it, it became necessary to stay here longer than you hoped to. So great was the apparent desire of you all to reach your homes that there was necessarily established in this legislative body a precedent which until it was so established was without parallel in the history of the world. A resolve was introduced for an address to the Governor and Council with reference to the sheriff of our county, and under subpoena there came to this city several witnesses, among whom was the county attorney of York county, who, by virtue of the process of this legislature had to come; by virtue of the authority vested in these two branches of the legislature in joint convention he had to testify, and when the State's case had closed and before the defense had opened the exigencies of the case seemed to render it necessary to establish this precedent, viz., to bring in the resolve which we are now hearing wherein one of the State's witnesses was charged, among other things, with giving false testimony in the hearing then going on. That resolve was read separately in the two branches, solemnly presented and solemnly passed, presented in the joint convention which was composed of the same men who later must determine whether Asa A. Richardson had or not told the truth.

But we are here for action upon this matter rather than to express or reflect upon our regrets. Our regets we can take home with us, and among them I feel very sure you will find occupying a prominent place the regret that it was necessary, or thought to be necessary, to adopt this unusual procedure; but, nevertheless, we are here. The man who came down here to testify remains to defend himself. It may only be a coincidence, but when the session opened at which Mr. Charles O. Emery was impeached, or sought to be impeached, you opened with prayer, and he was acquitted. In this instance no prayer was offered, but I hope it is not

an evil omen. The testimony upon which this man is sought to be convicted or acquitted, whichever you may decide is best and right and proper, is now confined by the ruling of your chairman to a charge which I want to read, and as I understand it is the only charge upon which you in fairness would be permitted to act and the only one upon which I have no doubt you will act. It is as follows:

"Secondly. Because said Asa A. Richardson did at the September term of the Supreme Judicial Court A. D. 1911, in and for the county of York, procure an indictment against one William L. White for violation of the prohibitory law, which said indictment was presented at the said September term and the case against said White continued to the January term of said court, at which time said Richardson requested permission to file said indictment. After the court had refused to grant said permission said Richardson produced in place of the indictment in question a paper purporting to be an indictment which was unsigned either by him or by the foreman of the grand jury, whereupon said White went free; and that because of said ignorant and corrupt acts of said Richardson, said White was not punished for his violation of the prohibitory law."

I don't know who drew or formulated into language that charge, but I ask you if there is the slightest evidence that Asa A. Richardson produced in place of the indictment in question a paper purporting to be an indictment? What would that sentence mean to you if you were not a member of this body but were at your home and read, as people generally all over the State have read, that statement, that the County Attorney was charged with producing in place of an indictment so returned a paper which was unsigned? Would you naturally and necessarily and immediately conclude that he was charged and that there was evidence upon which it was proper to charge him with finding an indictment which had been properly signed both by the County Attorney and by the foreman of the grand jury, and that with corrupt intent and for the purpose corruptly of protecting someone he had withdrawn that indictment regularly filed and formed from the files of this Supreme Court, corruptly destroyed it and corruptly suppressed it, and corruptly produced in its place the paper described in this charge, unsigned by anybody, and for the sole and only purpose of granting immunity and freedom to the man who had been regularly indicted and who otherwise would have been punished? I say I don't know who put that charge into words, nor do I care.

When the learned Attorney General talks to you about either corruptness or culpable negligence upon which he desires to remove this County Attorney I ask you to read the language of this resolve where it says that he produced in place of said indictment a paper unsigned, and ask yourselves in all fairness if somebody connected with this Legislature, somebody connected with the government of the State of Maine did not in some way make a statement with reference to County Attorney Asa A. Richardson which not only was not true but which the slightest investigation would have shown was untrue. I do not accuse anyone of culpable negligence; I do not accuse anyone of attempting wrongfully to accuse Asa A. Richardson, but I say that right in the charges in this case is a mistake of as great consequence to you as legislators here in the State of Maine as it was to the people of York county when that indictment was bunglingly left without signatures. And when you are listening to the fair argument, as I presume it will be, of the Attorney General, and when he is talking to you about mistakes which indicate corruptness, false motives, things which ought not to be, attributing as I have no doubt he will, or attempting to attribute to Asa A. Richardson who did not sign that indictment a corrupt purpose or culpable negligence, remember, I ask you, that somebody who presented to this body solemnly these charges did the very same thing, accused Asa A. Richardson before this joint convention, and it stands here uncorrected at this moment, with producing "in place of said indictment

a paper unsigned." I ask you in all fairness, not to this man here, but to yourselves,—forget him for the moment, forget everything but the duty of being fair, which is not only your sworn duty as members of this body but your duties as men when you are not under oath,—be fair in this matter, and say whether or not the mistake which appears in these charges themselves is evidence of somebody's culpable negligence or corruption, or whether it is merely a human mistake to which we are all subject. Then ask yourselves in the same spirit of fairness whether the indictment which was not signed either by the County Attorney or by the foreman of the grand jury may not possibly have been the result of that same human error. I ask you to consider that. Forget everything else, and say whether if you were in the place of this man and there was held up to you these charges formulated as they are, and that unsigned indictment, if you would want the man who drew those charges removed from office upon the ground that he was either corrupt or culpably negligent. That is what you are asked to do with reference to this man.

Now, Gentlemen, is that statement in the charge true or false? They say in these charges that he produced in place of said indictment a paper unsigned. What is the evidence upon which that charge now rests? Very likely the gentlemen or the committee,—whichever it was I don't know,—who drafted those charges thought it was so, and put those words in the charge. What is the evidence in regard to that? You saw Mr. Swett, the present clerk of courts, who produced in your presence a paper, and you will remember that I asked the former clerk of courts, Mr. Emmons, to step to his side and examine that paper. Mr. Emmons swears to you that that identical paper which is not signed by the county attorney or the foreman of the grand jury is the same paper that was returned by Asa A. Richardson, representing the county of York, from the grand jury room amongst other indictments as an indictment against William L. White. He tells you that that paper remained in his control as clerk of courts from that time until he delivered it over to his successor upon the 22nd day of last March. His successor says that is the same paper which came into his control and has been in his possession, and he produces it here; and so it does not rest upon the word of a witness who might forget or misrepresent. It rests further upon the written evidence which is upon the back of that paper showing first the number 263, and Mr. Swett says upon his docket that is the number on the 1911 criminal docket for York county. Through that number 263 was drawn a pencil mark and the number 71 put on there. Mr. Swett tells you that 71 is the number of that indictment upon the 1912 docket.

Can there be opportunity for a quibble, even the slightest hesitancy in your minds in saying that that paper which you saw is the only paper which ever was put upon the files of the court in York county as an indictment against William L. White? Is there the slightest evidence, suspicion or suggestion or can it be argued down your throats by however powerful an argument that that paper was substituted for any other paper that ever was upon the files of the York county court? Now, I ask you, is that so? Am I guilty of a culpable error or am I stating to you facts which have been testified to before you and which cannot be disputed? If I have stated to you fairly then there could have been no paper produced "in place of said indictment" because there never was any "said indictment," no paper was produced in place of it and that is the paper which has always been upon the files of this court.

Now, upon the matter of culpable negligence. I again ask you to remember when you are thinking of that and when you are voting upon that, remember the similarity of the unsigned indictment and the grievously erroneous wording of the charges upon which you are acting and say whether you want to go upon record as saying that this man who did not sign and did not procure the signature of the foreman of the grand jury was culpably negligent in not so doing. Was he corrupt? And that of course is of greater conse-

quence to you and to him and to us who outside of this body help constitute the body of the people of the State of Maine; it is of consequence to us all whether our county attorney was or not corrupt.

In order for you to get my viewpoint from which .I think in fairness you should look upon the matter I have to touch briefly upon some of the suggestions contained in the cross-examination of the attorney general as well as that which actually came out. One of the suggestions which he makes to you and upon which no doubt he will rely, and which with his vigorous fairness he will urge upon you is that a county attorney who would not ask for jail sentences must necessarily have some ulterior purpose in mind. When you are considering that you will first think of the records which the county attorney has before him. His first term in office, January one year ago,—and if you don't remember the figures I have no doubt the attorney general will read then to you and when he reads them to you think of them, and if he does not read them to you then try and remember if there is the slightest difference between the number of cases which the county attorney nol prossed at his first term in office and the number which he nol prossed his last term in office. See if there is any appreciable difference, any difference which has a suggestion of corruptness in it, between the number of jail sentences which he asked for and received at the first term and those which he asked for and received at the last term. See if during any of the intervening time there seems to be any difference between what he asked for and obtained at the first term of court and the things which he asked for and obtained along the some lines at the last term of court.

And for the purpose of calling attention to this fact either you must believe that he was corrupt when he first went into office, or else he became corrupt afterwards: and if you find that he was doing and attempting to do the very same things in the very same way at the last term of court that he was attempting during his first term of court, then don't it mean something to you upon the question of whether he was corrupt during his last term of court? Bear that in mind if you please and remember it.

Now, gentlemen, we don't advertise nor does Asa A. Richardson advertise himself as in any way approximating the ability of several whom we might name. If we had in the office of County Attorney of York county a man like your learned Attorney General we should be indeed proud and happy; we should glory in the keen incisive wit which cuts through and opens that which is in the most astute opposing witness. Neither you nor I know of a single man in the State of Maine who can do, so far as the things which intelligence will permit a man to do, what William R. Pattangall can do. Fortunately, as it is in various other things in life, we are not all and cannot all be like our learned Attorney General. Even to the same degree it is fortunate that we do not all look alike because if we did the same people would be liking us and it would be getting us into trouble.

So far as Asa A. Richardson is concerned, he does not claim, nor do we claim for him, to approximate the wit, the ability or the intelligence of the Attorney General. And when the Attorney General is criticising our County Attorney remember if you will that he is criticising him out of William R. Pattangall's head and with the result of the thoughts of William R. Pattangall, rather than taking the viewpoint of Asa A. Richardson, rather than bringing himself down upon the plane where Asa A. Richardson and a number of the rest of us in York county reside; and I ask you to view the matter from the view-point of Asa A. Richardson when you are thinking and voting upon the question of his corruption. Don't ask yourselves what it would mean if William R. Pattangall had done or failed to do certain things, because William R. Pattangall knows and William R. Pattangall has and always has had the ability to sit down and plan out for days, months and, as it seems, years in advance of the immediate moment various things which most

always come out as he has planned them. So that for William R. Pattangall to make a mistake would indeed be a crime! (Applause.) But, gentlemen, when you are asking yourselves whether the doings or the failure to do the same thing upon the part of Asa A. Richardson is corrupt I ask you to view it from the standpoint of Asa A Richardson and from the plane upon which he lives, and not from the elevated and rarified atmosphere in which the Attorney General has so long been that he cannot perhaps in fairness look at it from any other viewpoint.

What has Asa A. Richardson done or failed to do which indicates a corrupt purpose with reference to the William L. White matter? I have already touched upon the matter, upon one phase of the matter, of the comment and criticism contained in the cross-examination of the Attorney General. He says that Asa A. Richardson did not ask for jail sentences; he says, and it is in evidence, that his immediate predecessor in office asked and received jail sentences in all matters where he asked for them.

The election which took place a year ago last fall was to some of us a startling reminder that people differed very materially in their views upon various live issues, and that like all honest and intelligent men a great many had changed their minds during the previous two years, illustrating only the proposition that no two County Attorneys any more than any two individuals would conduct the affairs of their office in exactly the same way. One man might conclude, and honestly perhaps as a result of environment and training and perhaps as a result of what he conceived public opinion at the time to be, to conduct the affairs of his office along a certain line. It might be suggested to one County Attorney by reason of those various environments that it was necessary and proper for him to ask for jail sentences; it might be that intervening between his term and that of another other circumstances had apparently changed or the other individual might have concluded that it was wiser and more productive of good for him to change the policy of that office.

You are to determine whether the fact that County Attorney Hobbs did ask for jail sentences and Asa A. Richardson not only did not ask for them, but did not ask for them in his first, second, third or fourth term, and there is no difference so far as that is concerned in the first and last,—you are to determine whether the fact that he did not ask for jail sentences is any evidence either alone or in combination with all the other circumstances in this case of a corrupt purpose in what he did in the William L. White matter. You are also asked to find upon the evidence that another indication of his corrupt motive and purpose in the White matter was what he said and did to Thomas Stone and Fred Doyle not only at the time of the September term of court but in the events which transpired before that. Put yourselves, if you please, in the situation in which Asa A. Richardson was in York county at that time. And in this connection let us consider the suggestion of the Attorney General that Mr. Richardson did not go to Old Orchard and did not go to swearing out warrants and did not do various things which he suggested, and others which he will suggest in his argument, at Old Orchard and that in connection with his subsequent acts in the White matter is evidence of a corrupt purpose and motive with reference to the White matter.

What was the situation at Old Orchard? It is in evidence, and it would not be proper for me to say uncontradicted because the Attorney General very fairly did not see fit to prolong this examination at the hearing further to contradict if he could,—but it is in evidence that conditions existed at Old Orchard which merely were deplorable during the summer of 1911, it is also in evidence that there were three men being paid by the county of York who spent a considerable portion of their time at Old Orchard, and that is undisputed. When you know that I ask you if you had been County Attorney if you would have considered that if, in view of the fact that three men were being paid $2.00 a

day to remain a greater portion of the time in the town of Old Orchard for the purpose and the sole purpose of enforcing the prohibitory law, if you would have considered it necessary that you should go down there and attempt to enforce in their place the prohibitory law; and secondly I ask you if you did not do it if you would think it was fair if later on upon an occasion like this it was urged against you as evidence of a corrupt motive and purpose with reference to this indictment? That was Asa A. Richardson's situation, living 16 miles away from the town of Old Orchard, spending the summer with his wife and family at a little summer place seven or eight miles still further away and going back and forth to his office, going to Biddeford only occasionally and to Old Orchard scarcely never.

Now does the fact, even if Asa A. Richardson did know or if Asa A. Richardson by reason of not as high an order of intelligence did not find out what the conditions were at Old Orchard, even if he ought to have known them and did not, or if he knew them and did not act,—are you going to say that the fact that he stayed away from Old Orchard during those summer months is evidence of a corrupt purpose in his mind and that it culminated or resulted in his failing to indict, failing to sign the William L. White indictment? There is the situation with three men at Old Orchard and with the sheriff of this county living not so far away from Old Orchard as did the County Attorney and, so far as we have heard in this case and so far as we have any right to remember what we have heard in the same presence recently, was seldom at Old Orchard.

Then it is said there must have been some sort of an understanding between the County Attorney and William L. White because although the warrant was made out and the seizure obtained on the 29th day of July he was not in fact arraigned until the second day of November. There are lawyers in this body and those of you who are not lawyers can very easily understand that where a seizure had been made of the magnitude and character of the one which was made at Mr. White's place at Old Orchard that if you were his Attorney and were so disposed, if you were that kind of an attorney, you would very readily become convinced that the only safety for your client lay in delaying it just as long as you could; and if you were that kind of an Attorney you might attempt and might think it was proper to attempt even by evasion to convince the County Attorney and perhaps the trial court that the matter for one reason and another ought to be continued.

Those of you who have been in our courts, and particularly in the lower courts, know that it is not regarded as of essential or prime importance that matters should be immediately or speedily tried out in those lower courts. I do not apprehend the municipal courts of Biddeford or Saco, with both of which I am familiar, differ in that respect with any courts properly and honorably conducted in this State. Matters are continued frequently and for hardly any reason at all. If a Brother member of the Bar comes in and asks the Judge of that court to continue a matter oftentimes he does not have to give any reason; it is a matter of accommodation, and particularly in this case. You have heard the testimony of Mr. Richardson that his understanding of the matter was that Mr. Hurd was having some trouble with his eyes, and even though Mr. Stone says that he was doing his work or a portion of it in the assessors' room it is a fact that during all of that time he was wearing colored glasses upon his eyes which indicated that he had some trouble with them which interfered with his sight.

It is in testimony here that I as the judge of that court, had to interfere and ask that the man be brought in. Can you not conceive of an honorable reason why the County Attorney would continue that matter at the repeated request of Brother Hurd who was acting for Mr. White? Taking the converse of the proposition, is the only reason that you can think of why he was so continuing it the result of a corrupt mind and a corrupt pur-

pose? Are we in such a situation that when we come to consider this matter only one motive and reason is believable?

They say, further, that the action of the county attorney at the January term of court was evidence of a corrupt purpose and motive. They say that he asked that the indictment be filed. You have heard not only the testimony of Mr. Richardson himself, but you have heard the testimony of the only other person who has testified before this body and who knows the situation there and what occurred. Let me for a moment ignore the testimony of Mr. Richardson and invite your attention to the testimony of the former clerk of courts, Mr. Emmons, who tells you that the paper was returned to him and remained upon his files unopened and unobserved either by himself or by the astute counsel for the respondent all through the September term and all through the January term of court until the last day of its session, February 2nd, when the matter of State vs William L. White came up; and the attorney general by his suggestion or in his cross-examination anyway seemed to think it was a strange thing that the county attorney did not know just how many fines and when and where Thomas L. Cleaves and other liquor sellers had paid during the months immediately before that January. Mr. Emmons tells you that the first understanding or belief expressed by Mr. Richardson was that Mr. Cleaves had not paid in the lower court but that he was indicted at the September term, and that if Mr. White paid one fine in the higher court that they would then stand even.

Now it may be suggested, as was suggested by the attorney general in one of his questions that there was no difference in criminals and that it was entirely fair that the county attorney should use those two crminals as the ordinary fair-minded man would use them; and were you county attorney and have in your office cases against two liquor sellers at Old Orchard and wanted to be fair wouldn't you think it was a good start if honestly believing that one man had paid one fine that the other if he paid one fine would be equally and perhaps sufficiently punished? It is very evident that the county attorney was misinformed and mistaken in regard to the situation. But are you going to be convinced and are you convinced that that was not a mistake, but that he actually knew and the reason why he wanted to file the White indictment was to protect Mr. White and to punish the other man? The clerk of courts goes further, and he says that while that was the first impression of the county attorney that Mr. Cleaves had only paid the fine in the upper court, and while he insisted vigorously that this was the situation that out in Judge Haley's room at the court room in consultation with the court and others he finally became convinced that he was in error, and that in that same spirit of fairness William L. White ought to pay the other fine. That is what Willis T. Emmons tells you, and that he insisted upon the payment of the other fine, and that the only difference between the county attorney and Mr. Hurd who represented the respondent, the only reason why they didn't come to an agreement was because William L. White, prosecuted in the lower court in Saco for an assault and battery upon Thomas Cleaves, fined and appealed and was being asked to pay the costs in that case, and he replied through his counsel that if he paid the costs in that case it would be an admission that he was wrong, and there is where the hitch was, and there is where the reason was that they did not come to terms and fix matters up. Mr. White sent for bail and was going to fight the matter out.

The attorney general will say "Why didn't he fight it out that term, and why didn't the county attorney demand that Mr. White should be tried, and why wasn't he clamoring for a trial?" Because, gentlemen, Mr. Asa A. Richardson's understanding during that whole term of court was exactly the same as he told Judge Haley in that private conference, that William L. White was going to pay one fine and have his indictment filed in consideration and because Thomas L. Cleaves had paid one fine. That was the attitude of mind of Asa A. Richardson during that entire term of

court, and when he was asked by Judge Haley if he had anything else on his docket for trial having in mind that he was to request a filing of the indictment,—and you heard the clerk say, and if he had not said it you lawyers know that when the county attorney asks that an indictment be filed no court without great reason, apparent or real, refuses to file it,—Asa. A. Richardson's idea and understanding was that that indictment was to be filed, William L. White was to pay one fine and he would then stand equal with the other violater who was his neighbor; and so he informed the court that there was nothing more for the jury and the jury was dismissed.

Then when Mr. Richardson was convinced that he was in error he insisted on Mr. White paying the other fine, which would make him stand even with Thomas L. Cleaves; and it was thereupon and in consequence of that situation according to the sworn evidence of Willis T. Emmons that was the situation when the county attorney demanded that Mr. White pay that other fine and he would not stand for the costs in the appealed assault matter. He then commenced to get bail and the attorney for the respondent then said that inasmuch as he would have to be arraigned, and of course the indictment read to him upon his arraignment, he would look at it; and then for the first time, according to the undisputed testimony in this case, it was found that the indictment was not signed either by the attorney for the state or by the foreman of the grand jury.

Conceive a situation, if you please, in which the County Attorney actually was corrupt and in which he was actually in league with the respondent, even though the attorney for that respondent may not have been in the scheme,—conceive that situation and apply it to the case. Supposing Asa A. Richardson had corruptly agreed not to indict or not to successfully and fully indict William L. White, don't you suppose William L. White would have been told by Mr. Richardson who, under those circumstances would have been a partner in crime and a fellow conspirator,—don't you suppose he would have been told "Just tell your counsel to look at the indictment, and when he sees the indictment it will be all off?" Do you think that if Asa A. Richardson had corruptly rather than bunglingly failed to put his name and see that the name of the foreman of the grand jury was on there, if he had done it corruptly don't you suppose he would have carried it out differently than he did? Wouldn't it have been staged differently?" Wouldn't the final denouement have been different? Would it have come out in just that way had it been corrupt? Coming out in the way it did, is it not of itself sufficient evidence that while it was a bungle and a mistake, Asa A. Richardson was at least an honorable bungler?

But they say further that another evidence of the corrupt motive and corrupt purpose was that when the grand jury was in session at the September term of court Mr. White was not indicted, or that there was no attempt being made by the County Attorney to indict him. Bear in mind, if you please, that at that time and at that September term of court the case of Mr. White in the lower court had not been reached; it was still continued, and Thomas L. Cleaves had as it was understood been fined in the lower court, and he didn't intend and didn't conceive it to be his duty—and whether he was right or wrong, if he was honestly wrong, there is no specification in these charges upon which he can be tried. It is only if he was corrupt that you have the right to lay the weight of your hand upon him; if he was mistaken in his belief that William L. White and Thomas L. Cleaves should stand equally, if he was wrong in regard to that, and if everyone of you disagree with that way of conducting the affairs of the County Attorney's office, if you believe he should not have done it in that way, still, if he was honest in that mistake, you cannot touch him; you have no right to touch him. So that if you think in fairness, I am authorized to say, that Mr. Richardson actually did intend to have those two men stand equal then anything he did in furtherance of that purpose,

while you may not agree with it, was not in consequence of a corrupt motive or a corrupt purpose.

What was there occurred between the County Attorney and Thomas Stone and Fred Doyle to indicate any corrupt purpose? The Attorney had indicted neither of the respondents at that term of court, so in that respect he was treating them the same; he did not intend to indict either one of them, and in that intention he was treating them the same. And when Mr. Thomas Stone, than whom no better officer or fairer man ever stood in the prosecution of what he conceived to be his duty, went before the grand jury or went to the County Attorney and asked that he be permitted to go before the grand jury for the avowed purpose of indicting William L. White, Mr. Richardson says, "All right, if you indict White I shall indict Cleaves." It may be that the County Attorney was foolish in stating it that way; it may be that he was foolish in making any talk whatever to Chief Stone; it may be that he should and that some people would if it had been a scheme,—and I can think of some people who would have thought it out and executed it far more smoothly than that,—but Asa A. Richardson was only Asa A. Richardson; he was not anybody else, blunt as you have seen him, spoke right out and told Tom Stone that "If you are going to indict White I shall indict Cleaves." What was the purpose behind those words? Was it corrupt, or was it in a spirit of fairness to serve a notice that if one of those two neighborly violators of the law, who fight each other with axes at odd moments, was indicted then the other should be indicted the same?

I want you when you come to the consideration of this matter to remember what Asa A. Richardson said to Tom Stone. Don't try him upon whether he bungled at that time or not, whether he did the thing as you or I would have done it, but consider it solely in the light of whether it indicates a fair and honest purpose and motive to two guilty men alike. How can anyone say that under those circumstances there is any evidence that there was an intention upon the part of the County Attorney to treat one differently from what he did the other?

It is also claimed that it would be absurd for the liquor sellers of Biddeford to attempt to get together and agree to pay Asa A. Richardson the sum of $50 a week to keep men out of jail. The proposition of the attorney general will be that no one but an idiot would agree to pay a man $50 a week to keep rum-sellers out of jail when the previous record of that same individual had been that he had not asked for any jail sentences. But that proposition was not to pay Asa A. Richardson $50 for what had been done in the past; it was not for the purpose of keeping out of jail men who had been selling rum in the past; it was in furtherance of that scheme which has been the disgrace of York county, for a crowd of people to engage in the rum business and then it would be necessary for the county attorney either to be fixed in some way or there would be danger of somebody going to jail. That was the situation. And when the attorney general asks you that question please remember that the agreement to pay $50 had in mind the future of the liquor industry in York county rather than the things which were in the past.

I do not need to remind you that this matter is of great consequence to Mr. Richardson, and I am not going to dwell upon that matter at all. I do not think I need to remind you that you have no authority under these specifications if they were set forth in the form of specifications, nor do I believe you would have any disposition to remove Mr. Richardson from the office because and only because he may in your judgment have done some things which indicate an ignorance of law and perhaps an incompetency to fill the position which he is now occupying. It may be that you will conclude that we made a mistake in electing him from the standpoint not of dishonesty but it may be of ability, but if the Legislature of Maine is going to engage in an attempt to impeach all the officials of both political parties who are incompetent in one way and another this session will not adjourn to-morrow,

and it will lap over into the next regular session, nearly a year hence.

Asa A. Richardson has got to go home, you cannot keep him down here; and while you have no right to consider the sympathetic elements and features of this matter and it would not be proper for me to urge upon you the element of sympathy, yet we have ample precedent everywhere for tempering justice with mercy. I ask you if Asa A. Richardson goes home,—and so different a home-going than the one he anticipated when he came down here,—if he goes home exonerated by the vote of this Legislature, if he has not been then punished more than any man, with one exception whom you have met during your deliberations here this winter? Whatever you do, you cannot remove the sting which has been placed in his head, in his heart and in his future. He has been punished, and that you cannot help, and for that you were not to blame. If a wrong has been up to this time done the county attorney then it will be not only your duty and pleasure, if he be not guilty under this charge, to do all that you can to relieve the situation.

I believe that Asa A. Richardson is honest. I do not believe there has been the slightest evidence, such as that upon which you would act in the most important affairs of life, which would satisfy you in your minds bears evidence of dishonesty. You have got to go home, and I merely suggest whether or not it would make you feel a little better when you got home to find that you had forgiven this honorable blunderer, rather than to go home feeling that perhaps because of all that has occurred here this week by virtue of excitement or some attitude of mind which by and by in your calmer moments you will be able to analyze and understand, whether you won't be happier in the knowledge that you perhaps tempered your justice with a good deal of mercy than to know and to feel and perhaps afterwards be convinced that you had done this man an injustice which will last him for all time, and which will be an added disgrace to that which is already his. (Applause).

The argument in behalf of the State was then made by Attorney General William R. Pattangall, as follows:

Mr. President and Gentlemen of the Convention: I shall be even more brief in the final presentation of this case tonight than I should feel justified in being, short as the case has been in trial and narrow as the issue has become, because I realize but too well that you are impatient of listening too long to arguments on account of your desire to end your deliberations, to close up the business of this Legislature and return to your homes. The hearing in the case has been curtailed more perhaps than either counsel for the State or counsel for the defense would have deemed wise under other circumstances; but we have presented to you within the limits of the issue which you are to decide sufficient evidence for you to act intelligently upon that issue.

Everything in the charges against Mr. Richardson has been by agreement eliminated excepting the charge contained in the paragraph relating to the so-called White case. I will come in a moment to the wording of that paragraph. Before I do so please let me ask you to bear in mind in justice both to the State and to the respondent that although that paragraph embraces all the charge upon which you are to act, any competent evidence put in before you with regard to other matters which sheds any light upon the White case is open for your deliberation and pertinent for you to give thought to.

In the second paragraph of the resolution it is said that "Because said Asa A. Richardson did at the September term of the Supreme Judicial Court A. D. 1911, in and for the county of York, procure an indictment against one William L. White for violation of the prohibitory law, which said indictment was presented at the said September term and the case against said White continued to the January term of said court, at which time said Richardson requested permission to file said indictment. After

the court had refused to grant said permission said Richardson produced in place of the indictment in question a paper purporting to be an indictment which was unsigned either by him or by the foreman of the grand jury, whereupon said White went free; and that because of said ignorant and corrupt acts of said Richardson said White was not punished for his violation of the prohibitory law."

Counsel for the defense claims, as I understand his position, that even though Asa A. Richardson had in pursuance of a corrupt agreement with somebody filed at the original term of court when an indictment was evidently voted by the grand jury this paper, had done it corruptly, yet you must exonerate him from any wrong-doing because of the wording of the resolution, because it is not framed with the nicety of a criminal indictment. I do not take that view of the matter. If I did and if I thought that officers were to be removed or retained in office because of ungrammatical or unrhetorical charges having been preferred against them, I should feel that it was hardly worth while that there should be the provision in our statute which is there. The gist of this charge is not whether the author of it supposed that the paper had been substituted for an indictment or because there never had been a real indictment drawn and signed, but whether or not there was a corrupt and ignorant act on the part of the county attorney, by reason of which corrupt act a rogue went unwhipped to justice.

Now, taking up the White case, my brother argues that you have before you in the careless wording of the resolve a parallel case; and he says that because that resolve is not worded in just the form in which he deems it should have been worded to have covered the exact circumstances of this case, then if you will assume that his client was corrupt because of what he did you must perforce assume that whoever drew the second paragraph of this resolve was corrupt. Take that argument for just one moment. If the facts in regard to this case you are hearing showed that this Legislature directed a member or an attorney to draw charges against Asa Richardson and that member had demurred and said that he didn't care to do so and had objected to doing so and finally on the insistence of this body he had been compelled to do so and then he had brought back in here a charge drawn so that it was worthless and could not be proceeded upon, then indeed would I say that there was some indication that that member was corrupt, that he had a corrupt motive.

If Asa A. Richardson or any other county attorney had simply filed with his papers an unsigned indictment I should assume carelessness on the face of the act because I have practised law and I know how easy it is for all of us to make mistakes. The matter taken alone that an unsigned paper purporting to be an indictment appeared in the files of this court, with nothing more to it, would no more constitute in my opinion an offense against a lawyer than would an error in pleading.

Is that all there is to the White case? What appears in the case? It appears from the evidence that for some time a county attorney who professed earnestly to believe in a vigorous prosecution of the prohibitory law failed to prosecute offenders at Old Orchard. The evidence shows I think with fairly strong force, and so strong is the evidence upon that point that I think I would be justified in assuming the fact, that Old Orchard during the summer of 1911 was such a wide-open town that it could have escaped the attention of nobody in York county except a man who was deaf, dumb and blind; for even though he could not get within hearing distance of Old Orchard it is admitted by the evidence that the newspapers were full of the fact that Old Orchard was not being pursued in the rum question.

Down there it seems that there was a man keeping a restaurant or hotel by the name of White, and that in

some way by some means some arrangement had been entered into by somebody so that Mr. White felt free to maintain the sort of a place that he did, and maintain it in spite of the fact that there were liquor deputies who were being paid, and one of them was Watkins. Mr. Watkins was the man who was removed from office because he was so vigorous a prosecutor of criminals. One man who was going to Old Orchard right along was Watkins, the friend and associate of the county attorney. But for some reason or other neither the county attorney, the sheriff, nor Watkins disturbed Mr. White. He was carrying on business in a fairly open manner according to the evidence in this case. There did, however, come a time when a man by the name of Stone, whose character and reputation have no need to be bolstered up by testimony upon the stand, but has been freely conceded by Judge Cleaves to be good in every respect,—there came a time when a man by name of Stone went down there and made a seizure at White's place.

Now, mark you, if nobody was protecting White at that time would the circumstances which did follow have followed that seizure? The case was presented in the Biddeford Municipal court on about the first of August and stayed there without hearing until the second day of November when it was appealed without hearing. I ask you, why? Because Carlos Hurd was suffering from a difficulty or trouble with his eyes so that he had to wear smoked glasses. In the name of common sense, are you all children! Do you think he could not come into the Biddeford Municipal court and appeal with smoked glasses on? I try to argue the matter fairly but when absolute nonsense is put up it moves my indignation, as it did day before yesterday when the attorneys who were defending Sheriff Emery tried to make me think that Old Orchard was a temperance town meeting from the first of August to the second of November. There was nothing that kept the White case from being heard before Judge Cleave's court excepting that Carlos Hurd's eyesight was in trouble and he couldn't try the case on account of the condition of his eyes. He never tried the case, and nobody ever asked for a trial of the case. It went by that court term after term with nothing done on their weekly rum day,—and Thursday was the rum day, and it came and went; and Deputy Sheriff Stone, the honest man of the place—and thank God, in these men we have been digging over we have found an honest man, conceded so by everybody,—pressing for a hearing on a case he had brought, a civil deputy, in answer to the demands of the people of Old Orchard that somebody do something beside stand there and one official protect White while the other official protected Cleaves. But Stone was at the court at Alfred; he was not looking after rum-sellers; he was not taking care that one rum-seller didn't pay a little bit more than the other; he had not heard about these new deals, or if he had he didn't like them. He was there and when the county attorney finished his work before the grand jury and went out into the other room and asked whether they were done, Stone said "What about the White case?" Did you notice the White case never came into the county attorney's mind at their court or any other until every other case was out of the way and they were about to adjourn? What did the county attorney reply? I asked him if he was an honest official, seeking to carry out the prosecution of the laws, and he said he was. If he was an honest blunderer what would he have said? An honest blunderer would have said, "Mr. Stone, I forgot that case; come right in before the grand

jury; they are waiting for you." What did he say? Tom Stone says he said, "By God, if you indict him I will indict Cleaves." The county attorney says he does not swear, but otherwise than that he admits Tom Stone's testimony. But the honest man said he swore, and that is significant. And Mr. Stone who seems to be the only man down there who did not get in wrong said, "I don't care a damn about Cleaves," and Stone isn't ashamed to swear, and I am glad he swore when the county attorney put that proposition up to him, and he says, "I don't care a damn about Cleaves; go ahead and indict him." Well, the county attorney did indict Cleaves. Did he indict White? If he did, the indictment is gone and in its place was handed to the clerk of courts a blank piece of paper.

He either indicted him and passed to the clerk a blank piece of paper or else he never indicted him, one of the two, and he can take his choice. I don't care which he takes. The case went into court, and Carlos Hurd's eyes were still bothering him; and it is a wonder to me that every rumseller in York county didn't employ Carlos Hurd that summer, because if they had according to the theory of this case, they couldn't have punished any of them. They really didn't need Carlos Hurd's eyes to protect them, because there were very few punished anyway. That case went into court in September and it came around to January, and what was done at that time? The County Attorney claims today that he believed when that case came up that he had a good and sufficient indictment against this man. Did he present it? No. He engaged in a quarrel and a discussion with counsel not as to whether William L. White was guilty of liquor selling, not as to whether he should be punished or not, but simply as to whether William L. White was going to pay a bigger fine than his neighbor, Tom Cleaves. That was the discussion. Think of it! Then the County Attorney yielded his point, and it was well. Then he wanted to file the indictment. Think of the punishment! Well, Judge Haley was there, and I suppose it would be proper for me to say that there is another honest man discovered in this case. Judge Haley says, "I guess we will look into the matter of the filing of the indictment, and then there was a hiatus, there was a wait. Then the County Attorney comes up with another proposition. And what was that? He says, "If I cannot file the indictment I will continue the matter." Why? Because Judge Haley was not going to be there at the next term of court. Then the respondent had to be arraigned and somebody had to look at this worthless piece of paper, and then it was discovered by counsel for the defence, and surely it must have been a matter of great surprise to him, that let them go as far as they liked they couldn't hurt William L. White. Was it a blunder? Was it an honest mistake? Was there ever a design in the heart of the County Attorney to punish William L. White for that seizure procured by Mr. Stone? If there was, then tell me why there was not a warrant at once issued, and William L. White brought in and bound over for the next term of court so that in some way he would pay the penalty for his crime? Those are the facts in connection with the White case, and there is no dispute about that. It is the inferences which may be drawn from those facts which establish the case against this County Attorney, if any case is established. And if by just inference no corrupt motive can be imputed to him then he should go free.

Circumstances are stronger in establishing a fact than the direct oral evi-

dence of anybody if those circumstances dove-tail together and are consistent with the truth. Ask yourselves this question: Was this County Attorney so conducting himself that you would expect him to honestly prosecute a liquor seller? My Brother asked me to compare the first term of court with the last, and see if there was any change in his mode of operation. I will admit there was not much. What little change there was, was for the worse. I say to you that a man who was County Attorney of York county during the summer of 1911 and didn't know there was rum sold at Old Orchard as freely as water is sold at Poland Spring has not intelligence enough to commit a crime, and you ought to let him go. Why, the town of Old Orchard was made as notorious in the newspapers of Maine during the summer of 1911 as the city of Waterville is being made notorious in the newspapers now, and I cannot make any statement stronger than that.

Now one matter more. I should not feel at liberty under the rule of this convention to have referred to the absurdity of liquor dealers paying this man $50 a week nor to put them in jail had by Brother not referred to it in his argument. His reference gives me the right to do so. I speak of that matter simply as bearing upon his credibility as a witness. If in the course of his testimony there appears so rank an absurdity that your mind will not take it, reject it. He says he was offered $50 not to refrain from prosecuting liquor dealers but to refrain from asking for jail sentences, and out of 110 cases in fifteen months he had just five times asked for jail sentences. Before the Biddeford Municipal Court there was no need to ask for them because you couldn't get them anyway. Tell me what chance there was for a Biddeford liquor seller going to jail, unless he went for some other reason than because he was selling rum. And yet he tells you that a member of the Bar, a member of the opposite party, came to him and offered him $50 a week to do that which was his declared policy.

My Brother says that many people had changed their minds as to what was best to do in that county; and I assume it is fair inference from that statement that down in York county it had been decided that it would be better to abandon jail sentences and ask for fines because an election had been held and the people had been heard from on the jail sentence proposition. I might differ with my Brother there. And then the respondent tells you that a sane, sensible, reputable lawyer took him into the board of registration rooms up on the third floor of the City hall, and that Read had the key to the door. What an awful thing! What an air of mystery surrounds that meeting of two men! The question was asked, "Did you have the key?" and his answer was, "No, Read had the key." Gentlemen, my office is on the third floor of this State House and I have the key. That is a very mysterious thing. They say to you that there Charles T. Read made him the proposition that he would arrange that he could get $50 a week for doing, as I say, just exactly what he had been doing. If he would take this $50 they were willing to pay fines three times a year.

In the light of all the evidence which has been put in this case are you or not moved to this conclusion,—not that Asa A. Richardson ever designed a very cunning scheme, but down in that county they are not all

Asa Richardsons by any means, for in the evidence presented today there was presented by my permission a repetition of the evidence which Asa A. Richardson gave against the sheriff, and I say to you that the mind that designed the arrangements of the hole in the wall and the mind that designed the listening on the stove pipe in the cellar was a brighter mind than that of Asa Richardson. He followed as explicitly the instructions given him as a child follows the instructions of its father, and when he was told to do a corrupt act in regard to protecting a rum-seller he was not an honest blunderer: he was a corrupt blunderer and taught to be corrupt by the men who through him sought to control the situation there which meant much to them, financially and politically. I thank you, gentlemen. (Applause.)

Senator Winslow of Cumberland moved that the joint convention be now dissolved and that the Senate retire to its chamber and the members of the House remain in the hall of the House.

The motion was agreed to.

Thereupon the Senate retired to the Senate chamber.

In the House.

The Speaker in the Chair.

Mr. Strickland of Bangor moved that the House do now go into executive session and that the galleries and floor be cleared.

The motion was agreed to.

In Executive Session.

The original copy of 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 being in the possession of the Senate.

Mr. Strickland of Bangor moved that unanimous consent be given to proceed with the consideration of the allegations in the resolve under the printed copy.

The motion was agreed to.

Mr. Trafton of Fort Fairfield moved that the first section of the charges contained in the resolve be passed over.

The motion was agreed to.

Mr. Strickland of Bangor moved that paragraph two of the charges contained in the resolve be adopted, and further moved that when the vote is taken it be taken by the yeas and nays.

The motion was agreed to and the yeas and nays were ordered.

The SPEAKER: Those voting yes will vote to sustain the charges contained in the second paragraph; those voting no will vote against it. The Clerk will call the roll.

YEA—Allen of Columbia Falls, Allen of Jonesboro, Ames, Bearce, Boman, Burkett, Clark, Conners, Copeland, Couture, Cyr, Deering of Portland, Deering of Waldoboro, Descoteau, Dow, Dunn, Dutton, Farnham, Files, Frank, Goodwin, Gross, Harmon, Heffron, Hodgkins, Hogan, Jordan, Kelleher of Portland, Kelleher of Waterville, Lambert, Libby, Littlefield of Bluehill, Macomber, Manter, Marriner, McAllister, McCurdy, Merrifield, Miller, Mower, Murphy, Newbert, Noyes, Otis, Packard, Patten, Pelletier, Penley, Percy, Perkins of Kennebunk, Pinkham, Pollard, Ross, Scates, Shea, Skehan, Small, Active I. Snow, Stetson, Strickland, Thompson of Palmyra, Thompson of Skowhegan, Trask, Trim, Tucker, Waldron, Weymouth—67.

NAY—Andrews, Austin, Benn, Berry, Bisbee, Bowker, Buzzell, Campbell of Cherryfield, Campbell of East Livermore, Chase of Westfield Plantation, Chase of York, Clearwater, Davies, Davis, Doyle, Drummond, Emerson, Fenderson, Flood,

Hastings, Hersey, Hodgman, Kelley, Kennard, Knight, Littlefield of Wells, Mallet, McBride, McCann, Merrill, Mitchell, Monroe, Morse of Belfast, Peterson, Phillips, Pike, Plummer, Porter of Mapleton, Porter of Pembroke, Quimby, Robinson of Lagrange, Russell, Sawyer, Sleeper, Smith of Newport, Smith of New Vineyard, Alvah Snow, Snow of Bucksport, Soule, Stinson, Thompson of Presque Isle, Trafton, Trimble, Wheeler, Wilcox—55.

ABSENT—Anderson, Averill, Brown, Colby, Cowan, Cronin, Dresser, Dufour, Emery, Gamache, Hartwell, Johnson, Kingsbury, Lawry, LeBel, McCready, Morse of Waterford, Newcomb, Perkins of Mechanic Falls, Peters, Robinson of Peru, Thomas, Weston, Whitney, Wilkins, Woodside—26.

So paragraph two of the charges contained in the resolve was adopted.

Mr. Strickland of Bangor moved that paragraph three of the resolve be passed over.

The motion was agreed to.

The same gentleman moved that paragraph four be passed over.

The motion was agreed to.

The same gentleman moved that paragraph five be passed over.

The motion was agreed to.

Mr. Davies of Yarmouth moved that the entire record in the Emery case and the Richardson case be made a part of the record of this House.

The motion was agreed to.

From 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, together with an address to the Governor.

The resolve and address received a passage in concurrence.

On motion by Mr. Ross of Bangor,

Adjourned until 9 o'clock, tomorrow morning.