

Stenographic Report Of Libel Action Against Sanford Herald

(Continued From Page 2)

Q—How did you settle with Mr. DeCottes for those charges and those matters?

A—Well we had very little court work until after the bank failure and we generally reached an agreement through a discussion.

Q—Well how was it worked out as a matter of fact?

A—A case got started and Mr. DeCottes represented you. Now how did you work out what his charge would be there?

A—Well in some small matters I don't know that it was worked out. Whatever was a fair fee was paid and accepted. Major suits were dismissed and worked out and settled down to a contract book.

Q—Would he render accounts for the services rendered to the city commission from time to time?

A—Yes, sir.

Q—What was done with those accounts when they were itemized and placed before you as a body?

A—They were checked over item by item and I only recall one instance when there was some exception taken to some small item in a bill which he said, "If you don't think they ought to be there just strike them out."

Q—And did you strike them out?

A—They were struck out, yes sir.

Q—Then you gave them consideration as an official body when they came before you, did you?

A—Yes, sir.

Q—And determined as an official body whether they were just and paid them?

A—Yes, sir.

Q—Did you ever have any trouble in adjusting with Mr. DeCottes?

A—Not a bit.

Q—Now for a good long time, Mr. Chase that you were on that city council and Mr. DeCottes was your city attorney. During that time, considering the whole time, and all of his advice from time to time, and whatever matter he advised you on, did you ever find that his advice at any time to your body as an official body representing the City of Sanford was unsound?

A—Haven't thought so up to date, no sir.

Q—When you were undertaking to—when there was a clamor here during the boom time for the issuance of that approximately two million additional bonds for your bulkhead and hospital and every other good thing that they wanted, did Mr. DeCottes advise you in respect to you about the city issuing this enormous sum of

money in the form of bonds?

A—Mr. DeCottes prior to the boom period was rather fearful they were going rather too deep into bond issues, and so said:

Q—Did he so state to you as an official body?

A—That's my recollection.

Q—Did he so state that to you and make his protest as city attorney or as a private citizen, doing a man of the town here?

A—My recollection is the first protest was a private citizen, and later during general talk when the commission was in session he expressed his views as an attorney.

Q—In opposition to these bond issues?

A—Yes.

Q—Is it or is it not a fact then that Mr. DeCottes was directing the printing of the bond issue?

MR. CARSON: Object to the question because nowhere in this testimony is there any statement that he tried to prevent bond issues.

THE COURT: Objection sustained. The Court being of the opinion that it puts more or less a question in the mouth or mind of the witness.

MR. LANDIS: Well, we will graciously withdraw the question.

Q—Mr. Chase, did he or is it not a fact that Mr. DeCottes was urging or trying to get you to issue bonds from time to time?

A—He never urged me and I never heard him urge the other commissioners.

Q—Was he doing just the opposite to that, trying to keep you from issuing these bonds?

A—I think the bond issues were determined by vote of the people.

Q—I know, but in your inauguration of them did he protest from time to time in your inaugurating these bond issues and point out to you the results that would come upon the city by making these large issues?

A—He did, and after the bonds were voted he endeavored to prevent some of the sales.

Q—Do you think his advice was sound?

A—I do.

Q—Do you know of anybody that don't think it was sound in that respect?

A—(laughter).

Q—Mr. Chase, at your meetings during the boom time, ever since the Sanford Herald has been in charge of Mr. DeCottes and Mr. Berg, would there be present or not either Mr. DeCottes or Mr. Berg or both or some representative of the company at your VA loan meetings?

A—Somebody was generally present there, in my recollection, yes, sir.

Q—Representing that newspaper?

of bonds Mr. DeCottes had presented you with a copy of this giving the various memoranda as to the line using the bonds and the daily charge that would be upon the City, increase of tax rates, etc.?

A—Yes.

Q—But regardless of that the Commission inaugurated the bond issue and put it up to the people to vote for, regardless of his advice?

A—We did.

Q—Mr. Chase, the declaration in the protest which you are testifying out is from an issue in the Sanford Herald dated the 10th of July 1928, in which the paper has this to say: "Question: 'Mr. DeCottes that Mr. Chase is going to resign, probably in two weeks, for \$100,000, which he has not earned. We sincerely hope that he will not allow himself to be in-

fluenced against his own desires by the man who would recognize by such an act on his part a reflection on his own activities. We have never felt that Mr. Chase belonged to the crowd with which he is, unexpectingly, finds himself, for sometimes he has appeared to us to be decidedly out of his element.' Is there any truth in that article?"

A—Well I have from time to time spoken about resigning. Other than that no truth.

Q—Did you speak about resigning because you felt that you were out of your element?

MR. CARSON: I wish to call attention to the fact that while I have spoken as to my intention to resign and have been talking about something out of the record and they might notice leading to it.

MR. LANDIS: You can serve all the notice you want, I will be right in trying the case when you get through.

MR. CARSON: The next to the last question was answered before there was an opportunity to object and the reason I made the objection.

Q—Did you talk to anybody resigning, have in your mind resigning at any time because you unexpectingly found yourself in a crowd that was distinctly out of your element?

A—No.

Q—Did any such thought as that ever enter your mind?

A—No.

Q—Now, during all these years, has Mr. DeCottes been retained as City Attorney and employed by you as that done with your full and complete approval?

A—Yes, it was.

Q—Did Mr. DeCottes at any time during that whole period ever take to control and direct you and your associates in their official acts, in your administrative functions of the City?

A—I never noticed it.

Q—Did he strictly adhere to his duties as attorney, giving you legal advice and carrying out the legal matters you turned over to him?

A—Yes.

Q—Did Mr. DeCottes ever go to New York at the instance of the Commission?

A—Yes.

Q—Did he ever render a bill for you at any time for making a trip of that character or otherwise that was not first authorized or directed by the City Commission?

A—No.

SHORT RECESS.
(Continued On Page 8)

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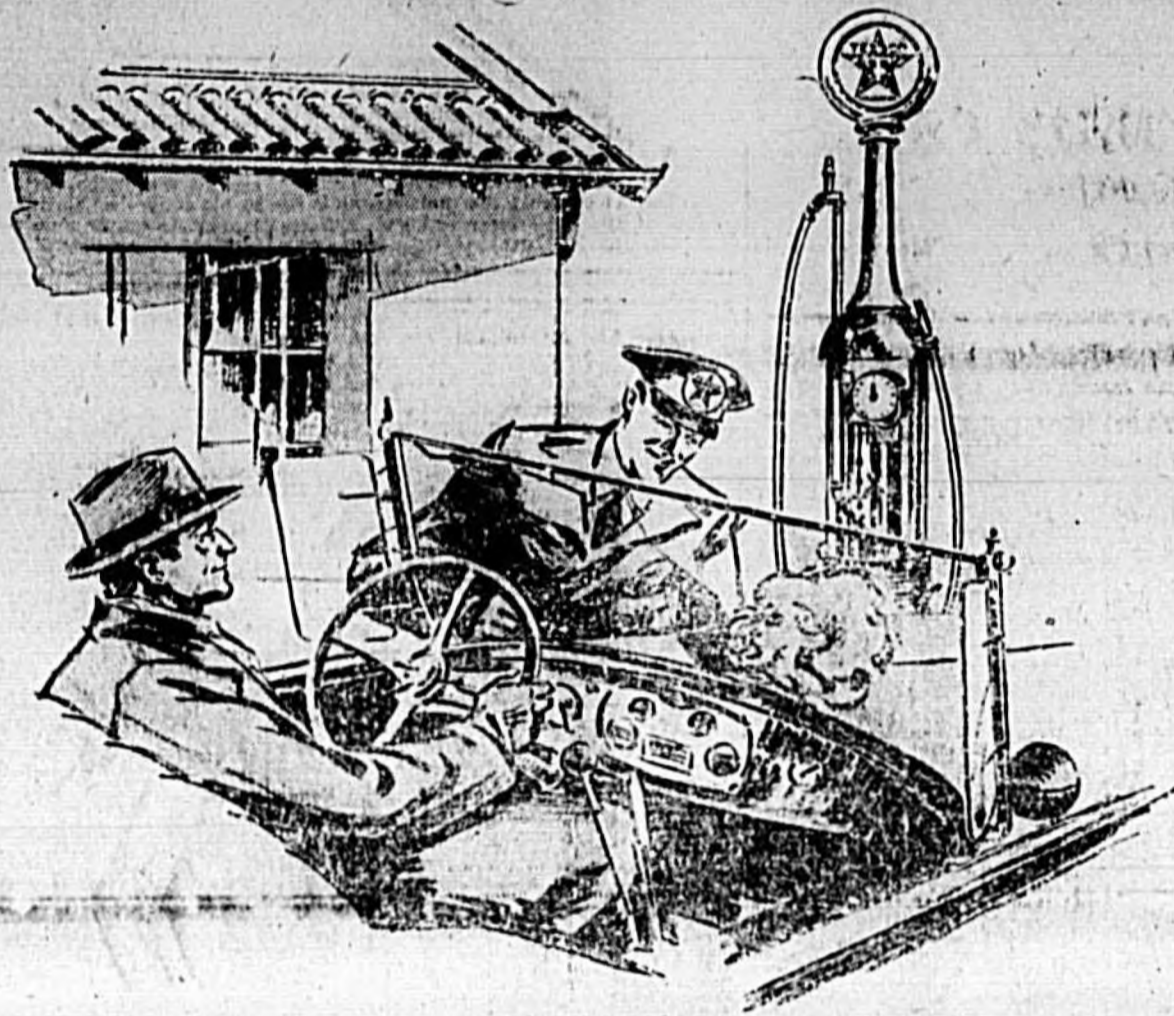
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