

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

IN THE HOUSE.

(Full Stenographic Report)

Friday, April 4, 1913.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Father Nelligan of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Resolve in favor of the Maine Insane Hospital for reimbursement, interest and renovation account.

In the House, House Amendment A was adopted; in the Senate the resolve was insisted upon without the amendment, that branch disagreeing with the House in the adoption of House Amendment A, and asking for a committee of conference.

Mr. MAYBURY of Saco; Mr. Speaker, as chairman of the committee on insane hospitals on the part of the House, it is only fair that the House should understand the situation with reference to this resolve. This is simply a matter of bookkeeping; the interest upon the money which the trustees of this institution hired during a former administration has been paid, also the bills for renovation of the superintendent's home; it is not a bill that is brought in here unpaid; the bill was paid out of the sum appropriated for maintenance of the institution.

On motion by Mr. Maybury of Saco the vote was reconsidered under a suspension of the rules whereby this bill was passed to be engrossed, and on further motion by Mr. Maybury under a suspension of the rules the vote was reconsidered whereby House Amendment A was adopted.

The bill was then passed to be engrossed.

From the Senate: Resolve relating to amendments to the Constitution, being Senate Document No. 665.

In the Senate this resolve was amended by Senate Amendments A and B.

On motion by Mr. Wheeler of Paris,

Senate Amendments A and B were adopted in concurrence.

On further motion by Mr. Wheeler, under a suspension of the rules, the resolve, as amended, received its two several readings and was passed to be engrossed, as amended by Senate Amendments A and B.

From the Senate: An Act providing for the inspection of bakeries and confectioneries.

This bill was reported by the committee on public health "ought not to pass."

In the House the bill was substituted for the report.

In the Senate the report of the committee was accepted in non-concurrence with the House.

On motion by Mr. Jones of China the House voted to recede and concur with the Senate in the acceptance of the report of the committee.

From the Senate: An Act to amend Chapter 195 of the Public Laws of 1911 entitled "An Act to extirpate contagious diseases among cattle, horses, sheep and swine.

In the House the bill was substituted for the report of the committee, reporting "ought not to pass;" in the Senate the report of the committee, reporting "ought not to pass" was accepted in non-concurrence with the House.

Mr. Peacock of Readfield moved that the House insist upon its action and ask for a committee of conference.

The motion was agreed to, and the Speaker thereupon appointed as such committee on the part of the House, Messrs. Peacock of Readfield, Skelton of Bowdoin and Tobey of Norridgewock.

From the Senate: An Act to empower the county of Aroostook to aid in the construction of a railroad through said county and to acquire and hold preferred stock of the company building such railroad.

In the House this bill was received under a suspension of the rules and was passed to be engrossed, and came from the Senate in that Branch indefinitely postponed in non-concurrence.

Mr. Irving of Caribou moved that

the House insist upon its action and ask for a committee of conference.

The motion was agreed to, and the Speaker thereupon appointed as such committee of conference on the part of the House Messrs. Irving of Caribou, Umphrey of Washburn and Smith of Presque Isle.

From the Senate: An Act to establish the Lincoln municipal court.

In the House this bill was passed to be engrossed as amended by House Amendment A, and came from the Senate in that branch passed to be engrossed without the adoption of House Amendment A.

Mr. Scates of Westbrook moved that the House recede and concur with the Senate.

Mr. Cochran of Edgcomb moved that the House insist and ask for a committee of conference.

The SPEAKER: The Chair will state that the endorsements on the bill do not show the complete parliamentary history of the bill.

Mr. Scates of Westbrook moved that the bill be laid upon the table for the purpose of correcting the endorsements on the bill.

The motion was agreed to, and the bill was laid upon the table.

From the Senate: An Act to legalize and confirm the action of the Litchfield Plains Cemetery Association at the annual meeting on the 7th day of December, 1912.

On motion by Mr. Chick of Monmouth, the bill was laid upon the table.

Senate Bills on First Reading.

Resolve in favor of M. S. Hill, for services as stenographer and messenger to the clerk of the committee on taxation. (On motion by Mr. Cook of Vassalboro the rules were suspended and the resolve received its second reading and was passed to be engrossed.)

Resolve in favor of Lewis O. Haskell, clerk to the committee on education. (On motion by Mr. Durgin of Milo the rules were suspended and the resolve received its second reading and was passed to be engrossed.)

Resolve in favor of Thomas J. Ly-

ons, for services as stenographer to the committee on labor. (On motion by Mr. Wheeler of Paris the rules were suspended and the resolve received its second reading and was passed to be engrossed.)

Resolve in favor of Lewis O. Haskell, clerk of the committee on agriculture. (On motion by Mr. Washburn of Perry the rules were suspended and the resolve received its second reading and was passed to be engrossed.)

Resolve in favor of the clerk, stenographer and messenger to the committee on appropriations and financial affairs. (On motion by Mr. Davis of Old Town the rules were suspended and the resolve received its second reading and was passed to be engrossed.)

Resolve in favor of C. M. Conant, chairman of the committee on ways and bridges for certain stenographic and clerical expenses authorized by said committee. (On motion by Mr. Wheeler of Paris the rules were suspended and the resolve received its second reading and was passed to be engrossed.)

Resolve in favor of the clerk, stenographer and messenger to the legal affairs committee. (On motion by Mr. Wheeler of Paris, the rules were suspended and the resolve received its second reading and was passed to be engrossed.)

Resolve in favor of T. W. Prince, for services as clerk of the Senate committee on bills in the second reading. (On motion by Mr. Wheeler of Paris the rules were suspended and the resolve received its second reading and was passed to be engrossed.)

Resolve in favor of Cassie K. Turner, for services as stenographer to the sub-committee on Public Utilities Commission. (On motion by Mr. Mitchell of Kittery the rules were suspended and the resolve received its second reading and was passed to be engrossed.)

Resolve in favor of Lewis O. Haskell, clerk to the committee on agriculture for certain committee expenses. (On motion by Mr. Peterson of New Sweden the rules were sus-

ended and the resolve received its second reading and was passed to be engrossed.)

Resolve in favor of Thomas J. Lyons, clerk to the committee on sea and shore fisheries. (On motion by Mr. Boman of Vinalhaven the rules were suspended and the resolve received its second reading and was passed to be engrossed.)

From the Senate: An Act relative to the compensation of employes for personal injuries received in the course of their employment and to the prevention of such injuries.

In the House this bill was indefinitely postponed.

In the Senate the bill was passed to be enacted in non-concurrence with the House, the Senate asking for a committee of conference, and the President of that branch appointing as such committee of conference Senators Stearns, Dutton and Murphy.

Mr. Irving of Caribou moved that the House concur with the Senate in the appointment of a committee of conference.

Mr. Mooers of Ashland moved that the bill be laid upon the table pending concurrent action with the Senate.

The motion was agreed to.

On motion by Mr. Scates of Westbrook the rules were suspended and bill, An Act to provide for the reconstruction of Portland bridge, was taken from the table out of order.

On further motion by Mr. Scates, under a suspension of the rules, the vote was reconsidered whereby this bill was passed to be engrossed, as amended.

Mr. Scates then offered House Amendment D.

The amendment was adopted.

On further motion by Mr. Scates the rules were suspended and the bill was passed to be engrossed as amended by House Amendment D.

On motion by Mr. Doherty of Rockland, the rules were suspended and that gentleman was permitted to introduce out of order resolve in favor of Benjamin F. Sturgis, for the committee on State prison.

On further motion by Mr. Doherty the rules were suspended and the resolve received its two several readings and was passed to be engrossed without reference to a committee.

First Reading of Printed Bills and Resolves.

An Act providing temporary compensation for the recorder of the Houlton Municipal Court. (On motion by Mr. Putnam of Houlton the rules were suspended and the bill received its third reading and was passed to be engrossed.)

Passed to Be Engrossed.

Resolve in favor of H. P. Hawes and C. A. Gage, Clerk and Stenographer, respectively, to the Committee on Ways and Bridges.

Resolve in favor of C. A. Gage for services as Clerk and Stenographer to the Committee on Towns.

Resolve in favor of Charles R. Kingsbury for Services as Clerk, Messenger and Stenographer to the Committee on Interior Waters.

Resolve in favor of Charles R. Kingsbury for Services as Clerk, Messenger and Stenographer to the Committee on State Lands and Forest Preservation.

Resolve in favor of Charles R. Kingsbury for services as Clerk and Messenger to the Committee on Salaries and Fees.

Resolve in favor of T. M. Rollins, Mail Carrier of the House.

Resolve in favor of James W. Harvey, Document Clerk for preparing weekly printed index.

Resolve in favor of Helen Gaffney.

Passed to Be Enacted.

An Act to amend Section 16 of Chapter 15 of the Revised Statutes, as amended, relating to the withholding of State school funds from delinquent towns.

An Act to amend Section 1 of Chapter 198 of the Public Laws of 1909, as amended, relating to the school equalization fund.

An Act to repeal Section 9 of Chapter 30 of the Revised Statutes as amended by Chapter 201 of the Public Laws of 1909, relating to the payment of registration fees by apothecaries.

An Act to incorporate the Sanford Investment Company.

An Act to enable the county of Saga-

daboc to rebuild Merrymeeting Bay Bridge.

An Act to provide for the election of officers in cities by plurality vote.

An Act to regulate the size and construction of caboose cars.

An Act to incorporate the trustees of the John B. Curtis Free Public Library in Bradford.

An Act in relation to Main Street in the city of Westbrook and certain streets in the city of Portland.

An Act relating to the jurisdiction of the superior court in the county of Kennebec.

Finally Passed.

Resolve providing for an epidemic or emergency fund for the year 1914.

Resolve in favor of W. A. Ricker, secretary of the committee on education for certain committee expenses.

Resolve in favor of the Androscoggin Anti-tuberculosis Association for the relief and control of tuberculosis.

Resolve in favor of the State highway department covering the expenditures for repairs and maintenance of the State bridge at Old Town.

Resolve in favor of Cassie K. Turner for services as stenographer to the committee on military affairs.

Resolve in favor of H. P. Hawes, clerk to the committee on railroads and expresses for services rendered.

Resolve in favor of providing a suitable storehouse for military property in Augusta.

Resolve in favor of W. V. Peebles for witness fees and expenses in attending a hearing before the House committee on elections.

Resolve reimbursing John Metcalf for expense incurred in his contest for election as Representative.

Resolve in favor of Clyde Scribner for services as messenger to the committee on inland fisheries and game.

Resolve in favor of M. H. Hodgdon for services as clerk and the stenographer to the committee on inland fisheries and game.

Resolve reimbursing Warren B. Clark for expense incurred in his contest for election as Representative.

Resolve in favor of Fred F. Lawrence for services as stenographer rendered to the committee on ways and bridges.

Resolve in favor of the commissioners

on enlargement of the State House for their services rendered and also for clerk hire.

Orders of the Day.

On motion by Mr. Mooers of Ashland, bill, An Act relative to the compensation of employes for personal injuries received in the course of their employment and to the prevention of such injuries, was taken from the table.

Mr. MOOERS: Mr. Speaker, I only wish to take a few moments of the time of this House in discussing this matter, which is entitled the workmen's compensation act. We had a sub-committee this winter which drafted this act, and they have worked on it for almost the entire season, and they brought it into the House. Subsequently, in committee of the whole a provision was added to it cutting down the number of men from ten to five; and they did not receive the amendment offered which was offered for the purpose of eliminating the lumbermen and river drivers. Now they come in here and ask for a committee of conference. Gentlemen, do you think this is a fair proposition at this late day? It strikes me it is not; and I hope that the motion of the gentleman from Caribou, Mr. Irving, will not prevail. On this question, Mr. Speaker, I ask that the yeas and nays be ordered.

Mr. IRVING of Caribou: Mr. Speaker, I think there are a few of the members of this House who do not understand my attitude towards this question. Believing the principal to be right, I was as much in favor of the passage of a bill that would meet the approval of both branches of the Legislature as any other man; but I was confronted by the almost certainty of the bill, as it now stands, working a great hardship on the sub-contractors in the woods and on the drives; and I therefore presented an amendment to exempt them from the provisions of the bill, which amendment was rejected.

I submit that the judgment of no man is absolutely perfect; and I believe that it might be possible at this time, considering the temper of the proponents and opponents of this bill, that some common ground may be

reached by a committee of conference upon which the bill may be amended so that it will meet with the approval of all concerned; and I therefore, as a courtesy, and frankly in the interest of the passage of some form of a bill if possible, made this motion.

Mr. ROLFE of Portland: Mr. Speaker, at the present time I feel it to be my duty to state to the Legislature, or to the members of this House, my position upon this matter. I am not opposed and would not oppose a bill if it were presented in the proper form in order that each and all of us might be properly protected; but I do claim that the present bill is unjust to the small manufacturer and the small lumberman at the present time. I do not feel at this late day that a bill which would be satisfactory to all of us could be reasonably affected. I believe that if a bill were to be presented somewhat in the form which has been heretofore suggested, to the effect that the employee might assume one-third of the responsibility and the employee might one-third and the State the other third, it might be satisfactory to all. But as for referring this matter now to a committee of conference, I must strenuously object, and I hope that the motion of the gentleman from Caribou (Mr. Irving) will not prevail.

Mr. WHEELER of Paris: Mr. Speaker, I feel that I want to express my sympathy to this bill when I say that all reasonable men may not be able to take the same ground upon this bill, but certainly all reasonable men and all men ought to be able and willing to meet each other in conference, because it is possible that a compromise measure out of all these bills may be brought forth during the last days of this Legislature. It certainly is not too late, even at this time, to do justice by the working men and the working people of this State who have a right to expect and do expect from all parties in this State in their platforms that legislation along this line will be enacted. So that this motion of the gentleman from Caribou (Mr. Irving) presents to the House the precise question which I was seeking to present to the House, yesterday, when this House was so unwilling to adjourn. I believe if we can have a lit-

tle time to meet each other along the line of some proposed amendments which were spoken of, yesterday, that we can arrive at some fair conclusion, something that will be fair to the working men of the State and fair also to the employers, both large and small ones; and I hope this motion will prevail.

Mr. COOK of Vassalboro: Mr. Speaker, as you all know, the Socialist vote has been increasing in this country for the last few years in geometrical ratio. When a bill like this comes up which 50,000 laborers are looking anxiously for it is well to take heed and not by any snap judgment destroy it. There is at this time great unrest, and if you don't give way ———

At this point the Senate came in and a joint convention was formed.

In Joint Convention.

(The President of the Senate in the Chair.)

THE PRESIDENT OF THE SENATE: It seems appropriate to the members of the convention that at the beginning of this duty which we have gathered to perform some suggestion should be made by the presiding officers as to the new duties that are now to be performed by you. We are entering upon a new class of duties that have not before been incumbent upon us. We now meet not as members of the Legislature in the ordinary sense of that term but as members of a court; and the Chair desires to call attention of the members of the convention to the fact that in these proceedings now to be had, you, as members of this convention, are in fact the members of the jury in this court; and certain things which have been perfectly proper during your duties of this session, as members of the Legislature, are no longer proper during the trial of these cases. It is no more proper for persons outside of the Legislature to confer with you personally about these cases while they are under consideration than it would be proper for them to confer with you or discuss the cases with you if you were members of a jury in court.

The Chair presents this suggestion now

for the consideration both of members of the convention and of persons outside the convention. It is the desire of the presiding officers that members of the convention and persons in the hall will kindly refrain from smoking during the session of this convention, and that no persons other than the members of the convention and the officials, and press representatives, be admitted inside of the chains and the rails at the rear; and that persons in the rear who have been admitted by card will kindly refrain from all unnecessary conversation during the proceedings. The Chair wants to direct the attention of members of the convention and all persons present to the fact that in these proceedings it is necessary that every member of the convention be able to hear every word spoken by each witness and by counsel, and that will be impossible unless the most absolute stillness can be maintained throughout this room.

The secretary of the convention will now read the resolve under which the convention has met.

(The secretary then read the resolve in favor of the adoption of an address to the Governor for the removal of John W. Ballou, sheriff of the county of Sagadahoc.)

THE PRESIDENT: Does the attorney general desire to enter the appearance for the state?

ATTORNEY GENERAL WILSON: I wish to state at this time just why I happen to be here; and while the order which was passed by both branches directed the attorney general to appear and conduct the proceedings for the State, I do not understand that the State itself is a party to these proceedings. I have assumed that what both branches of the Legislature intended by this order was that the attorney general should suggest such evidence as was in the possession of the Legislature, in a regular and orderly manner, in order that it might be spread upon its records, and such other information as came to our notice through our inquiries in the brief time that has been allotted to us to make preparation. So that I do not understand that my name is to be placed in appearance here as representing the State itself; and with me I would like to have appear on record as associates, Brothers

B. F. Cleaves of Biddeford, and E. C. Plummer of Bath.

THE PRESIDENT: The secretary will make the record accordingly.

MR. PATTANGALL: Mr. President, the secretary will enter as appearing for Mr. John W. Ballou myself, and Brother Frank W. Staples of Bath.

THE PRESIDENT: The secretary will make the record accordingly. The secretary will now read the rules governing the proceedings.

The secretary then read the report of the committee, as follows:

The committee appointed by both branches of the Legislature to formulate rules of procedure in the matter of adoption of an address to the Governor for the removal of John W. Ballou, sheriff of the county of Sagadahoc, submit the following rules:

First—For the purpose of granting a joint hearing agreeably to a vote of the two branches of the Legislature, they will meet in joint convention in the hall of the House of Representatives on _____ at 9.30 o'clock in the forenoon.

Second—The President of the Senate shall preside in convention and in his absence, or with his consent, the Speaker of the House may preside. Both, when present, shall hear and determine the questions of the admissibility of testimony and any other questions of law that may arise, and their judgment given by the one presiding, or by the other, at his request, shall be final and not subject to appeal.

Third—The petitioners may be heard by counsel and witnesses. State shall be represented by the attorney general and assistants and the respondent by himself and by counsel and witnesses.

Fourth—The same rules of evidence shall govern as in the trial of civil actions in the Supreme Judicial Court. All depositions shall be taken forthwith but no deposition shall be admitted unless it is shown that the deponent is unable to be present. The presiding officers shall decide all questions of the admissibility of evidence, procedure, practice and pleading, and from decisions given, in the manner provided in Rule Second, there shall be no appeal.

Fifth—No debate whatever shall be admitted in the convention.

Sixth—No motion shall be submitted

or entertained except to take a recess to a time certain or to dissolve the convention when such motion shall be decided without debate.

Seventh—No persons shall be admitted to the floor of the House except members of the convention, counsel, witnesses, reporters of the press, the officers of both branches, except by order of the President of the Senate or the Speaker of the House.

THE PRESIDENT: Is the attorney general ready to open for the proponents?

ATTORNEY GENERAL WILSON: I think, Mr. President, that there are some pleadings necessary by the defence at this time.

Mr. PATTANGALL: Mr. President, at this time and at this, the first opportunity that counsel for the defence has had, of course, to be heard before either body of the Legislature or before the convention, we desire to present to you and to this convention a request for specifications of the charges against John W. Ballou, and call attention to the fact that the charges are so general in their nature as to make it impossible for us fairly and reasonably to prepare a defence.

Under this resolve John W. Ballou is charged with wilfully and corruptly refusing or neglecting to perform the duties required of him as such sheriff by Section 69 of Chapter 29 of the Revised Statutes of this State, as amended, and particularly his duty as such sheriff in the enforcement of the law against the illegal sale of intoxicating liquor and keeping of drinking houses or tippling shops.

It seems to us that those allegations should be made specific as to dates, as to places, specific enough so that John W. Ballou and his counsel would have an opportunity to prepare themselves to meet the charges.

If you, Mr. President, and the gentlemen of the convention will examine the records of every similar case tried in the State of Maine you will find that in each case definite and specific charges of definite and specific acts have been spread upon your records so that full and fair notice has been given in each case to the party meeting the charges

as to what he is to meet. I do not make this suggestion with any idea of causing delay. The case came on quickly. I had filed in writing with the attorney general a request for such specifications in the case of Sheriff Moulton, in which case I am retained, and, this morning, received a very proper reply from him, so far as he was concerned, which substantially was that he had no authority to add or subtract from the wording of the resolve, and communicated his views to me, as he stated, in order that I might take such steps as I deemed proper to procure specifications.

Now I think as a matter of fairness and justice, aside from the legal proposition, it will appeal to you and appeal to this joint convention that the charges should be made as definite as possible in order that they may be definitely met; and as a legal matter I do not think there can be any question but that in any court—and this body now constitutes perhaps the highest court that can assemble in the State of Maine—any charges made against a man for misconduct, malfeasance or non-feasance in office should be made definite.

If the President of the convention feels that we should do it, and will grant us a few moments to do so, we will file in writing our suggestions in that respect in order that they may go upon the record. At any rate, we do desire entering upon the record at this time a formal protest on the part of John W. Ballou, by his counsel, against proceeding in this hearing until definite and specific charges are framed by this convention in order that we may know what we have to meet.

ATTORNEY GENERAL WILSON: I do not know, Mr. President, that this may require any special reply from the attorney general. It is obvious that this so-called court here is one of a peculiar character. In the first place, it originates the proceedings itself; and it is, of course, itself the judge of how formal the causes shall be that it is required by the Constitution to spread upon its record.

Now in our mother state of Massachusetts when they proceed against a public official to be removed by address, it is not required that any causes whatsoever shall be assigned or spread upon the records of either House; and so far

as our reply to my Brother Pattangall's request is concerned, it was perfectly apparent that the attorney general had no authority to make any specifications or changes in the resolve that had been adopted by both branches of the Legislature. So that, so far as counsel is concerned, we do not feel that it is up to us to make suggestions in regard to the request that counsel for the defence makes at this time. I think that is entirely a matter within the control of the two branches of the Legislature, as to how far they feel it is necessary for them to go in setting forth in particular the specific breaches of his duty in a statute of this kind. It of course covers acts by the sheriff of a general nature, and as he is not charged here with any specific act there cannot be any one specific act which would be sufficient.

THE PRESIDENT: The request of Mr. Pattangall will be entered upon the record. The presiding officers feel that the convention has no authority to change the allegations in the resolve in any respect.

MR. PATTANGALL: Or, Mr. President, that the convention would be justified, if not in amending the resolve, in having specifications drawn to which the respondent—or perhaps not the respondent, but to which Mr. Ballou would not plead, but which would give full notice of the specific charges to be met.

THE PRESIDENT: The presiding officers feel that the convention has no authority to require that, but will state that if in the course of the proceedings anything develops that is a surprise to counsel for the defence reasonable time will be granted by the presiding officers for them to prepare for such.

MR. PATTANGALL: And the presiding officers will have put on the record the protest of counsel against proceeding under these conditions?

THE PRESIDENT: Certainly.

ATTORNEY GENERAL WILSON: If I understand, pleadings are now entered, and a general denial may be entered.

MR. PATTANGALL: general denial may be entered.

THE PRESIDENT: Is the attorney general now ready to proceed?

MR. PLUMMER: Mr. President and gentlemen of this honorable court; the

solemnity of this occasion where a man of many years and many friends, holding one of the most ancient and responsible positions known to our jurisprudence is brought before this highest tribunal of our commonwealth to explain to them, if you please, why it has been thought necessary for them to bring him before them under a call, if you please, which in effect charges negligence and a failure to comply with the solemn oath of his office, is an occasion that must impress upon all, and its far-reaching consequences must impress us all, for I submit we all understand that in a measure the State of Maine is on trial, if you please, before the public, as to whether her officials shall be compelled to perform her mandates specifically and clearly set forth in her public laws.

Briefly stated, the complaint is that John W. Ballou, who is now holding the office of sheriff for the county of Sagadahoc, and who has held such office continuously since the first day of January, A. D. 1913, wilfully or corruptly refuses or neglects to perform the duties required of him as such sheriff by section 69 of chapter 29 of the Revised Statutes of this State, as amended, etc. The proceeding which has resulted in his appearance here is founded on section five of article nine of the constitution of our State, which provides that "Every person holding any civil office under this State may be removed by impeachment for misdemeanor in office, and every person holding any office may be removed by the Governor with the advice of the Council, on the address of both branches of the Legislature."

And the law which is referred to in the form which has brought these proceedings before you, the section cited there reads as follows: "Sheriffs and their deputies and county attorneys shall diligently and faithfully inquire into all violations of law within their respective counties, and institute proceedings in case of violation or supposed violations of law, and particularly the law against the illegal sale of intoxicating liquor and the keeping of drinking houses and tipping shops, gambling houses or places and houses of ill fame, either by promptly entering a complaint before a magistrate and executing warrants issued thereon, or by furnishing the county attorney promptly and without delay with

the names of alleged offenders and the witnesses."

In view of the importance of the action which you, gentlemen, are about to take, I shall endeavor to present with some particularity and as much clearness as possible the evidence which we propose to present for your consideration, in order that you may know the purpose and bearing of every piece of evidence as it is presented; and, furthermore, that the gentlemen who appear on the other side in this case may fully be aware and be fully informed of the evidence and what they will be required to meet.

Of course it is unnecessary for me to define the language used in this statute referred to in the resolve, the words "diligently and faithfully inquire," the words "diligently and faithfully inquire," as all attorneys here know, have been used in the oath of grand jurors since the common-law existed; but this statute goes further than the requirement of the grand jurors, and requires that he shall "diligently and faithfully inquire into all violations of law, and particularly the law against the illegal sale of intoxicating liquors." For the benefit of those who have not perhaps studied the legal definitions of these words, I might use this definition of "diligently" as one approved by the court: "Diligently inquire means such inquiry as a man of ordinary prudence who desired to know the truth would make." So that throughout these proceedings we all must bear in mind the fact that the sheriff's office is not one of negative duties, but that there are positive, aggressive duties to be performed, and the testimony which we shall offer to submit to you will be offered for the purpose of showing that there has not been this active compliance with the statute; that the duties which have been understood for a long time, but which the Legislature in its wisdom crystallized in 1905, apparently because of a public demand that this specific requirement be made in law, specifically crystallized these demands so that the sheriffs should know that a special duty was imposed upon them in the enforcement of the liquor laws; that he must diligently and faithfully inquire, and that he must promptly enter complaints before magistrates, and that he

must get the names of the offender and the witnesses necessary to convict, and lay them before the proper authorities. Such was the law, and of course that law is presumably known to the sheriff.

In addition to that, as you all know, the highest executive officer of this State, the man who is the superior of the sheriffs as executive officers here, in his inauguration, which we have a right to presume came to the knowledge of this man, specifically declared for the enforcement of the liquor law, and I submit gave such notice as could not be misunderstood, that officers must do their duty or take the consequences.

Now, with those general propositions which are matters of common knowledge I submit the following as some of the detailed evidence which we shall present.

First, we shall show you the record of the payers of retail liquor license taxes in the city of Bath, for the county of Sagadahoc, during the current year; and we shall show that these taxes, these lists were examined within a few days and that they show the present situation there, show some 43 licenses held in that little county, show some 38 held in the little city of Bath, a city of between 8000 and 9000 inhabitants and about 2400 registered voters; then we shall show that these licenses, many of them, are held by men or were held by men during the period covered by this resolve, that is, were held by men between January 1st, 1913, and the date of this resolve, were held by men who were notorious liquor sellers, and who had no other visible means of support, and whose names have been residents upon the calendar and the docket of the supreme court for years; and we shall show that that is a notice such as a man who, in the language of the law, desiring honestly to ascertain the facts, would have taken action on; we shall show that during that same period, between Jan. 1, 1913 and the time of this resolve, that the police on several occasions took occasion to see that the liquor law was enforced; but we shall show by the judge of the court that no complaints, no witnesses, no matters leading up to the prosecution of these violators of law was taken by the sheriff or his deputies.

We shall show you, gentlemen, that on Center street, a street which lead from the sheriff's office to the post-office, the street down which the sheriff travels every day, that on his left hand as he came down the street he had to pass the place of one of the most notorious rum sellers that Bath ever had, a man from whom within four months a seizure of two jigger loads of liquor had been taken, a man who in January of this year in the supreme court of the county plead guilty and took the penalty for violating the law; and yet during the period from Jan. 1, 1913 with such notice as there was in this act of his pleading guilty and paying a fine, that man continued in business in this same street until another seizure of his place was made; and until such occasion arose that further action was taken, and what I refer to is that one of Bath's most prominent citizens whom we shall have here and whom we have here—we shall show that he, realizing the vile conditions so far as the liquor law was concerned, formulated a platform, and we have it here as it appeared in the public print, which platform was practically comprised solely of a promise to stop what he designated to be the wide open conditions and to stop the illegal sale of liquor in the city of Bath. That platform was presented and it was published in the public print of Feb. 21 of this year, and still no action was taken by the sheriff, and still no complaints were made and nothing done to enforce this law. We shall show that at about this same time another prominent citizen, a man whose voice will be heard in this case describing the situation in that city, in regard to the violation of the liquor laws, and that appeared in the public print, and the paper is here, a paper regularly taken by the sheriff of this county; and still no action was taken.

We shall show by witnesses who have been into these places within the past three months, the time covered by this resolve, the open and brazen way in which this liquor traffic was conducted; we shall show specific instances, for instance, one in an

open store without the door being locked, one of the most notorious rum sellers we ever had, one Joseph Futer, had a five-gallon keg of whisky on a box and was drawing it off into bottles, and that was on Center street, the street leading from the sheriff's office to the postoffice.

We shall also, when this is completed, with the permission of this body and for the sole purpose of showing the intent, offer to present to this court judge of the municipal court, the present judge and the man who preceded him up to August last, with the records of that court, showing that during the previous two years there has been no complaint made by the sheriff's office; although we shall show that a year ago last October, and we shall offer an attested copy of the record of the city of Bath, that the occasion became such that the city government passed a special resolve instructing the marshal and the police to take cognizance of the violations of the liquor law, and proceed to "clean up the city," as the expression was in the resolve; and that the police for a time did proceed under various searches and seizures with plenty of results, but that still no action was taken by the sheriff or his deputies.

Therefore, we submit that when that evidence is taken and when that is before you you will realize whether or not the oath which the sheriff has taken to diligently and faithfully inquire, has been complied with. And therefore I feel that we all, because we are in a criminal court and we are not even in a civil court—this is a peculiar proceeding and we are all interested in seeing the good name of our commonwealth vindicated. As you listen to the testimony we ask that you all keep in mind these words, that the sheriff shall "diligently and faithfully inquire," and that through it all we may continue to see the figure of our mother State standing with rigid arm pointing straight down the broad highway which she has commanded her servants to follow.

We will now call our witnesses.

Witnesses for the Government called and sworn.

Mr. CHARLES E. OWEN, having been duly sworn, testified as follows:
Examination by Mr. Plummer.

Q. What is your full name? A. Charles E. Owen.

Q. Where do you reside? A. Waterville, Maine.

Q. Whether or not you have within the past three months visited the internal revenue office at Portsmouth and examined the records there of the payment for taxes for retail liquor dealers for the county of Sagadahoc? A. I have.

Q. Have you an examined copy of such records with you? A. I have.

Q. At what date did you examine and verify that copy? A. I examined this copy of March 17th, and also again the day before yesterday and yesterday.

Q. March 17th of this year? A. Yes, sir.

Mr. PLUMMER: Now if the President please, of course it is understood that in offering this list we do not rely upon that as proof, and of course we have the complete list, although we understand that druggists who have certain standard proprietary medicines, have to have this license, and that is why a complete record is here.

Q. Will you read the names of such men of Bath as you find by the record have a retail liquor dealers' license?

A. And the retail malt dealers' licenses also?

Q. I wish you would read just the retail liquor dealers.

A. Alpha Club, 122 Front street, William L. Whitney director, T. W. Marks president, F. B. Hackett secretary; Mary E. Belcher, 140 Water street; Patrick M. Conley, 12 Front street; James Devise, 150 Commercial street; Gertrude Davidson, 136-138 Commercial street; D. T. Dougherty, 27 Center street; Elks Club, 9 Lombard street, H. M. Hallett, W. P. Leyden, F. P. Torrey, H. S. Harris, house committee; Joseph C. Footer, 65½ Center street; Forresters' Association, 46 Front street, Albert J. Gallant steward, G. H. Johnson treasurer, James Patten, Aldrew Kingsbury, Neil McQuern; John Gannon, 4 Main street; Grand Orient Mutual Benefit Association Club, Harry Hodgkins president, Albert A. Grass

vice president, John C. Wakefield treasurer; A. Hallett & Company, 70 Front street, Fred C. Cox treasurer; Hartleb & Cheltra—that is a wholesale dealers' malt license. Mrs. Gertrude Hobbs, 146-148 Main street; Iron Workers' association, Moses Sweet president, John H. McMann secretary-treasurer, F. B. Anderson and George Pattell, connected, and that is 769 Washington street; N. L. Jackson, 14 Vine street; W. M. Levitt, 11 Center street; Joseph Levy, 150 Commercial street; Rolan O. Lewis, Harbor View hotel; E. J. Lyons & Company, 7 Ferry street; Mrs. Charles P. Lynch, Edward J. Lyons; Lewis J. O'Brien, Ferry street, Columbia hotel; John O'Brien, 70 Center street; Owl Associates' Club, 145 Front street; Earl C. Leydon secretary, J. Fred Cothean, Edward T. Whitehouse, John Burgess, Edwin J. Lee, committee; H. H. Perry, 136 Commercial street; Joe A. Perry, 10 Front street; Sagadahoc Club, 46 Front street, C. F. Magoon president, A. G. Page vice president, C. R. Donnell secretary-treasurer, C. C. Skinner steward; Robert Silby, 252 Water street; Suffolk Club, 22 Front street, Charles Cheltra president, H. M. Hartleb treasurer, Charles McDougall steward; L. B. Swett Company, 182 Washington street; L. B. Swett Company, 160 Front street, L. B. Swett proprietor; W. L. Temple, 120 Front street; D. H. Varner, 2 King street; Webber Drug Company, 94 Front street, M. O. Webber proprietor. That completes the list.

Q. Now will you state what is the total number of licenses as indicated there? A. I have given you only the retail liquor dealers. The total number of licenses is 43. That includes the retail malt liquor dealers' tax and also the wholesale malt liquor dealers' tax; there are seven retail malt liquor dealers and two wholesale malt dealers and 32 retail liquor dealers.

Q. How many of these licenses are outside of the city of Bath? A. Two.

Q. Where are they located? A. At Phippsburg and Richmond, one each.

Q. Now on that list which you have do you find the name of John O'Brien, Center street? A. Yes, sir.

Q. Is the number given? A. Seventy Center street.

Q. Do you find the name of Joseph Footer? A. Yes, sir, 65½ Center street.

Q. D. H. Varney, I thought you read it Varner? A. It was on the book as D. H. Varner.

Q. What is the number? A. Two King street.

Q. And do you find the name of Wilbraham Levitt? A. W. M. Levitt, 11 Center street.

Q. Do you find the name John Gannon? A. John Gannon, 4 Main street.

Q. Do you find the name of William J. O'Brien? A. Lewis J.—no, William J.

Q. What is the number? A. Ferry street, Columbia hotel.

Q. Harbor View? A. Harbor View—the tax is paid by Roland O. Lewis.

Q. Where is it located? A. The location is the Harbor View hotel.

Q. Do you find one Perry or McAuliffe at 2 Vine street? A. H. H. Perry, 136 Commercial street.

Q. Do you find anything at 2 Vine street? A. I think there is a Vine street.

Q. Do you find anything at 10 Front street? A. Ten Front street—Joe A. Perry.

CROSS-EXAMINATION.

By Mr. PATTANGALL.

Q. Are you an officer of the Civic League, Mr. Owen? A. Yes, sir, I am.

Q. And are you in any way familiar with the work of its agents? A. Yes, sir.

Q. How recently have any of your agents visited Bath for the purpose of making an actual examination of conditions there? A. I will say within two weeks.

Q. What agent visited Bath within two weeks? A. The superintendent.

Q. Will you give his name? A. Dr. W. F. Berry, and also Mr. Emery.

Q. Ed. H. Emery? A. Ed. H. Emery.

Q. Do you know what report if any they made of the conditions in Bath after they made their visit there two weeks ago? A. I do not.

Q. Have you had no conversation with either of them in regard to it? A. No, sir, I think not.

Q. And you have not any knowledge as to how they found conditions there? A. In a general way; I have heard them talking among themselves.

Q. Can you, without going into details of the conversation, give the substance of the result of their examination at Bath, two weeks ago? A. Why, anything I would give would be of any value. Those men can be called up to give their own statements.

Q. As a matter of fact did not Mr. Emery or Mr. Berry, or both of them, make a trip to Bath within two or three weeks and in a general way report that the conditions were good there? A. I never heard them report that conditions were good there.

Q. What did they say about it? A. As I remember their conversation, the openness was not such as it had been previously, on account of a certain local stir that there was.

Q. Whether it was on account of one thing or another, the impression they gave you was that they found Bath reasonably well closed up, was it not? A. I do not think they represented it in that way, but that there were certain conditions that made it impossible for them to do what they could do in other cities.

Q. Have you personally visited Bath this year? A. I have.

Q. And how far back in the year, at what time? A. I have since the beginning of the year; I spent a Sunday there. I could tell by referring to my note book. Possibly it was before the beginning of this year. No, it was on the 16th day of February.

Q. Of this year? A. Yes, sir.

Q. Were any of your associates with you at that time? A. We were all there.

Q. Mr. Berry? A. Mr. Berry and Mr. Emery. We spent Sunday there.

Q. Is it since then that Mr. Berry and Mr. Emery have been there? A. Yes, sir.

Q. Since that time? A. Yes, sir.

Q. They are both here? A. They are.

Q. Do you know how many of the licenses which you found credited to Bath are held by druggists? A. I do not know. There are only seven druggists in the town. I looked that up, this morning. I think some of the druggists do not hold a certificate.

Q. Do you know how many are held by people who have not any connec-

tion with the liquor business? A. I cannot conceive of any of them holding a retail tax.

Q. Cannot you conceive of a drug store having a United States license and not being in the liquor business? A. I excluded them. I thought you meant all the other persons besides druggists.

Q. Is it not true that other persons other than druggists and liquor dealers hold malt liquor licenses? A. I do not know of any.

Q. Do not the dealers in soft beer, Uno beer, etc., have to hold a United States license? A. They are in the liquor business, I suppose.

Q. But not in the contraband liquor business, but cases where people are selling a form of beer, that is not hold to be contraband under the Maine law, and you find these people holding some sort of a United States license? A. The malt liquor tax is required of course of persons who sell even one per cent. beer, but I think we rarely find people holding a malt liquor tax who do not sell more than a three per cent. beer.

Q. You are more familiar with it than I am, but is it not a fact that there are in Maine people that do business openly without complaint, without anybody pretending that they are in an illegal business, who hold a United States license? A. I think so.

Q. Are there any such licenses so far as you know among those you read as held in Bath? A. There are two bottling houses in Bath. Each pay a malt liquor tax. One is a retailer and the other a wholesaler.

Q. What office do you occupy in the Civic League, Mr. Owen? A. My title is known as secretary.

Q. And do you have charge in a large measure of the correspondence of the League? A. The superintendent attends to the correspondence more largely than I do.

Q. Have you since the first of January yourself or do you know of any of the officials of the League having since the first of January made any complaint of the conditions in Bath to Sheriff Ballou? A. I think not. I don't know of any.

Q. Or any request in any respect regarding an enforcement there? A. That is not our function.

Q. Have you done that? A. I have not.

Q. Do you know of it having been done by any of your officials? A. I do not.

Q. You have known instances, have you not, of officers of your League going to different cities and there swearing out warrants against liquor dealers? A. Yes, sir.

Q. And presenting them to the officers to serve? A. Yes, sir.

Q. Do you know of your officers having had any relations with Mr. Ballou since the first of January with regard to the service of warrants or the procuring of warrants? A. I have no knowledge.

Q. In your investigation of Bath or your visit to Bath, this year, did you come in contact with the sheriff at all? A. I did not.

Q. And so far as you know, did your association? A. I do not know.

Q. Can you tell the number of United States licenses now held in the State of Maine? A. Not exactly.

Q. Can you approximately? A. Nearly 1200, I should say.

Q. Can you tell approximately the number held in the county of Kennebec? A. No, sir.

Q. Somewhere near? A. I could tell if I had the record. We have the records.

Q. Have you the records here? A. I have a copy of the Civic League in my overcoat pocket. That would give the recent licenses published in the last issue.

Q. Would that give with fair accuracy the number held within the last month? A. Yes, sir. It was verified on the 17th of March.

Q. Would it take but a moment to get it? A. Do you wish me to go for it.

Mr. PATTANGALL: If the President is willing. Brother Plummer suggests that Mr. Owen might be excused while one of the other witnesses testifies and then could return to the stand.

The WITNESS: I undertook to put this memorandum in my pocket, but I had so much other stuff, and thinking that it would not be called for, I did not

take it. Perhaps Mr. Emery may have a copy, or the superintendent may have one. That will all come out.

Mr. PATTANGALL: It will be possible for you to procure one during the day, will it not? A. I am not sure about that, without going home.

Q. If it is possible, will you let me know? A. I could telephone and have our stenographer count up the number if it is important.

Q. If you can get a copy, you will let me know? A. Yes, sir.

Q. Mr. Owen, during the present year, have you personally visited any of these places that hold licenses in Bath? A. No, sir.

Q. And aside from the fact that you find them recorded as holding a liquor license, have you any personal knowledge of the condition of those places during the present year? A. I have not given myself to that phase of the subject at all. My duty was to secure the list of tax-payers, not to investigate.

Q. And you have made no investigation? A. No, sir.

WILBUR C. OLIVER, having been duly sworn, testified as follows:

Direct Examination by Mr. Plummer.

Q. What is your name? A. Wilbur C. Oliver.

Q. And where do you reside? A. Bath, Maine.

Q. How long have you lived in Bath, Maine? A. Forty-two years.

Q. What is your business? A. Galvanizer of iron.

Q. Where is your place located relative to Center street in Bath? A. Mine is on the corner of Water and Vine street, the next street south of Center street.

Q. And approximately how far is your place of business from the Footer place called the Ram? A. A thousand feet, perhaps, or more.

Q. And how far is your place from John O'Brien's so-called cafe? A. About the same distance.

Q. One of them is on one side of the street and the other on the other? A. They are.

Q. And they are both located on Center street? A. They are.

Q. Do you know where John Gannon's place is in Bath? A. I do.

Q. And where is that located? A. No. 4 Marion street.

Q. Approximately how far is that from your place of business? A. An eighth of a mile.

Q. Do you know where the Columbia hotel is? A. I do.

Q. And that is located where? A. On Front street, corner of Front and Ferry.

Q. Do you know whether or not there is a bar in the Ferry street side of the hotel? A. I think I do. Yes, sir.

Q. And is there? A. Yes, sir.

Q. Is there such a bar since the first of January, 1913? A. Yes, sir.

Q. Since that date, January 1, 1913, have you entered the Footer place, called the Ram? A. I have not.

Q. Do you know what the common reputation of the Footer place is?

Mr. PATTANGALL: Well, now, just a moment—I think I should object to that, Mr. President.

The SPEAKER: The Presiding Officers suppose that one important part of the investigation is the matter of knowledge which may or may not have reached the officer, the sheriff, who is here in answer to these proceedings, and as showing such knowledge, if notoriety was sufficiently great, it seems it would have a bearing upon that question. If the Attorney General and his assistants can show that a place, such as he has referred to, has a notorious reputation as being an open bar, we are inclined to think that it can be shown for the purpose of subsequently connecting that reputation with the sheriff, as to knowledge.

Mr. PATTANGALL: And I suppose, Mr. Speaker, that that would—considering that the charges must necessarily, in order to be sustained, have been something between January 1st and the present time—that would need to have something shown as to the character of the place during that period, because it will be apparent that a place might acquire an unsavory reputation and then cease to be the sort of a place that it had been originally said to be. It would seem, to lay the basis of the evidence, that it should first be shown that this place was since the first of January occupied for the purposes of

selling liquor, and then the notoriety would of course be admissible and have evidential value as connecting the sheriff with the knowledge of the place.

The SPEAKER: The question, as we understand it now, has only been of this period since the first of January.

Mr. PLUMMER: I am in entire accord with Bro. Pattangall. I was simply saving time, as I thought, but I recognize the propriety of proceeding exactly as if we were in court, and I will do so.

The SPEAKER: The Chair sustains the admissibility of the question, but suggests that this matter of notoriety may have some range, and it surely should be a notoriety that is considerable.

Mr. PATTANGALL: And during that period of time, if you please.

The SPEAKER: That is all the question embraced, as we understand now. (Question read by stenographer.)

A. Yes.

Mr. PLUMMER: Now, as I understand it, we proceed and get the answer to that.

The SPEAKER: Ask him what it is, if you want to.

Q. Now what is that reputation? A. The reputation of a rumseller.

Q. Do you know whether or not a seizure of intoxicating liquor has been made in that place of Footer's during this present winter? A. No, I do not.

Q. I show you a copy of the Bath Daily Times, of Monday evening, March 10, 1913, containing a letter signed by you and describing certain places, and I ask you if among the places described there you find this Footer place called the Ram? A. I do.

Q. Now when you gave that statement to the public as a place which was used for illegal sale of intoxicating liquors, what was the evidence that you possessed as to its character? A. This is the evidence. He had been convicted in the last court in December, and paid his fine, and I notified the owner of the property that they must get them out in 48 hours' time or I would carry my evidence before the grand jury.

Q. I notice four other places which you particularly describe. Will you

read the first one? A. The front room, on the right, on the second floor of the premises at 48 Front street. That was a gambling place.

Q. That was used for what purposes? A. Gambling purposes.

Q. Whether or not you had that cleaned out? A. I did.

Q. What is the next place that you specifically described? A. A part of the third floor of the premises at No. 112 Front street.

Q. What was this place used for? A. Gambling.

Q. Whether or not you had that cleaned out? A. I did.

Q. What is the next place that you have there? A. Premises at No. 150 Commercial street. They had been convicted of selling liquor. I notified the owner of the property to get them out.

Q. Did you get them out? A. I got the owner at that time out, but I guess they changed hands.

Q. Is there any other place mentioned there? A. The street floor of the premises at 65 1-2 Center street. That is Mr. Footer.

Q. Now as to that place at 65 1-2 Center street, what kind of a place is this?

Mr. PATTANGALL: That is the Ram.

Mr. PLUMMER: Now I want him to tell me what indications of the character of that place he observed—during the past three months.

A. Why, men going in and coming out, drinking men, that is all.

Q. Were there any signs of any legitimate business being carried on there? A. Why, drinking men going in and coming out—that is all the signs I could see.

Q. Now can you say anything as to how great the notoriety of this place is a liquor selling place was? A. No, I don't know as I can, any more than I know that he has been convicted a number of times of selling liquor.

Q. Now do you know whether or not that is commonly spoken of as a rum shop? A. Yes.

Q. Do you know where the Wilbraham M. Leavitt place is in Bath? A. I do.

whether it is 11 or 9 Center street. I always supposed it was 9 but I have

Q. Where is it? A. I don't know heard it given here as 11.

Q. Now what business is carried on there, so far as you know?

Mr. PATTANGALL: If he knows.

Mr. PLUMMER: Yes, if he knows.

A. Well, I couldn't say any more than they have had him before the court once or twice for selling liquor.

Q. Do you know of any other business that is visible there? A. I do not.

Q. Do you know what the general reputation of that place is as regards the sale of intoxicating liquors? A. Considered a rum shop.

Q. Do you know where Dabney Varney occupies? A. I do.

Q. About how far is that place from yours? A. About a stone's throw.

Q. And do you know what business is carried on there? A. He holds a United States liquor license.

Q. Do you know whether or not he has been convicted of rum selling? A. I think so. I am not positive.

Q. And do you know what the general reputation of his place is as a place where intoxicating liquors are sold? A. I think it is considered a rum shop.

Q. Now I note that in your letter published there you head it "First instalment." Now for the information of this Honorable Body, will you state some of the other places that you believe were rum shops in Bath, at that time? A. Why, I don't know as there is—have I got to go on and tell all I know down there, or am I here to defend those letters?

Mr. PLUMMER: You are here to give this body just the information they want.

A. Well, if I may ask—I supposed I was here to defend myself as far as writing those letters—I didn't suppose I was here to go all over the county of Sagadahoc and hunt up evidence for you.

Mr. PLUMMER: Mr. Oliver, you are not here to defend yourself. You need no defence. You are here to give information. You have the information and we want you to give it to the court. Do you know where

Tim McAuliffe's place is in Bath. A. I do.

Q. How far is that approximately from your place of business?

A. Oh, a short distance up the street, same street.

Q. What is the reputation of that place as to its business in regard to intoxicating liquors? A. Rum shop.

Q. Do you know where Mike McCormick's place is in Bath? A. I do.

Q. What is that place reported to do as regards the liquor law? A. I know nothing more, further than I know he holds a United States license.

Q. And you don't know whether he has been before the court or not? A. I think so, but I am not positive.

Q. Now do you know whether or not it has general reputation as a place where liquor is sold? A. Yes, I should say it was.

Q. Do you know where the Harbor View is? A. I do.

Q. About how far is that from your place? A. A short distance from my place of business, on the same street.

Mr. PLUMMER: Of course the Body will understand that I bring out these facts as showing the opportunity which this man had to see what was going on.

Q. Now, what is the reputation of the Harbor View as a place where liquor is sold? Q. They hold a United States license.

Q. Do you know whether or not liquor seizures have been made there within recent times? A. Not since January 1st.

Q. How long before that time do you know of liquor being seized there, approximately? A. Perhaps two months before that.

Q. And do you know how much liquor was seized there that time? A. Oh, fifty or sixty gallons.

Q. Do you know whether it took two jiggers to haul it off? A. I think it did.

Q. And now during any of these seizures referred to, do you know of the sheriff or his deputy making any of those seizures? A. No.

Q. Will you state the date of the paper which contains your first instalment? A. March 10, 1913.

(Paper marked for identification "State Ex. 1.")

Q. Whether or not during February of this year you presented in the public

print a platform, as appears in the Bath Daily Times of February 14, 1913, referring to the condition of illegal sales of intoxicating liquor in Bath—A. I did.

MR. PLUMMER: I will ask that the platform be read for this purpose, that it contains statements regarding the condition of the city as we saw them at that time, and these statements were given publication in the Bath paper, which has, as we shall show, as a circulation one copy to every registered voter in the city of Bath. So we offer this as showing his published statement of the notorious condition of the city at that time and we shall ask that it be read.

Q. While that paper is being examined, I ask you whether or not a letter purporting to be signed by you and appearing in the Bath Daily Times of March 6th is your letter, and whether that is a correct print of what you signed? A. It is.

Q. I show you a copy of the Bath Daily Times of Saturday evening, February 22nd, 1913, which contains what purports to be a letter of acceptance from you, and I ask you whether or not that letter is as you wrote it? A. It is.

Q. While the examination is proceeding, I will ask you whether or not the statements of fact, or statements as of facts, contained in those various communications were true? A. They were.

(Mr. Plummer hands paper to witness to read platform, and witness requests that Mr. Plummer read it.)

THE SPEAKER: There is no objection, probably, to his reading it.

MR. PLUMMER: I will have Bro. Pattangall read it.

MR. PATTANGALL: No objection to Bro. Plummer reading it. I find on examination of the platform that there are two fairly brief statements of alleged fact. Practically all the rest of the platform states Mr. Wilbur C. Oliver's promises of what he will do if he is elected mayor.

THE SPEAKER: That, of course, is immaterial.

MR. PATTANGALL: I think perhaps Bro. Plummer and I can agree as to what shall be introduced.

(Consultation between attorneys.)

MR. PLUMMER: Of course it is understood in filing these we simply file

the parts referred to. The sections which we have agreed upon read as follows: "It is pretty generally known that Bath is 'wide open.'" In quotation marks, the "wide open." "Not for many years, if ever, has the law against disorderly houses, gambling places, and the sale of intoxicating liquors been so openly and flagrantly violated. Quite recently [the date of the paper is Feb. 14th, this year]—Quite recently a man from another city, who is said to have a chain of disreputable houses through the State, has opened such an establishment here, and there are many others. Some of them are vile beyond the limit of description permitted in a newspaper; all of them are necessarily bad; and they are ruining many of our young boys and girls. It is possible that the full extent to which these vices are carried on is not known to the present administration, but enough is known to it to call for at least a pretense of enforcement of the law. * * * There are at least five such places open in Bath today; several, if not all, of them have outrunners soliciting the patronage of young men and women." (State Ex. 2.)

Q. You used the expression, in the opening paragraph read that Bath is "wide open," the "wide open" being in quotation marks. Now will you tell this body the sense in which you used these words? What did you mean by "wide open"? A. Why, I meant that liquor was sold in some thirty-five or forty places—I meant just as I said in that statement.

Q. And how far did you carry the meaning of "wide open"—so that it was public knowledge, you meant? A. I should say it was.

Q. You say "enough is known to call for at least a pretense of enforcing the law." What did you mean by that? A. Why, I meant that the administration, the mayor, had promised the good people of Bath, if he was elected that he would enforce the law, and I found by personal investigation that he hadn't done anything, and it was worse than it was when he went into office.

Q. When you say it was worse, what do you mean by that? A. I mean there was no liquor sold, there were more houses of ill fame in Bath at that time than there was the pre-

vious spring when he made his promise.

Q. And when you say "that time" you mean the time of last February? A. I do.

Mr. PLUMMER: I will read the part agreed upon as it appears in Bath Daily Times, March 6, 1913 (State Ex. 3.)

"There are six houses of ill fame on our public streets, and as many more on our side streets.

"There are eight clubs, some are nothing more than public rum shops.

"There are 37 places where liquor is sold to any one who has the price. Little boys 17 years of age drunk and before the court; girls of the same age staggering drunk on our streets; one staggered into my place of business a short time ago. Some mother's child, somebody's sister.

"There are five gambling dens on our public streets, the proprietors making deposits in the banks every Monday after running them all day Sunday and Sunday night; little children going without shoes and food to fatten their accounts, wives taking in washing to support these places; scores of young men diseased; fathers forsaking their homes to live in these places; school boys making these places their headquarters. Every person who can buy a gallon of liquor and is disposed to sell it, is doing so for Saturday night and Sunday's trade. Men are selling liquor for a living and allowing relatives to dip in the poor house. One place is leased by the owner for \$80, and the lessee sublets it for \$100 a month; the same place for a legal business would bring about \$15 a month."

Now are the statements that you presented in that letter true? A. They were.

Q. You speak of little boys 17 years of age drunk and before the court. At what time was that? this year? A. I think so.

Q. You speak of girls of the same age staggering drunk in the streets—is that about the same time? A. I couldn't say just when.

Q. But it was a comparatively

short time before you made these statements? A. It was.

Q. You say "every person who can buy a gallon of liquor and is disposed to sell it is doing so for Saturday night and Sunday's trade." What did you mean by that? A. That is the common talk around the town.

Q. You speak of one place that is leased for \$80 and subleased for \$100 a month, that would bring about \$15 for a legitimate business. What place was that? A. 136 Commercial street.

Q. And do you know what the business there was? A. Well, I never have visited it but it had the reputation of being a house of ill fame. I think the court records will show it was.

Mr. PLUMMER: I wouldn't have asked the question if I didn't know that the records would support it.

Q. I show you a copy of the Bath Times, dated March 4, 1913 (State Ex. 4) and I read from it these lines taken from a letter which purported to be signed by you: "The vice conditions which I hoped to remedy still exist in Bath, and the need of a house-cleaning is as great today as it was last week." And was that statement true? A. It was at that time, yes sir.

Q. Your place of business is very near to the Maine Central Depot, isn't it? A. It is.

Q. Whether or not it is very near to the Bath Iron Works? A. It is.

Q. And approximately how many men are employed by the Bath Iron Works? A. I couldn't say at the present time.

Q. A very large number? A. Four or five hundred.

Q. And the men go and come by your place largely? A. They do.

Q. What have you to say as to the condition of drunkenness in the city as you have observed it during the months of—say January and February of this year as compared with the previous year? A. Why, about the same.

Q. Without mentioning specifically, whether or not you have during this year gone to any of these places and requested them not to sell liquor to

any particular person that you named? A. I don't think I have this year.

Q. And about how long ago was it that you did those things, if you did? A. Within a year.

Q. And will you tell this body the names of those places that you went to and the names of the proprietors, if you know them, so far as you now recollect? A. I went to John O'Brien, I went to Joe Footer, I went to William O'Brien, I went to Dan Varner—several others that I can't just recollect.

Q. And by William J. O'Brien you mean the proprietor of the Columbia Hotel? A. I do.

Q. Now will you tell this body how many places where by common repute, or from your own observation, you know liquor was sold, that the sheriff had to pass in going from the court house to the post office, or did pass ordinarily? A. Three or four.

Q. And will you name those places? A. John O'Brien, Joseph Footer, Wilbraham Leavitt.

Q. Is the Orient Club on that same Center street? A. Yes, sir, I forgot that.

Q. Where is the Harbor View Hotel relative to the postoffice? A. Oh, most directly across from the post-office.

Q. Where is Tim McAuliffe's place relative to the postoffice? A. Almost across from the postoffice.

Q. Is there a sign marked "Cafe" displayed over the door of John O'Brien's place? A. I think there is.

Q. During your lifetime have you ever seen anybody eat in that place? A. I have.

Q. When? A. A year ago, I should say.

Mr. PLUMMER: We offer Exhibits one, two, three, four and five, it being mutually understood that only the parts marked are the parts that we put in the record.

Cross-Examination by Mr. Pattangall.

Q. Mr. Oliver, how long have you been acquainted with John Ballou? A. Forty years.

Q. And during how much of that

time has he been sheriff of the county of Sagadahoc? A. About all the time.

Q. Thirty-six years, isn't it? A. Somewhere along there, isn't it?

Q. So that you have practically always known him as the sheriff of your county? A. I have.

Q. Now on Feb. 14, last, when you were announcing your platform in the paper, you were meeting John Ballou from day to day, weren't you? A. I was, yes sir.

Q. Practically every day? A. Yes, sir.

Q. And you knew he was sheriff of Sagadahoc county? A. I did.

Q. You were not moved by anything when you published these letters, except a sincere desire to make things better in Bath? A. Yes, there were some things in there that I had in mind.

Q. Besides improving conditions in Bath? A. No. I wanted to improve conditions in Bath.

Q. Did you have any other purpose beside that in this letter which you have been exhibiting here? A. Yes.

Q. What was it? A. I had a friend that had gone to pieces on account of rum.

Q. Yes, yes, but you wanted to improve conditions? A. Certainly.

Q. And so you had no other general purpose in mind than that? A. I was going to run for mayor on that platform; there was some politics in it, I suppose.

Q. Just a little. Now Wilbur when you published the first article on Feb. 14, and stated in it that there were five houses of ill fame in Bath, did you have any doubt but that if you went to your sheriff, John Ballou, and pointed out one of those places to him and said that you wanted him to get a warrant and close that place for you but that he would have done it? A. Well, I should never have gone to him, Mr. Pattangall.

Q. Well, you didn't go to him. A. No I didn't.

Q. Did you ever know him, in the forty years, to refuse to do his duty when a citizen called upon him? A. I never knew him to refuse.

Q. Now if your desire was to close

those places, assuming that your desire was to close those places, did it ever occur to you to go and tell the sheriff something about that and ask him to do that—did that ever come to your mind? A. No, sir.

Q. It did come to your mind that you were running for mayor against Frank Small, didn't it? A. It did.

Q. And that whatever you could say in the public prints about conditions in Bath might reflect upon the administration and Mayor Small? A. Whatever I could say honestly, yes.

Q. And you didn't have anybody in mind, any public official but your city officials, when you spoke of the administration? A. I didn't care who they were.

Q. When you say the administration, you didn't mean Sheriff Ballou, did you? A. Not necessarily, no.

Q. Did you, necessarily or not? A. Why, no.

Q. Of course you didn't. Now when you published that letter of Feb. 14, depicting conditions in Bath as you did, you were a candidate for mayor and an election was held? A. I was, yes, sir.

Q. As I understand it, you were not elected? A. I guess not, I don't think so.

Q. On March 6, in the Bath Times, after the election, you say: "There are six houses of ill fame on the public streets, and as many more on the side streets." I ask you as a matter of fact, do you know that there are 12 houses of ill fame in the city of Bath? A. Not as a matter of fact, no.

Q. You don't know it, do you? A. No, sir, not as a matter of fact.

Q. And yet you didn't hesitate to sign your name to a public piece in the Bath Times stating that there were 12 houses of ill fame? How many do you know that there were? A. I should say there were 12.

Q. Name the 12, then. A. I don't know as I want to. It is pretty hard work for a man to prove that a house is a house of ill fame. He may have all the reason—

Q. Why didn't you say 13 instead of 12? A. Perhaps I might have.

Q. Why didn't you say 14? A. I am not going up any higher.

Q. Why not? A. Twelve is enough for a small town like that.

Q. Tell me before this convention, because this proceeding is not exactly a joke, if you can name the 12 places that you say existed there as houses of ill fame, which is named as the basis of one of the criticisms against your sheriff—can you name them? A. I think I can.

Q. Will you do so? A. I don't care to unless I have to.

Mr. PATTANGALL: I submit the question is a proper one.

Mr. PETERS: We think the witness should answer.

WITNESS: I can name those that are presumed to be that.

Mr. PETERS: Those that he had in mind when he wrote the article.

Mr. PATTANGALL: Those that he had in mind when he wrote the article, and then I can examine him as to the extent of his knowledge.

Mr. PLUMMER: I just suggested to Brother Pattangall that the witness should understand that he had a protection. He is giving testimony that is compulsory.

Mr. PETERS: You should understand that you are protected from any consequences that might otherwise be incurred, that is, civil actions.

Mr. PATTANGALL: As against slander suits?

Mr. PETERS: As against slander suits, civil actions for damages.

WITNESS: Mary E. Belcher, 140 Water street; 150 Commercial street.

Q. What name? They change names so often I can't tell you; I have got it James Devise here.

Q. Who made that out? A. I made it.

Q. What did you put down James Devise for? A. He was there at that time. Gertrude Davidson, 136 Commercial street; Mrs. Gerrish, 150 Commercial street; 132 Water street.

Q. What name? A. I don't know what his name is.

Q. Is that all? A. Oh no, that isn't all. Elizabeth Atkinson, 57 1-2 Center street; Abbie McDuffey, High street. There are two places across from the City hall that I can't tell you what their names are.

Q. Where, across from what way? On what street? A. Between Center

and Water streets, on the west side of the City hall.

Q. What sort of a block, or tenement house? A. No, two different places. One is kept by a colored lady, and the other, I think she is a Jew. There is two places in Private Way, what we call Private Way, I think it is Marion street, they call it.

Q. Now what knowledge have you of the character of those places? A. Why, personal observation of things, what my friends say when we get in the general way of talking.

Q. How many of them do you have any personal observation of? A. Why, I am around the streets considerable, about the whole of them. I don't go down on High street much, but around the city proper.

Q. So that you saw enough about them to feel able to state of your own observation that these are houses of ill fame? A. I should, yes, sir.

Q. You had no hesitation? A. I should, yes, sir, no positive proof.

Q. You say in your letter of March 6: "There are eight clubs, some nothing more than public rum shops," what were the eight clubs? A. I guess I can name them off-handed.

Q. Will you do so? A. Sagadahoc, Elks, Suffolk, Orient, Foresters, Alpheus, Owls, Eagles. I don't know whether I have got eight there or not, but I guess I have.

Q. "Five gambling dens on the public street"—where are they? And who runs them? A. Second floor of 48 Front street was run by Addison Barker; 112 Front street by John D. Footer and a man by the name of King; I think that 8 Marion street in the rear of a barber shop is Joseph Mulaney; I think 66 Center street is T. P. Nagle.

Q. When you say "I think," what do you mean? A. I think that is the number.

Q. You know the places? A. I know the places.

Q. You are giving the number from memory? A. There was a place in the Grand Army building that I named that this King was running, but he had given up his place and gone in partners with Mr. Footer, so that made the five places.

Q. There were four, and you had

known of another? A. I had known of another, yes, sir.

Q. Had you sufficient knowledge of these places so that you have no hesitation in stating on your own word that there were these gambling houses running in Bath at that time? A. I had sufficient evidence to know that there was two or them, and I had—by information that I had gathered, I knew that the other two were running wide open.

Q. That was on March 6? A. I think so, yes, sir.

Q. Now you say in your letter that there are 37 places where liquor is sold to any one who has the price, would those places be largely included in the list that has been read here of holding United States licenses? A. They would, yes, sir.

Q. And you had known enough to satisfy you that you were safe in making that statement? A. I did, yes, sir.

Q. Have you a municipal court in Bath? A. We have.

Q. When did your grand jury meet in Sagadahoc county? A. This week.

Q. Knowing what you did in detail about the conditions in Bath with regard to houses of prostitution, gambling dens, clubs and rum shops, did you as a citizen there, desirous of bettering conditions, make any complaint before the municipal court, or have you presented any evidence to the grand jury? A. I am not a prosecuting officer, Mr. Pattangall.

Q. I didn't ask you that; I know you are not; I saw in the paper this morning that you had declined the office of deputy sheriff, but did you present any complaints to the municipal court? A. No, sir.

Q. And did you give any of the evidence that you are now giving here to the grand jury? A. No, sir.

Q. Or to the county attorney? A. No, sir.

Q. Or to the sheriff? A. No, sir.

Q. Or to any responsible officer? A. No, I supposed they all knew.

Q. You thought everybody in Bath knew about it? A. I did; yes, sir.

Q. What particular object did you have in publishing it in the press if everybody in Bath knew about it? A. I published it in the press, and they knew.

Q. You thought they knew anyway. A. No. You asked me why I didn't carry it into court.

Q. Why didn't you go to some responsible official and say "I know of eight clubs, 12 houses of illfame, five gambling dens and 37 places where liquor is sold openly, and as a good citizen of Bath I will name them to you, and you do something about it." A. It was well known; I was a candidate for mayor, and I was telling people about conditions around them.

Q. You wasn't a candidate for mayor on March 6, you had been defeated then. A. I understand it.

Q. After you had got done being a candidate for mayor, and become just a plain citizen, wanting the welfare of your city, why didn't you take your information to some official, your sheriff, county attorney, or municipal court, instead of spreading it in the columns of your paper? A. I gave them notice in the paper.

Q. I know that; I say why, instead of going into the press with your indefinite information, didn't you take to them the definite and detailed information and see whether they would act upon it? A. Isn't that notice enough to the officers? Why should I go around and chase around after the officers?

Q. Why do you argue? Answer the question. A. I have answered the question.

(Question read by stenographer.)

A. I have answered it, sir.

Q. If you consider that an answer I ask it again. I ask you why, instead of putting your indefinite statements in the press, if you desired conditions changed in the city of Bath, you didn't carry to John Ballou, or the county attorney, or any responsible official in Bath or your municipal court, the detailed information you have given these men here, and ask them to act upon it? Why didn't you do that? A. With the exception of the sheriff, every one of them knew it, and there was no need of it.

Q. You don't think the sheriff did know it? A. I don't think the old gentleman knew anything about it.

Q. And instead of having him subjected to such a proceeding as this on account of letters like these, why didn't you as a friend go to him any say, "I want a cleaning up in Bath and I will give you the names and places?" A. Nobody ever thought of such a thing as

going to the old gentleman and asking him to clean up. He had a deputy to do that.

Q. You didn't go to his deputy? A. His deputy knew all there was about it.

Q. You didn't go to his deputy? A. I did tell him all about it.

Q. When did you tell him about it? A. A dozen times, in my office.

Q. When? A. During the campaign.

Q. Oh, during the campaign?

Recess until 2.30.

AFTERNOON SESSION.

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

WILBUR C. OLIVER, being recalled for further cross-examination, testified as follows:

By Mr. PATTANGALL:

Q. Mr. Oliver, how long have these resorts that you have mentioned this morning been in existence in Bath? A. Why, some of them for a good many years; some of them within a year.

Q. What would you say as to the most of them? A. A great many of them have been there off and on for years.

Q. Have you ever occupied any position in the Bath city government? A. Have I?

Q. Yes. A. Yes, sir.

Q. What position? A. I was a member of the common council two years, and three years on the board of aldermen.

Q. And what three years were you an alderman? A. Well, I don't know as I can tell you; I don't know as I can remember what years now.

Q. Can you tell what the last year was that you were on the board of aldermen? A. I think five years ago.

Q. Many of these resorts were in existence then, were they? A. Yes.

Q. As a member of the board of aldermen did you serve on any committees, city committees of the city of Bath? A. Yes.

Q. Were you on the police committee? A. Yes.

Q. Had supervision of the police work? A. Well, no, sir.

Q. Chairman of that committee, weren't you? A. Chairman, yes.

Q. And had authority under your city charter to take charge, general

charge of the police work, didn't you?
A. No, sir.

Q. You didn't? A. No, sir; I don't think so.

Q. Can you briefly without taking too much time about it, tell us what the duties of your committee on police were? A. No, sir; I couldn't.

Q. While you were in that responsible position did you communicate to the press anything in regard to the resorts that then existed in the city of Bath? A. Why should I?

Q. I asked you if you did? A. No.

Q. Did you take any personal steps, as one of the municipal officers of the city of Bath and chairman of the committee on police, to close any of the resorts that existed in Bath? A. No.

Q. Now you have named certain clubs here, in the Bath Daily Times, clubs devoted to the sale of rum. Do you belong to any of them? A. Yes.

Q. A member of them? A. Yes.

Q. Help support it? A. Yes.

Q. Did you expect Sheriff Ballou to close that club? A. I didn't care whether he did or not.

Q. You didn't expect him to, did you? A. If he took a notion to, let him close it; it wasn't up to me.

Q. Did you expect Mayor Small to close the club you belong to? A. Did I expect him to?

Q. Yes, A. It was up to him; if he wanted to close them up, he could close them up.

Q. Did you belong to any clubs such as you described in the press as being a club where rum is sold when you were an alderman and chairman on committee of the police?

Mr. PUMMER: Just a moment. The document contains no such statement or similar statement. The language is "some of which are rum clubs."

Mr. PATTANGALL: Eight clubs some of which are rum clubs. You have named your rum clubs. Will you tell me which ones of them are not rum clubs? That may be shorter than the other way. A. You ask me that question?

Q. I do. All them? A. All of them? You ask me that question, if all of them are rum clubs?

Q. No, I will ask you again the question, when you were a municipal

officer of the city of Bath and chairman of the committee on police weren't you a member of one of those clubs?
A. Yes.

Q. Did you make any effort to put the club out of business? A. No, sir.

Q. As alderman of the city of Bath were you sworn when you went into office? A. Yes.

Q. Subscribed to the regular official oath? A. Yes, you know what it is.

Q. I do know what it is. How many years have you been chairman of the Republican city committee of Bath? A. Two or three years.

Q. Were you in the first year of Frank Small's administration? A. No, sir.

Q. Two years ago? A. No, sir.

Q. Were you last year? A. No, sir.

Q. Who was the city marshal under Small the first year he was mayor?
A. Fred L. McFadden.

Q. Did you have anything to do with putting him in? A. Voted for him.

Q. And did you at any time complain to him the man who you assisted in putting in, during the year of his service of these terrible conditions in Bath? A. Yes.

Q. He didn't take any action on them, did he? A. Yes.

Q. How many of the houses of prostitution did he close? A. One.

Q. Out of 12? A. I didn't say there was 12 there at that time.

Q. How many were there there then? A. Oh, I don't know.

Q. When did you first take a census of the houses of prostitution in Bath? A. Last spring, last February.

Q. And before that you knew some of them existed there and had for many years, didn't you? A. Yes.

Q. More than one? A. Yes.

Q. And your city marshal at your suggestion closed one, did he? A. My city marshal at my suggestion? I didn't say I suggested anything to the city marshal.

The PRESIDENT: Answer the question without argument.

Mr. PATTANGALL: But the city marshal whom you helped to choose and to whom you complained about conditions in Bath, closed one? A. Yes.

Q. And left the rest open? A. I presume so, yes.

Q. Did you complain to the city marshal during that year, the man whom you helped put in office, about the eight clubs where rum was sold? A. I didn't, no, sir.

Q. Did you say anything during the year in the public press about that? A. I don't think I did.

Q. Don't you know? A. I don't think I did.

Q. You know you didn't, don't you? A. I don't think I did.

Q. Don't you know, I ask you? A. No, I guess I didn't.

Q. You leave it with a guess, do you? A. Yes.

Q. Who was your city marshal last year? A. Hiram R. Patten.

Q. Republican city official? A. Claims to be.

Q. Well, do you deny the claim— A. I have my doubts whether he is or not, yes.

Q. Doubt his regularity? A. Yes.

Q. You didn't, I take it, assist in putting him in office? You were not a member of the city government? A. I was not a member of the city government; no, sir.

Q. So as an active member of a political party you had nothing to do with it, did you, having him chosen as city marshal, or did you? A. No, sir.

Q. You had nothing to do with that? A. No, sir.

Q. In the letter in the Bath Daily Times of March 6th you say: "Little boys 17 years of age drunk and before the court." How many such instances do you know during the last 12 months, let alone the last three months? A. I don't know, sir; the judge's record will show.

Q. Does the judge's record show the age of the boys before the court? A. I presume he will tell you how old they were.

Q. You wrote this article, didn't you? A. I wrote that article.

Q. Did you write it by dictation from the judge? A. No, sir.

Q. On what evidence did you base the proposition to send out broadcast that little boys 17 years of age were drunk and before the court? A. I see the little boys before the court, and I have seen

them on the street drunk.

Q. How many little boys 17 years of age have you seen before your court for drunkenness within the last 12 months? A. I don't know how many, I am sure.

Q. How many can you state? A. Two or three.

Q. When? A. I don't know just when, but last winter, in the winter some time.

Q. Any particular instance? A. Yes, I have one in mind.

Q. Will you name one? Now have you more than one in mind? A. Yes, I have more than one in mind.

Q. How many? A. Two.

Q. Two particular instances? A. Yes, two.

Q. Now outside of those two particular instances, and I take it you know the ages of those boys—do you know of any case where little boys 17 years of age were drunk and before the court? A. No, I never looked them up. I knew of two cases.

Q. How many little girls of the same age have you seen staggering drunk around the streets of Bath? A. I see one.

Q. One isn't girls, is it? A. Well, I knew there was others.

Q. You do? A. Yes.

Q. Seventeen years old? A. Yes.

Q. Staggering around the streets? A. Yes.

Q. How do you know it? A. Why, by observation.

Q. That means by seeing them? A. Yes, sir.

Q. Don't it? A. Well, the one I spoke of there came into my shop.

Q. When you say "little girls of the same age staggering drunk on our streets," you then add one staggering into your place of business. Now, aside from that one did you ever know of an instance where little girls were staggering around the streets of Bath drunk— A. Yes, sir.

Q. How many times did you ever observe that? A. I have seen mostly girls that were in court.

Q. You have seen the girls staggering around the streets. In your letter you said that, I believe.

A. Well, sir, I have seen little girls that belonged to those houses of ill fame in the street intoxicated.

Q. Little girls? A. Yes.

Q. When? A. Within six months.

Q. How many? A. I don't know how many.

Q. You know something about it. You saw them. A. They were together.

Q. How many did you see? A. There was a crowd together. You know how it is, when we get together we can't tell how many are drunk, but I know some of them were.

Q. Do you mean to tell the convention on your oath that there were so many girls that you can't tell how many, staggering on the streets of Bath drunk at one time? A. Four or five together. No, I couldn't tell how many were drunk; they might be all drunk for all that I know.

Q. And you would take the chance of saying they were rather than giving them the benefit of the doubt? A. No, I would give some of them the benefit of the doubt. I should say if there were five together, two of them were drunk, and I would give the other three the benefit of the doubt.

Q. Would you be particular about which two you selected, as to which ones were drunk? A. I should take those that looked to me, that looked as though they walked the crookedest.

Q. Would you let this convention assembled from all over your State understand that that article stating that little boys 17 years of age drunk and before the court, and little girls of the same age staggering drunk on the streets, was a common occurrence in the city of Bath? A. Why, yes.

Q. And for how long a time back? A. I couldn't state positively how long a time back.

Q. How long a time as near as you can tell? A. I should say I have looked it up for the last year.

Q. For the last year? A. Yes, for the last year.

Q. During the whole 12 months? A. Yes.

Q. And that has gone on in Bath? A. Yes.

Q. Commonly? A. Yes.

Q. Practically every day? A. Oh, well, I don't know about that.

Q. Every few days? A. Yes, every few days.

Q. And you never thought of pro-

testing against that in any possible way until you started to run for Mayor, did you? A. Until I started to run for Mayor?

Q. Yes. A. Why, naturally that is the time I looked the thing up and got my platform out to remedy the condition.

Q. Those conditions never appealed to you as something that you ought to complain about until you started to write your political platform, did they? A. Yes.

Q. You didn't complain? A. No, sir.

Q. Did you ever run for Mayor before? A. Yes.

Q. Did you have any better luck than you did the last time? A. Yes.

Q. You didn't get elected, did you? A. No, sir.

Q. Well, that is good luck. I didn't mean it in that sense. Now going over just a minute, you speak in your letter of some sort of a place which you called "The Ram," that is on Center street is it? A. Yes.

Q. I have that street right? A. Yes.

Q. What is the name of the man who runs that? A. Joseph Futter did run it.

Q. And he has been before the court? A. Yes.

Q. A good many times? A. Yes.

Q. Convicted? A. Yes.

Q. And sentenced? A. Yes.

Q. You wouldn't expect the Mayor or the sheriff or any executive officer to do any more to a rum seller than to get him into court and let the judge do what he wanted to with him, would you? A. No, sir.

Q. Now this fellow who run this place called "The Ram," the man was in court and convicted this very last January, wasn't he? A. Yes, sir.

Q. And paid a fine? A. Yes.

Q. Under order of the court? A. Yes.

Q. The supreme court? A. Yes.

Q. Now, down to 150 Commercial street. What place is that? Do you remember the name of the proprietor? A. Davis, I think.

Q. Now that place is one of the

places which you name in your article, and the proprietor of that place has been before the court, hasn't he? A. I believe he has, yes.

Q. And convicted? A. Yes.

Q. And sentenced in some way by the court? A. A hundred dollars and cost.

Q. By the supreme court? A. No, sir.

Q. By the lower court? A. Yes, sir; by the lower court.

Q. Who was judge of the lower court at that time? A. Judge Keegan.

Q. And previous to that had the proprietor been brought before the court? A. I don't know.

Q. You know that one time? A. I know that one time.

Q. And how recently was that? A. I believe it was in January; I am not positive about that.

Q. Now, you had no session of the supreme court between January and this week? A. No, sir.

Q. The court is now in session, isn't it, at Bath? A. Yes.

Q. Now, in your letter of March 6th, which Brother Plummer read, and which you said in answer to his question contained statements that were all true, you say, "every person who can buy a gallon of liquor and is disposed to sell it is doing so every Saturday night and Sunday." Is that quite true? A. I think it is; yes, sir.

Q. And how many should say that meant in Bath? A. I don't know how many.

Q. Give an estimate. You know a good deal about Bath. A. I know something about it.

Q. I guess you do. A. I don't know, I am sure.

Q. When you wrote you had some number in mind? A. I had something in mind, yes.

Q. What was it? A. Oh, two or three I believe.

Q. Two or three? A. Well, it said anybody that was disposed to sell it, doesn't it?

Q. It says, "every person who can buy a gallon of liquor and is disposed to sell it." A. Yes.

Q. And you only meant to convey the idea that two or three people were doing that? A. Yes, they were the ones that were disposed to sell it.

Q. Now, it says, "men are selling liquor for a living and allowing relatives to die in the poor house." Have you any instances of that in Bath? A. One.

Q. One wouldn't be men, would it? A. Well, if you are going to pin me down—

Q. I am not pinning you down. I am taking your language. A. I can't say to a man; I said men.

And you meant one man? A. I meant one man.

Q. And when you said to Brother Plummer that all the statements contained in that letter were true you meant to qualify it by substituting the for the plural, didn't you? A. I said man.

Q. You didn't mean men, did you? A. Well, perhaps I might have said a man and it would have hit the case better.

Q. Yes, if you only meant one man and had said one man, everybody would have known what you meant? A. Sure.

Q. Now you say that the proprietors of gambling places make deposits in the bank, every Monday. You know of that of course? A. Why, yes; I have reasons to know.

Q. What are they? A. Well, I have seen them when I have been around the banks make their deposits.

Q. Every Monday morning? A. Not every Monday.

Q. The five proprietors of these gambling places? A. There were only four. One had gone out of the business, I told you.

Q. You said there were five. A. There were five but one had gone out of business.

Q. At the time this letter was published, there were not five but four of them? A. Yes, King had gone in with Footer.

Q. Now those four men you know of your own knowledge every Monday morning came down and deposited in the banks substantial sums of money they had gained in gambling? A. Not

every Monday morning. I have seen them several Mondays.

Q. When you stated that you saw them every Monday in that letter, you were just indulging in a very pardonable campaign statement. A. No, sir.

Q. You did not mean every Monday? A. Yes, sir.

Q. And you mean it now. A. Yes, sir.

Q. You are testifying under oath. A. Yes, sir.

Q. But you cannot testify that they went there, every Monday morning? A. Only as a man would say that they went there every Monday. I saw them many Mondays.

Q. Some men would not make that statement unless they knew something about it. You mean that, do you? A. Yes, sir, I do mean it.

Q. The convention will understand it. As soon as you ceased to be a candidate for mayor, you became a candidate for city marshal, did you not? A. No, sir, I never was.

Q. Didn't you write a letter to the press in which you said you would accept the position? A. You read it. I wrote a letter, but I didn't say I was a candidate for city marshal.

Q. Did you write a letter to the press in which you said that you would accept the office of city marshal? A. Yes, sir, under conditions.

Q. Let me read from your letter: "If this administration wishes to elect me for city marshal, I will accept the place if I am to have a free hand in the enforcement of the law." Is that a correct reading of the letter? A. Yes, sir.

Q. And you were willing to accept the place if it were tendered you? A. I should have taken it.

Q. And that letter was published on the 4th of March? A. Yes, sir.

Q. But the place was not tendered you? A. Not in my recollection.

Q. Not so that you would notice it? A. No, sir.

Q. Hence you did not accept it? A. No, sir.

Q. That was the second office you had signified your willingness to accept during that month, first the office of mayor and then of city marshal? A. Yes, sir.

Q. And then a little later were you tendered by Sheriff Ballou the position of deputy sheriff? A. I was tendered the appointment, last Monday.

Q. That appeared in the papers? A. Yes, sir.

Q. And the report as it appeared in the papers was correct that the appointment was tendered you? A. Yes, sir.

Q. In fact the appointment so far as Sheriff Ballou could carry it out was complete? You were given written notice that they were ready for you to file a bond? A. Yes, sir.

Q. You have recently decided not to accept that office? A. Under the circumstances, yes, sir.

Q. And you do not intend to qualify? A. Not with the strings that are on it now.

Q. Tell me and the convention the strings that are on it. I want to know about that. A. The strings, you want the strings?

Q. I want the convention to know here, and not in any newspaper interview published on the morning when they met to hear the case. A. The strings are these: I wanted—my friends came to me and wanted me to accept the appointment as deputy sheriff. I did not want the position. They urged it on me, saying that Mr. Ballou's deputy had got to resign, and they thought it would help Mr. Ballou out if I accepted the appointment. And I decided that I would accept it if it would help him. I was called up over the telephone and told that it could not be done; that parties had said that I should not have the appointment. I went to an office in town, and met some gentlemen there and in the meantime the gentleman who was opposed to my appointment came in and I asked him what reason he had for not letting my appointment go through, as I did not want the office but wanted to help Mr. Ballou. He told me to come to his office and he would discuss the matter there. I did not go. Then the idea was put out, the proposition was put up that I accept the nomination and then would get out in two months. I see then that there was a little politics being played. I said: "All right, gentlemen, appoint me. If I qualify, I will get out. I have not qualified, and I don't propose to under any such conditions."

Q. Without regard to what anybody else said to you or what you said to them did you not receive from John Ballou a written appointment containing no conditions or qualifications? A. I received from John W. Ballou a letter of my appointment, and at the same time it was handed to me it was put up to me that the conditions were if I qualified that I should run along two months and then get out.

Q. Did John Ballou put anything of that kind up to you? A. That was talked over by the men that put the string on it.

Q. I ask you did John Ballou make any suggestion to you that he expected you not to qualify or to resign? A. Mr. Ballou did not.

Q. You have your appointment as deputy sheriff signed by John Ballou? A. Yes, sir.

Q. Don't you know that if you qualified under that appointment that no matter what any man said to you, you would have full power as deputy sheriff? A. Yes, sir.

Q. How long have you had that appointment? A. Since last Monday.

Q. Yet you never intimated to anybody on earth that you would do anything but accept it until the morning of this trial? A. No, sir.

Q. Did you intimate it to John Ballou? A. Yes, sir.

Q. When? A. Yesterday, and day before yesterday and the day before that.

Q. Every day? A. Yes, sir.

Q. What did you say to him? A. Why, I wasn't going to accept the appointment with the strings on it.

Q. Did he put any strings on it? A. No, sir.

Q. When you told him that, you had this appointment in writing in your pocket? A. Yes, sir.

Q. And you knew there were no strings put on it by John Ballou? A. There were strings on it, and you know there were strings on it.

Q. Mr. Oliver, don't you tell me before this convention that I know about anything of the kind that was entered into by you, for I don't know it, and I shall be sworn and testified before this convention if you put any untruths into my lips. A. I say you do know it for I had it published in the paper and you read it

and you just said that you read it. (Laughter).

The PRESIDENT: The Chair desires to remind those present that expressions of approval or disapproval will not be permitted. If it should continue, the gallery will be cleared.

Mr. PATTANGALL: I did not understand you. I know that you had so stated in the press, but I assumed that you were stating something that was within your personal knowledge. A. No, sir. I didn't accuse you, if you think I said that.

Q. Now, Mr. Oliver, following this appointment as deputy sheriff, and during the last 10 days or two weeks had you a conference with the Governor in regard to this matter? A. No, sir.

Q. None whatever? A. No, sir.

Q. And the facts that you have stated here were never gone over by you with him, which you have testified to here? A. Just state what you mean.

Q. If you did not have any conference with the Governor at all, of course you had no talk with him at all? A. I had a talk with the Governor. I did not have any conference.

Q. What do you mean, that you have not had any talk with the Governor in regard to the matters you have stated here on the stand? A. I have, stated in regard to a good many matters here that I did not talk with the Governor about.

Q. The matters relating to conditions in Bath? A. I do not know that I have had any conversation with the Governor in regard to the conditions in Bath.

Q. Don't you know? A. I tell you I have not.

Q. Not at any time? A. I don't remember it, no. I don't think I have.

Q. So that the matters which you have related here so far as any blame could attach to any officials are concerned, have only been revealed by you through the press or to counsel, as I understand it? A. If you put up a question to me and ask me if I talked with the Governor or told the Governor anything, I will answer it. You have got this all mixed up. You want me to say that I have told the Governor, and told him all I have said on the stand. I will answer your questions. If I have said anything that you want to bring out, bring it out

and I will see if I have told the Governor anything.

Q. Are you all through? A. Yes, sir.

Q. Have you had any talk with the Governor at all about this matter during the last month? A. What matter.

Q. You know the matter that is on trial here. Why, any man here knows what is going on.

Q. Do you know what I mean when I say this case? A. I want you to understand that I am willing to answer that, but I am not going to answer questions that cover this whole hearing for I don't know what you are driving at.

Q. I will ask this very slowly: Have you had any talk with the Governor about matters relating to this case during the last month? A. I have had a talk with the Governor in regard to the strings on my appointment. I told him that I should not qualify with the strings that are on my appointment.

Q. Did you have any talk with him about anything else connected with this case? A. I do not think so.

Q. Nothing whatever? A. I do not think it.

Q. It was simply in regard to your appointment as deputy sheriff? A. I think so.

Q. You had no conversation with him about the conditions in Bath? A. No, I don't think it. I am positive I never said anything to him about the conditions in Bath.

Q. Is it a fact that during the last two weeks conditions have improved in Bath? A. They tell me so, yes, sir.

Q. When did you leave Bath last? A. Last night.

Q. Are you there more or less? Have you been there more or less for the last two weeks? A. Yes, sir.

Q. What do you say in regard to your own observation? A. I should say they have.

Q. How far back would that improvement date? A. Perhaps the 7th or 8th of March.

Q. And are the conditions there, so far as you have observed them, fairly satisfactory at the present time? A. They are, I think.

Q. Perhaps you could answer this question: Is there indication of the people moving out of those places which you

have spoken of? A. Yes, sir, I think I see some going out.

Q. It rather looks as though there would be what we would call a "house cleaning" there? A. Yes, sir, for a short time, it looks that way.

Q. And that has been partially accomplished? A. Yes, sir.

Q. As a citizen of Sagadahoc county, a tax-payer and a man interested in the welfare of the county and well informed as to the conditions there, do you believe that good would be accomplished in your county by the removal of Sheriff Ballou and the appointment of another sheriff? -- No, sir.

Re-Direct.

By MR. PLUMMER.

Q. Mr. Oliver, has anything that the sheriff has done had anything to do with this marked improvement to which reference has been made? A. I don't think it, no, sir.

Re-Cross Examination.

By MR. PATTANGALL.

Q. Do you know about that? A. I don't know of anything they have done.

Q. But something has been done? A. Yes, sir.

Q. Do you know whether the sheriff has had anything to do with it or not? A. I don't think it.

Q. Do you know? A. Yes, I do.

Q. Who has? A. Well, from what I hear, they say it is what I have done.

Q. Have you sworn out warrants— A. No, sir.

Q. Have you searched any places? A. No, sir.

Q. Do you know whether anybody else has or not? A. I think the marshal has.

Q. Is it not a fact that in your city, not this year alone, but other years, there has been a distinct understanding that the handling of the liquor business in the city of Bath should be in the hands of the city officials and that in the county it should be in the hands of the sheriff's departments? Has not that been the division of labor? A. I do not know what agreements they had.

Q. As a matter of fact, has not that been so, that the city officials take charge of handling the cases in the city of Bath and the sheriff outside in the county? A. I could not say. I never

heard of any agreement like that.

Q. Your city marshal has usually made your liquor complaints? A. Yes, sir.

Q. And has for a long series of years?

A. Yes, sir.

Re-Direct.

By MR. PLUMMER.

Q. Following that question, is it not a fact that the sheriff has appointed two deputies in the outlying districts of the county, and a special deputy for the city of Bath? A. I think it is.

Q. And that special deputy for Bath is John S. Ballou, or was? A. Yes, sir.

Q. And he has been the city deputy for that city for some time, a year or two— A. Yes, sir.

Mr. CHARLES W. PURINTON, having been duly sworn, testified as follows:

Examination by MR. PLUMMER.

Q. What is your full name? A. Charles W. Purinton.

Q. Where do you live? A. In Bath.

Q. How long have you lived in Bath?

A. About 20 years this last time

Q. Do you know anything relative to there being places in the city of Bath where liquor is illegally sold? A. Of course I know that they are reputed that way. They claim they are illegally sold. I know places where they claim that.

Q. Have you been into any of those places where liquor is sold within the past three months? A. Yes, sir.

Q. Will you state the occasion of your visiting some of those places during the last three months? A. I went in, I had somebody I was interested in that was getting liquor in a few places, and I wanted to stop it, and I went in and made the request that they would not sell to him.

Q. What was the place you went into? A. That was down on Center street.

Q. What place? A. The place kept by a man named Footer.

Q. Joe Footer? A. Yes, sir.

Q. That is 65½ Center street? A. I don't know the number.

Q. Now whether or not that is the place notorious as a liquor dive? A. I judge it was.

Q. Whether or not in passing on the street you have yourself smelt the fumes

of liquor from that place? A. I did the day I went in there.

Q. What if anything have you to say in the way of the handling of liquor in that shop the day you went in there? A. The door was open into the back shop, and as I walked in, he had a keg on a box drawing it off into bottles.

Q. Who had a keg? A. Mr. Footer.

Q. A keg of what? A. It smelled like whiskey. I didn't taste it.

Q. He was drawing it off in bottles?

A. Yes, sir.

Q. You say that that place was open?

A. Yes, sir; you could look from the street right in there.

Q. Have you been in Barney's place during that period? A. No, sir; not as late as that.

Q. When did you go in there? A. Sometime in the winter. Perhaps in December.

Q. During this winter that has just passed? A. Yes, sir.

Q. Why did you go in there? A. I went for the same occasion.

Q. The same reason? A. Yes, sir.

Q. That he should not sell liquor to this man? A. Yes, sir, that is why I went, to see that he should not sell him any more.

Q. Did you visit any other places within that period for the same purpose? A. Yes, sir. I went into one at the head of Center street not very long ago.

Q. Who runs that place? A. A man by the name of Leavitt.

Q. And you went in there to tell him not to sell liquor to this man? A. Yes, sir; and he told me it was not any use for me to say anything about it, that he had told him that he was done with him. He said that he came in there after it and he said that he could not support him and that he would not sell any more to him.

Q. So that you had personal observation of these three last places, that liquor was being illegally sold within those places, had you not? A. Yes, sir.

Q. What signs have you seen about either of such places reputed to be rum shops to indicate that they were rum shops? A. I have seen people going and coming, but I could not say whether they were going after liquor or not.

Q. Whether or not they were drinking men? A. Yes, sir.

Q. Whether or not you have seen intoxicated men going in and coming out of those places? A. Yes, sir.

Q. Do you know what the reputation of the place called "The Ram" is in regard to rum selling? A. It has always had the name of being a liquor shop.

Q. Do you know whether or not Dabney Barney's place has the same reputation? A. Yes, sir, it has.

Q. Do you know whether or not the Harbor View has been a place where liquor has been sold abundantly? A. It has been in that place.

Q. You know that of your own knowledge? A. Yes, sir.

Q. You have heard these places named here, John O'Brien's, Joe Footer's, the Harbor View, William Leavitt's, Lewis O'Brien's and others. Do you know that these places have the common reputation of being liquor shops? A. I know that they are reputed that way on the street. That is all. I know about part of them, but I could not take up the whole list that way, as I spoke of being that way.

Q. Mr. Purinton, have you known in your experience in Bath during the past five years of any complaint being made by the sheriff against any of those places for violation of the liquor law? A. I have not known of any.

Q. And whether or not you as a citizen of Bath have in times past tried to get liquor deputies appointed there? A. Yes, sir.

Q. Did you succeed? A. Yes, sir.

Q. Whom did you get appointed? A. I got a man by the name of William Harriman and Peter Pushard.

Q. When was that? A. I can't give the date, but it was in Governor Robie's time, so that it was some time ago.

Q. Have you been able to get any deputies appointed since that time? A. I don't know that we have ever tried.

Cross-Examination.

By Mr. PATTANGALL:

Q. You say that you have never known of any complaint being made by the sheriff? Have you any means of knowing who made complaints that resulted in searches and seizures? A. Only what we have seen by the papers, and what they may have told us.

Q. They have been very little in your county? A. I think only what we have seen accounts of in the papers. Of course we hear of such a one who was served such a notice on a shop.

Q. Frequently in your county men have been indicted by the grand jury for selling liquor, have they not? A. I presume so, long back. I have not heard very much about it lately.

Q. There were some indicted at your last term of court, were there not? A. I could not answer.

Q. When was your last term of court? Do you have the January term down there? A. Yes, sir.

Q. Were there not some liquor indictments in January? A. Now I have forgotten; I could not answer.

Q. You have no connection with the course yourself? A. No, sir.

Q. Or with the business of the sheriff's office or the marshal's office? A. No, sir.

Q. Did you ever at any time while you were about Bath make complaint to the sheriff with regard to these places where liquor was sold? A. Not that I know of, not that I remember.

Q. How long have you lived in Bath? A. About 20 years.

Q. During all that time have you known Sheriff Ballou? A. Yes, sir.

Q. Do you know what his reputation is among the people of Bath for honesty? A. I think it is all right as far as honesty goes.

Q. You would not have any hesitation in saying that his reputation for honesty was as good as any man's in Bath among his neighbors? A. I don't know; I don't know how I could say any different.

JUSTUS C. ADDITON, being first duly sworn, testified as follows:

Direct Examination by Mr. Plummer.

Q. What is your name? A. Justus C. Additon.

Q. And where do you reside? A. Bath, Maine.

Q. How long have you lived in Bath, Maine? A. All my life.

Q. And how old how are you? A. Forty-one years.

Q. What has been your business for the last few years in Bath? A.

Police officer for the last six years.

Q. For the last six years? A. Yes, sir.

Q. Have you visited any of the places which have been named as liquor resorts within the last three months?—to be particular have you visited The Ram at 65½ Center street? A. I don't think so, in that time.

Q. When did you visit it? A. I think it was about a year and a half ago that I was in there.

Q. What was the occasion of your going there? A. It was on a warrant sworn out by the city marshal.

Q. A warrant for search and seizure? A. Search and seizure.

Q. Who occupied the place at that time? A. Joe Footer.

Q. Did you get anything? A. Got 26 pints and 19 half pints.

Q. Do you know whether that place has since that time been visited by the police officers? A. Yes, sir.

Q. About when? A. I think it was last December, I won't say for sure.

Q. Did they get anything? A. Yes, sir.

Q. In the way of liquors? A. Yes, sir.

Q. Do you know what they got? A. Well I have forgotten now what they did get, but they got enough to convict him.

Q. Now do you know where John O'Brien's place is? A. Yes, sir.

Q. Where is it? A. It is on Center street. I don't know the exact number.

Q. Almost opposite the Ram? A. Right across the street.

Q. Have you ever visited that? A. No, sir.

Q. Have you passed it frequently? A. Yes, sir.

Q. What is there in the front part of the shop? A. Well, there is a half a dozen tables in there, and a counter.

Q. Now during the last year have you ever seen anybody dining in there? A. No, sir.

Q. And do you know what the reputation of that place is, as regards the selling of intoxicating liquors? A. Well, they claim it is a rum shop.

Q. What signs have you seen that indicated to you that it was a rum shop? A. Men coming in and out of there intoxicated.

Q. Frequently? A. Very frequently.

Q. About how long has that place

been running? A. It has been running—I think he has been over there about three years.

Q. Do you know where Joe Footer was prior to his opening the Ram? A. Yes, sir.

Q. Where? A. Harbor View.

Q. And do you know whether or not the officers visited him there? A. Well, there was some officer visited him there, but I won't say whether it was the police officers or not.

Q. Do you know whether a seizure was made there? A. Yes, sir.

Q. About when? A. Well I wouldn't say.

Q. Do you know who succeeded Joe Footer as the proprietor of the Harbor View? A. A man by the name of Lewis.

Q. And how long did he occupy that place?—about how long? A. I guess he was there a year and a half.

Q. About when did he go out? A. He went away about three months ago, I guess.

Q. About that time, or just prior, did the officers search him? A. Yes, sir.

Q. What officers?—I mean were they police officers? A. They were police officers.

Q. Did they get anything? A. They got two jigger loads, I believe.

Q. Two jigger loads? A. Yes, what I understood.

Q. Two jigger loads of what? A. Of intoxicating liquors.

Q. Any whiskey in it? A. Yes, sir.

Q. Do you remember what the loads consisted of—roughly speaking—largely whiskey? Whiskey and rum and gin, if I remember right.

Q. Now do you know where Tim McAuliffe's place is? A. Yes, sir.

Q. Where? A. Down on Front street—the corner of Front and Vine streets, abreast of the postoffice.

Q. And how long has he been there? A. I couldn't tell you.

Q. Well, roughly speaking, has he been there all the time you have been an officer? A. He has been there, six years all right.

Q. Now have you seen men going in and out of that place? A. Yes, sir, I have seen more or less going in and out there, not so numerous as some.

Q. To your knowledge has that place been searched during the past six years? A. Yes, sir.

Q. About when? A little over a year ago.

Q. By whom? A. Marshal Fred L. McFadden.

Q. About a year ago last October, was there a spasm of enforcement of the law in Bath? A. Yes, sir.

Q. By what officers? A. By the police officers.

Q. Was that the result of another newspaper controversy? A. Hardly.

Q. Do you know whether or not at that time the city of Bath—city government—passed an order directing enforcement? A. Yes, sir.

Q. And whether or not this activity was the result of that order? A. Yes, sir.

Q. Can you state approximately, roughly, how many searches and seizures were made as the result of that order by you officers? A. Well, I should say there was seven or eight searches and three or four seizures.

Q. During all of that time did the sheriff or his deputies do any searching? A. Not that I know of.

Q. All of the searches that you know of were made by the police? A. Yes, sir.

Q. Do you know where John Gannon's place is? A. Yes, sir.

Q. Where is it? A. It is on Marion street.

Q. In back of a bill board? A. Yes, two of them.

Q. Now have you seen men going in and out of John Gannon's place, within the last year? A. Yes, sir.

Q. What sort of men? Drinking men? A. Well, drinking men.

Q. Do you know what the reputation of that place is as regards intoxicating liquor? A. Well, they claim that you can get all you want down there.

Q. And do you know whether or not John has been seized or convicted? A. Yes, sir.

Q. Do you know where the bar room of the Columbia hotel is situated? A. Well, I could tell pretty near where it was, I never was in there where the bar room is.

Q. Oh, you never searched it? A. We made a search, but I searched—I was searching in the lower place at the same time the other officers were searching the hotel.

Q. About when was that search made? A. Last fall, I think, last fall or a year ago last fall.

Q. Do you know where Dandy Varney's place is? A. Yes, sir.

Q. Where was it? A. It is on the corner of King and Water street.

Q. About how long has Dandy been doing business there? A. Ever since I have been on the force, six years.

Q. Do you know whether his place has been searched within your recollection? A. I don't remember of its being searched.

Q. Have you seen men going in and out of there? A. Yes, sir.

Q. What kind of men? A. Drinking men.

Q. And do you know what the reputation of that place is as regards the sale of intoxicating liquors? A. Well, the reputation is that he is selling beer.

Q. How long has that been his reputation? A. Well, that has been his reputation ever since I have been on the force.

Q. Do you know what beer? A. No, sir.

Q. Do you know where Wilbraham Leavitt's place is? A. Yes, sir.

Q. Where? A. Well, it is—it is near the corner of Front street on Center.

Q. Have you ever visited that place? A. No, sir.

Q. Have you seen men coming in and out there? A. Yes, sir.

Q. And do you know what the reputation of that place is as regards the sale of intoxicating liquors? A. Well, they claim it is a booze joint.

Q. Now do you know where the American House is situated? A. Yes, sir.

Q. And where is that? A. It is on the corner of Water and Elm streets.

Q. And do you know whether or not that place is of the same reputation as the others you have mentioned? A. They claim it is.

Q. And has that reputation continued during the last three months? A. Yes, sir.

Q. Now you said you knew where John O'Brien's place was? A. Yes, sir.

Q. And Joe Footer's? A. Yes, sir.

Q. Dandy Varney's? A. Yes, sir.

Q. The American House? A. Yes.

Q. Wilbraham Leavitt's? A. Yes, sir.

Q. Columbia Hotel? A. Yes.

Q. John Gannon's? A. Yes, sir.

Q. Tim McAuliff's? A. Yes, sir.

Q. The Harbor View? A. Yes, sir.

Q. Now have all of those places within the last three months, from your observation been doing the same business as they have had the reputation for doing right along? A. Haven't seen any difference.

Cross-Examination by Mr. Pattangall.

Q. Mr. Additon, the proprietors of these various places have from time to time been in court and been fined, haven't they? A. Some of them have, yes, sir.

Q. Do you know any that haven't in that list that you have gone through? A. I don't remember of Mr. Leavitt being before the court in my time.

Q. Any of them been in jail? A. There is one or two of them, I believe.

Q. And were you connected with the force during the past three or four months? A. Yes, sir.

Q. Up to within a few days? A. Yes, sir.

Q. Do you know anything about the recent fines, in cases, say during the last four months, among these dealers about whom you have testified? That is to say, did you know of any of them being indicted at the January term? A. No, sir, I didn't.

Q. You don't know that there were not any of them? A. No, sir.

Q. Simply that you don't know about it. Have you known of any of them being before the police court during the last three months? A. Yes, sir.

Q. On account of violation of the prohibitory law? A. Well, that wasn't exactly done on that warrant as I know of, and I don't know but what they was too.

Q. Now this man who runs this place, the Ram, that has been talked about a good deal, he has been before the courts a great many times to your knowledge, hasn't he? A. Well, he has been before the court two or three times to my knowledge.

Q. And paid fines? A. Yes, sir.

Q. And after he had been brought into court, and the judge had sentenced him to pay a fine he paid it and went back into business again I suppose? A. Yes, sir.

Q. And then a little later on, got another case against him, fined again, went back into business again? A. Yes, sir.

Q. And that would be pretty nearly the history of these various men you have testified about keeping these places, wouldn't it? A. Yes, sir.

Q. This Varney that you spoke of, he had a jail sentence, last year, didn't he? A. Not that I know of.

Q. Didn't he? A. Not that I know of.

Q. Well, that is not perhaps a matter of great importance. Did you hear the list read by Mr. Owen of the parties holding United States licenses in Bath? A. Yes, sir.

Q. Did you recognize some of those names as being people that you never had known as being in the liquor business? A. Well, I couldn't hear them all.

Q. How many druggists have you in Bath, do you know? could you say off hand? A. There are six or seven.

Q. Have you any places in Bath where they sell non-intoxicating beers, what they call Uno or Lithia, or that sort of stuff? A. I don't know of any.

Q. You don't know of any? A. No, sir.

Q. No soft beer places in Bath so far as you know? A. Not that I know of.

Q. You have two bottling places there, have you? A. Yes, sir.

Q. Their work is public, isn't it? A. Yes, sir.

Q. Done openly? A. Yes, sir.

Q. So far as the clubs are concerned there, during your association on the police force, did you ever have occasion to do any work in connection with the clubs, search them, or make any arrests for sale of liquor in connection with clubs? A. No, sir, but the police force has been into one.

Q. What one was that? A. It was the Iron Works Association Club.

Q. And how recently? A. It was,

I should say, about a year and a half or two years ago.

Q. And for the last year and a half or two years, whatever clubs there have been in Bath, have been so far as you know, exempt from interference by officers? A. Yes, sir.

Q. Mr. Addition, I think you stated it, but I will ask you, to make sure, how long have you lived in Bath? A. Forty-one years.

Q. That is all your life? A. Yes, sir.

Q. And from your boyhood have you been acquainted with John Ballou? A. Yes, sir.

Q. Do you know what his reputation is among the people of Bath for honesty? A. Very best.

Re-Direct Examination by Mr. Plummer.

Q. What is the reputation of the Sheriff as regards his habit of enforcing the liquor law during that same period? A. Am I obliged to answer that question?

Q. Yes.

Mr. PATTANGALL: I objected to its being answered. I think the question is plainly inadmissible.

The SPEAKER: The Chair would rule it was inadmissible.

Mr. PATTANGALL: I will say, if Bro. Plummer wants to ask the inadmissible question, I won't object to it.

Mr. PLUMMER: The only reason I didn't object to your question as to honesty was because I supposed there was more latitude here.

Mr. PATTANGALL: The charge was "corruptly"—I didn't suppose you would press that.

HENRY C. PARSHLEY, being the first duly sworn, testified as follows:

Direct Examination by Mr. Plummer.

Q. What is your name? A. Henry C. Parshley.

Q. Where do you reside? A. Bath, Maine.

Q. What is your business? A. Driving a laundry wagon.

Q. Whether or not in pursuit of your business you have been around to some of these shops and hotels that have been mentioned here during

the last three months? A. I have, yes sir.

Q. Now whether or not you have visited the place called the Ram on Center street during that time? A. I have, yes sir.

Q. And when were you in there last, about when? A. About three weeks ago.

Q. Who was the proprietor of that place at that time? A. J. C. Footer.

Q. Joe Footer? A. Yes, sir.

Q. Now where did you go in that shop? A. Went into the front shop, into the cigar store, into the back shop where there was a bar room.

Q. Now was there any partition between the front and the back shops? A. There was, yes sir.

Q. You speak of the cigar store—about how many cigars were there in the front store? A. Oh, I should presume, thirty-five or forty boxes.

Q. And what did he have in the back room? What did you find in the back room in the shape of a bar? A. Beg your pardon.

Q. What did you find in the back room that you called a bar? A. Well, it has a counter, tall counter made right across the building, the room, where what they call a bar.

Q. Did you see any intoxicating liquors there? A. Yes, sir.

Q. What did you see? A. Well, it was right on the shelf, right openly, right behind the bar, piled up, bottles marked rum, gin, whiskey.

Q. Have you been in that place more than once within the past year or so? A. Yes, sir.

Q. About how many times? A. Oh, I used to deliver laundry there to the bar tender, sometimes twice a week, sometimes once a week.

Q. And during all of this period that you have been visiting that place was the same business being conducted there. A. Yes, sir.

Q. Do you know what the reputation of that place is as regards the sale of intoxicating liquor there? A. Well, they call it the booze joint.

Q. Do you know where John O'Brien's place it? A. Yes, sir.

Q. And where is that? A. Exactly across the road.

Q. Have you ever had occasion to go into that place during the last three months? A. No, sir.

Q. So you don't know personally what is going on in there? A. No, sir.

Q. Have you been to Dandy Varney's place? A. How long ago?

Q. Within the last three months? A. No, sir.

Q. About when? A. Oh, sometime during the winter, I couldn't say just when.

Q. This last winter? A. The fall of the year, yes sir.

Q. What did you see there if anything as regards liquor or the sale of it? A. Why, I saw a few men sitting there smoking and talking, Mr. Varney behind the counter. All I saw was beer being drunk, no hard stuff.

Q. You didn't see any hard stuff? A. I didn't see any, no sir.

Q. Now you have heard these names read of places there. What are some of the other places of like reputation that you have visited in Bath, within the past three months? A. Well, they all have the name of being liquor places, liquor houses.

Q. What places? A. Well, Harbor View Hotel, Grip Gannon's place of business, the Ram.

Q. You speak of the Ram, about how many times have you been into that place during the past three months? A. Probably a dozen.

Q. How many times have you been in Grip Gannon's place during the past three months? A. Haven't been there the last three months.

Q. When were you last there? A. Some time last fall.

Q. And did you see anything there to indicate a violation of the liquor law? A. Just a few men sitting round smoking and drinking beer.

Q. And do you know whether or not any hard stuff was being sold there, or has been? A. Do I know?

Q. Yes. A. No, sir, I don't.

Q. Have you ever been in Leavitt's place? A. Yes, sir.

Q. When? A. Within the past two weeks.

Q. And what have you seen there? A. Likewise, as I have stated of the

other places, some men in there drinking and smoking and talking.

Q. Do you know whether or not liquor is being sold, or was being sold in Leavitt's place? A. My personal knowledge, do you mean?

Q. Yes. A. Yes, sir.

Q. When? About when? A. Oh, about a month ago.

Q. About how many times have you been in there during the past three months? A. Not more than twice, that is the last two weeks, three weeks or such a matter.

Q. Have you been in the Columbia hotel within the last three months? A. Yes, sir.

Q. And have you seen any liquor selling there? A. Yes, sir.

Q. About how many times have you been in that place? During the last three months? A. Once every day.

Q. Have you been in what we would call the bar room? A. Not exactly, no, sir, not every day.

Q. Well, have you been in the bar room yourself some times, during the past three months? A. Yes, sir.

Q. About how many times? A. A dozen or 15.

Q. And where is that room that you call the bar room? A. The room right off or the office on the south side of the building.

Q. That is on Ferry street? A. Yes, sir.

Q. And what did you see there in the way of liquor? A. Young men drinking—bottles on the bar, bottles behind the bar.

Q. Bottles of what? A. Well, I suppose they contained whiskey. They were drinking from them.

Q. Did you see the bottles? A. Yes, sir.

Q. Did you see the fluid contained therein? A. Yes, sir.

Q. And you called it whiskey? A. A. Yes, sir.

Q. Have you been in Tim McAuliffe's place? A. I have been, yes, sir.

Q. When was the last time, about the last time you were in there? A. Oh, probably four or five months ago.

Q. Whether or not liquor was being sold there? A. At that time?

Q. Yes. A. Yes, sir.

Q. Now do you know what the repu-

tation of the owners of these places is as violator of the liquor law, namely, Tim McAuliffe's, the Harbor View, Leavitt's, John O'Brien's, Joe Footer's, Columbia Hotel, American Hotel, John Gannon—do you know what their reputation is? A. Yes, sir.

Q. What is it? A. Places where they sell intoxicating liquor.

Q. Now in such places as the Ram, Leavitt's, the Harbor View, Tim McAuliffe's and John Gannon's—was there any care taken apparently to conceal the business, or what it being done openly? A. Well, in some of the places they had their stuff concealed, piled away—some places they had it right behind the bar.

Q. Piled up openly behind the bar? A. Yes, sir.

Q. You were formerly in the liquor business yourself, were you not? A. Yes, sir.

Q. And when did you change? A. From the liquor business?

Q. When did you get out of it? A. Two years ago.

Q. And for the past 15 months you have been employed where? A. At the New Meadows Laundry.

Q. During that time you have become a member of the People's church? A. Yes, sir.

Cross-Examination by Mr. Pattangall.

Q. For how long a time prior to your going out of the liquor business were you engaged in it in the city of Bath? A. Some three years.

Q. And during that time were you before the courts? A. Yes, sir.

Q. More than once? A. Yes, sir.

Q. Fined? A. Yes, sir.

Q. Sent to jail? A. Yes, sir.

Q. And what of the other dealers down there, have they been from time to time before the courts? A. Yes, sir.

Q. And fined? A. Yes, sir.

Q. Some of them sent to jail? A. Yes, sir.

Q. Are you a Bath boy? A. Yes, sir.

Q. How old are you? A. 36 years old.

Q. Known John Ballou ever since you were a little boy, haven't you? A. Yes, sir.

Q. Had any dealings with him, or

just known him as a young man knows an older one? A. That is all, yes sir.

Q. Either while you were engaged in the liquor business there, or while you have been in other business since you have left that and gone into more legitimate business have you known of any corrupt connection between John Ballou and the liquor trade? A. No, sir.

Q. So far as your knowledge of the trade goes—and you were a part of it at one time—did you ever hear anything of that kind even rumored in Bath? A. I don't quite understand your meaning.

Q. Did you ever hear any suspicion of old Sheriff Ballou being mixed up in any corrupt liquor trade? A. No, sir, I never did.

Re-Direct Examination by Mr. Plummer.

Q. During the time that you were in the business, did the sheriff ever prosecute you, swear out a warrant against you? A. Not to my knowledge, no sir.

Q. During the time you were engaged in the liquor business, whether or not you had from time to time conferences, talks, with young John S. Ballou? (Objected to unless the sheriff is connected).

Mr. PETERS: He must show that it came to the senior Ballou.

Q. Whether or not during that time you had conferences with the father in regard to this business? A. Why, I believe I did one afternoon. I went to his office in the court house and had a talk about one of his deputies. I couldn't say just now what the conversation was.

Q. About how long ago was that? A. I can't state just how long ago that was, probably a year and a half before I went out of business.

Cross-Examination Resumed.

Q. While you were in the business, Mr. Parshey, you were indicted by the grand jury? A. You mean before a search and seizure or after?

Q. In either event, were you presented by the grand jury? A. I was bound over from the lower court and the grand jury found an indictment.

Q. In any case were you also indicted, do you know? You had appeal cases from the lower court? A. Yes, sir.

Q. Now did you also have cases where indictment was brought? A. Why, you mean from the cases in the lower court?

Q. Yes. A. Yes, sir.

Direct Examination Resumed.

Q. During that time that you had this conference with John W. Ballou, did we know that you were in the liquor business? A. Yes, sir.

Q. Now did he know that you were in the business right along? A. I suppose he did. That place had the name of being a rum shop. That is what I was there for, to sell rum and everybody knew it.

Q. Whether or not during that time you worked for the Bath Bottling Company at any time? A. What do you mean, that I ran the place, the business?

Q. No, did you work for them? A. Yes, sir.

Q. And about when was that? A. Oh, I worked there one time four or five years steady, and then I was away, and came back and worked different summers during the season.

Q. Whether or not there was any hard stuff handled there to your knowledge? A. No, sir.

Q. Do you know whether or not at that time any lager beer was being handled there? A. Yes, sir.

Q. In any quantities? A. Yes, sir.

Q. About how much was being handled there? A. Oh, sometimes 20 half barrels; sometimes 40 and sometimes 30 would come in at times.

Q. And how often would these consignments come? A. Two or three times a week.

Q. Do you know where this lager beer was distributed—disposed of? A. Around at the different shops and places around town.

Q. Did you deliver any of it yourself? A. I have in days gone by, yes, sir.

Q. Did you deliver any of it to Joe Footer, during that time? A. Yes, sir.

Q. Who were some of the other dealers in Bath whose names have been read here, today, that you delivered to? Leavitt? A. No, sir.

Q. Cannon? A. Yes, sir.

Q. The Columbia hotel? A. Yes, sir.

Q. The American House? A. No, sir.

Q. And John O'Brien? A. No, sir.

Q. Tim McAuliffe? A. Yes, sir.

Q. Dandy Varney? A. No, sir.

Q. The Harbor View? A. Yes, sir.

Q. And about how long, how much of a period of time were you delivering those goods there, a year or so? A. Yes, I drove a team there, yes, sir, about two years.

Q. Now did you deliver these goods openly, in the daytime? A. Yes, sir.

JOHN J. KEEGAN, sworn for the prosecution, in answer to questions by Mr. Plummer, testified as follows:

Q. What is your name? A. John J. Keegan.

Q. And what is your position? A. Judge of the Bath municipal court.

Q. You reside in Bath? A. I do.

Q. When did you assume the duties of judge of the Bath municipal court? A. The first of last October, about that date.

Q. Among your duties is it your duty to issue warrants on complaints? A. It is.

Q. During the time that you have been judge of this municipal court, has the sheriff or either of his deputies sworn out any warrants from your court? A. No, sir.

Q. During that same period of time have there been warrants sworn out against liquor sellers? A. Yes, sir.

Q. By whom? A. By the city marshal and I don't remember any others without looking upon the records.

Q. Have there been warrants sworn out against liquor sellers during the past three months? A. Yes, sir.

Q. Have you the original records of the court with you? A. I have.

Q. Have you made a transcript of the summarized facts taken from your book?

A. I have.

Q. So that you can give quickly what we ask? A. Yes, sir.

Q. How many liquor complaints have been made during the past three months and warrants issued thereon? A. During the past three months?

Q. Since January 1, 1913. A. Four.

Q. By whom were those complaints sworn out? A. Three by the city marshal and one by Charles A. McMahon.

Q. Will you state against whom those

warrants issued? A. One was issued against Grace Albertson, one against James Davis, one against Kate Hall, one against William C. Maines of Georgetown.

Q. Who is McMahon? A. He is one of the selectmen of the town of Georgetown.

Q. He is not a deputy sheriff? A. No, sir.

Q. Now during the months of last year that you were judge of this court, how many complaints were made against liquor sellers? A. During the last month?

Q. During the months prior to January 1, 1913, since you became judge? A. Two.

Q. By whom were they sworn out? A. One was sworn out by Joseph Burabee and one by the city marshal.

Q. Who is Joseph Burabee? A. He was at that time a clerk at the Harbor View hotel.

Q. He wasn't a deputy sheriff, was he? A. No, sir.

Q. Do you know what the result of the search at the Harbor view hotel was? A. Conviction.

Q. And what did they capture, if anything? A. You want a list of the liquor seized?

Q. Yes. A. Seventy-nine quart bottles of whiskey, 108 pint bottles of whiskey, 81 half pint bottles of whiskey, seven 5-gallon kegs of whiskey, 29 bottles of ale, 24 bottles of beer.

Q. What was the date of that collection? A. October 12.

Q. Last? A. Last.

Q. And who was the party arraigned on that search and seizure? A. Roland Lewis.

Q. And was he convicted? A. Yes, sir.

Q. Now on your books have you examined the records and made the minutes as far back as January, 1912? A. Yes, sir.

Q. During all of that time do you find any complaint having been sworn out by the sheriff from Sagadahoc county or either of his deputies? A. No, sir.

Q. You speak of the houses 136 and 150 Commercial street. Those people were before your court? A. They were, yes, sir.

Q. When? A. 136 Commercial street—Kate Hall was before my court, March 24, this year.

Q. What business did it develop she was doing at that place? A. That she was selling intoxicating liquors; also running a house of ill fame.

Q. And were the girls of the house in court also? A. They were.

Q. What developed in the case of 150 Commercial street? Were they before your court? A. They were.

Q. What developed there as to the character of that house? A. That intoxicating liquors were sold, and that it was a house of ill fame also.

Q. And were the girls of that house present in court? A. They were.

Q. At the same trial whether or not the character of the house—I forget the number, you have it there, something on Water street—A. 142 Water street.

Q. Was the character of that house developed? A. Yes, sir.

Q. What was the character of that house as developed in court? A. That it was a house of ill fame.

Cross-Examination by Mr. Pattangall.

Q. Brother Keegan, going over your records from January, 1912, down to the present time, how many complaints do you find altogether that were sworn out before your court? A. Search and seizure complaints?

Q. Any complaints relating to infractions of the prohibitory law A. 18.

Q. And in how many cases did a conviction follow? A. Nine—that is, convicted in the lower court; I don't now what took place in the supreme court.

Q. Do you mean by convicted either sentenced there or bound over? A. Yes.

Q. The other nine went clear? A. Yes.

Q. And of the nine complaints where the parties went clear, can you tell me how many were made by the city marshal or any member of the force? A. Six, I think.

Q. Now can you give me the result of the other nine cases, those that had a conviction? How many of those were bound over to the grand jury, how many were punished in the lower court, and what was their punishment? A. I would have to look up each individual case for it.

Q. You haven't that memorandum? A. No.

Q. Would you look that up and let me have it later? A. Yes, sir.

Q. Something was said in Mr. Olicer's communication and also in his testimony and something appears in the testimony of Mr. Owen with regard to clubs. I have not the slightest desire to ask in regard to each particular club, but are you a member of one or more of the clubs that have been mentioned? A. I am, one.

ARTHUR J. DUNTON, sworn for the prosecution, in answer to questions by Mr. Plummer, testified as follows:

Q. What is your name? A. Arthur J. Dunton.

Q. Where do you reside? A. Bath.

Q. You were judge of the Bath police court for four years prior to last August? A. I was.

Q. During all your term of office did the sheriff of Sagadahoc county ever swear out any complaints against liquor sellers in that county before you? A. He has not.

Q. Whether or not there is a record kept so that if warrants are sworn out the returns show? A. The book will show every warrant that was issued on a complaint.

Q. You have heard the places of John O'Erien, Joe Footer, Dandy Varney, American House, Harbor View, Tim McAuliffe, Leavitt's, John Cannon's and the Columbia Hotel all mentioned here. Do you know what the general reputation of those places is as regards infractions of the liquor law there? A. Well, it is common talk that they are saloons, or engaged in the sale of intoxicating liquor.

(Cross-examination waived.)

Mr. PLUMMER: Now if the court please, we have here a transcript of the records of the supreme court of Sagadahoc county for several years, and agreed to as admissible by all parties, and it is suggested that I explain to the court that these abbreviations here—"Cont." and so on mean "continued." Some of the lay brothers may not understand, the abbreviation and we offer this as the evidence that these parties whom we have named and regarding whom testimony has been offered, have been, so far as the record shows, constant

inhabitants of the criminal docket of the supreme court of Sagadahoc county.

I will read the beginning of this record and the close. Any man with sufficient patience can read the intervening pages, and it will sound like a repetition.

(First page and last two pages read.)

Mr. PATTANGALL: I don't suppose, Mr. President, that the prosecution would desire the convention to infer that the sheriff had anything to do with entering continuances or no prosses, or anything of that sort.

ATTY. GEN. WILSON: Our point is that he didn't have anything to do with any of them.

Mr. PATTANGALL: That was probably so, but however, the court disposed of the case, that is out of the jurisdiction of the sheriff, of course.

Mr. PLUMMER: I stated in the opening that that paper would be offered that there was in the county building, where the sheriff had his office, these records showing that these men who were reputed to be constantly violating the liquor law were regular inhabitants of the criminal docket.

Mr. PATTANGALL: That was as I understand it, and we assume that is where a rum seller should be, a regular inhabitant of the criminal docket.

On motion of Mr. Austin of Phillips, a recess was taken for ten minutes.

After Recess.

At this point Attorney General Wilson stated that the State would rest its case.

The following opening was then made by Mr. Staples in behalf of the respondent:

Mr. President, Senators and Representatives, it needs no remarks of mine to impress you with the importance and the solemnity of this occasion; solemn in that the supreme tribunal of the State has haled to its bar an officer of the State; important because, as was said here, this morning, on the other side, in a sense the State of Maine is on trial; and important because of the results, according as your verdict may be, to this respondent. It is somewhat

remarkable that in the more than 90 years that we have been a sovereign State that up to this time there have been but five cases similar to this in our history. For 36 years after this State was organized no official of this State, however great or however humble, was presented by this Legislature to the Executive for removal from office for any cause.

In the year 1856, as a result of the politics and fierce partisan spirit which preceded the Civil War, a judge of the highest court in this State was brought before this tribunal, and the Governor was asked to remove him from office, and it was done. In a year or thereabouts he was restored to that high position and served for many years thereafter as one of the most distinguished members of that court.

Another generation then went by, and then a condition of things developed in a city in Maine reflecting upon the personal integrity of the judge of an inferior court, concerning his personal habits, and the evidence was so gross, so revolting and so conclusive that no tribunal could have failed to ask for his removal; but that case was absolutely without any political element.

And then 16 years went by and the judge of another inferior court in this State was presented to this tribunal regardless—and I don't know what the fact was, but regardless of the extent, if to any, that politics entered into it. Both Houses of this Legislature, upon a yea and nay vote, rejected every count in the charges against him. And this last year this same proceeding was repeated, and that is too recent for me to comment upon. This year a great dragnet seems to have been thrown out which has brought in here, or summoned here, I believe, six officials for alleged dereliction of duty.

Now, sirs, it cannot but appeal to your sense of fairness, in the first place, that a man brought in here on 24 hours' notice, with no specifications against him but only the extremest vague language of this resolution, is, in the first place, at a terrible disadvantage. I thought I could almost detect the irony this morning in counsel's voice when he said that they were going to give us the evidence somewhat in detail so that we might

know what we had to answer to. Truly, a seasonable notice after we are brought here. So that I submit we are entitled, in the first place, not only to the utmost consideration which I know we will receive, but we are entitled to some further consideration if you should think it necessary, but which in the face of this evidence I do not believe you will, for the extremely small time that has been devoted and should have been devoted to preparation, and the extreme vagueness of the charges which are made here.

The respondent in this case is a man 80 years of age, a man, as you may have gathered from the fragmentary testimony of the State, whatever their feelings may be about the prohibitory law, every witness has testified I believe has testified that no man in his city or in his county stands here for a moment to charge this sheriff with any corrupt motive or receiving any corrupt reward. No man has appeared, or will appear, or can appear before you who would say that one dishonest dollar ever stuck to the pocket of John W. Ballou; and the best fact and the best proof that he is honest is the fact that administrations have come and gone, Legislatures have met and convened, and for 36 years the people of Sagadahoc county, whether it has been Republican or whether it has been Democratic, whether Bath has been Republican or Democratic, has elected this man to this office without interruption.

The office of sheriff comes very near to the people of any community; the people of each community know better than anybody else, better than this Legislature can know from witnesses whom either side can bring here, whether a man has been true to his duty and has performed the duties of that office as they should be performed. I may say here that I assume that this matter will be looked at by you as practical men; you will take into consideration I think the situation of this particular county; it is a comparatively small county, one of the smallest of the State; it has within its limits one sizeable town, which dignifies itself by the name of

a city; the rest of it is composed of small country villages.

That city, to begin with, is practically a seaport town; and those of us who live along the coast know, in the first place, that there are by reason of the population which comes and goes in those seaport towns, more violations of law than are apt to be in towns in the interior of the State of the same size and the same general characteristics. There are several large establishments and manufacturing plants there, employing 200 or 400 or perhaps 1000 men, so that the population in its character in that respect differs somewhat from that of the other cities, and especially from the fact that a large number of the laboring men there come from outside the State, from localities where they have been brought up and have lived under different conditions than prevail in Maine under the prohibitory law.

Now, it has been the fact that in the practical working out of the best way of handling the prohibitory law in the city of Bath and in that county, that the local officers, the police, the city marshal, and the city government should enforce the law there because they could do it better, could do it more satisfactorily, could keep in closer touch with it than the sheriff and his deputies could do. There are four deputies, I believe, in that county, and the sheriff; there are eight or nine members of the police force; and the municipal officers and constables of cities and towns are equally chargeable with the duty of enforcing this law with the sheriffs and their deputies. We have had marshals in Bath who have said that they preferred to enforce the law with their own officers, and do it exclusively, than to have two or three classes of officers there threshing and challenging and bringing about general chaos in the situation.

Now it is true that that may not be, if lived up to, the best way; it may not be a literal compliance with the law; it may be that the sheriff of every county has got to spend his whole time, days, nights and Sundays in travelling about, personally visiting and nosing out these places. But we all know that the enforcement of the prohibitory law is not the only duty, to say the least, that sheriffs have in Maine; and it has come

about, as I say, that as the best way and the most satisfactory way of handling the situation, that has been the practice, I don't say that there has been a formal agreement made to that effect, but that is what has been evolved and worked out through a series of years.

Now, we have had all sorts of deputies down there; we have had Sturgis deputies and we have had special liquor deputies when they were appointed under the special deputy law; Sheriff Ballou has had his deputies from outside in there on Sundays, and he has had all the time, for the last three years at least I should say, he has put the enforcement of the law, principally, in Bath, into the hands of his son, John S. Ballou. The younger Mr. Ballou, having that labor put upon him, has reported to the sheriff from time to time with detail that the conditions there, as far as he could see, were satisfactory; and nobody has testified here to any complaint made to the sheriff himself; no warrants have been brought to him to serve; whatever enforcement has been done there has been done, as I say, largely, by the police under the direction of the various mayors and marshals, and the sheriff's son, as the chief deputy, has had the general oversight of the matter, acting for the sheriff.

In addition to that there have been two deputies from outside who have been in there Sundays and holidays; and they will tell you that when they went there, before Deputy Sheriff Ballou took charge, that they had general instructions from the sheriff to see that the law was enforced, as far as they observed any violations of it in the time they were on duty there, and that after Deputy Sheriff Ballou went in they took their orders from him, they made complaints to him. Such cases as came in their knowledge. There were not very many. Of course on Sundays most of those places were closed up, some places were improved and were attended to.

Outside of Bath the principle source of trouble in the county in regard to liquor has been in Topsham. There is quite a large settlement on what is known as Topsham Heights and that

territory has been in charge of Deputy Sheriff Atkinson. During the time when I was judge of the municipal court of Bath, many warrants were issued and served by him and were served successfully and convictions secured. During the last few years there has been practically no source of complaint from there, and so far as the records here introduced show, there have been practically no violations of the law in that town.

There was one other case in that town which is worth mentioning, because it will be claimed here that Deputy Ballou, particularly having in charge the enforcement of law in Bath, had not done his duty, but to show that to some extent he has done his duty, a couple of years ago a raid was made on a place in his territory with other deputies and he was shot and nearly lost his life, but this county of Sagadahoc even refused to pay his doctor's bills for a long time. It has nothing to do with this case but it shows something behind it.

Now this condition of things down there has been brought up here, the alleged conditions, are rather remarkable from another point of view. The Maine Civic League, which seems to be the guardian of our liberties, has made various investigations in the city of Bath, as well as in other towns. It has been testified here that they made investigations there about three months ago and made another one something like ten days ago. They made this last investigation before these proceedings began. They had no evidence which they considered worthy of the name to present to the Governor of this State, and the Governor so reported to your honorable body in his message.

Gentlemen, I intend to take but very little time in opening this case. The facts, so far as they have been presented from the other side on records, are true, but we submit that even these furnish no proper grounds and sufficient grounds against a man who does now as he has for years enjoyed the respect and esteem of his neighbors and has held this office by the large majority of their votes.

I think with this very brief opening

that I will stop and call the few witnesses we have decided to offer here.

Witnesses for the defense called and sworn.

Mr. James O. Roberts, having been duly sworn, testified as follows:

Examination by Mr. Staples.

Q. What is your name? A. James O. Roberts.

Q. You live in Bowdoin? A. Yes, sir.

Q. You are a deputy sheriff of Sagadahoc county? A. Yes, sir.

Q. How long have you been a deputy? A. I think six years.

Q. For sometime past have you been detailed as one of the deputies to go to Bath to look after the enforcement of the prohibitory law? A. Yes, sir, on Sundays.

Q. How long ago was that? A. I think some time late last fall.

Q. Did you succeed Deputy Sheriff Purinton at that date? Was that before or after he resigned. A. A good while after.

Q. Had he been going there before that? A. Yes, sir.

Q. Now you had general instruction at least in regard to the enforcement of the law, I suppose? A. Yes, sir.

Q. From whom were you told to take your instructions? A. John S. Ballou.

Q. That direction was given you by the sheriff? A. John S. Ballou.

Q. The sheriff, John W., directed you to take your orders from John S. Ballou? A. I presume so.

Q. What was your answer? A. Yes, sir.

Judge CLEAVES: What does the record show?

The reporter: "I presume so."

Q. (By Mr. Staples) Did the sheriff early tell you that Deputy Ballou was in charge of that matter in Bath? A. Yes, sir.

Q. And had you not Deputy Ballou's orders? A. Yes, sir.

Q. And have you been going to Bath on Sundays ever since then? A. Ever since late last fall.

Q. Have you not been there at other times? A. No, sir.

Q. What has been the condition of things there Sundays? A. I have not seen anything wrong there.

Q. I suppose, as a matter of fact, that most of the places that might conceivably be engaged in the illegal sale of liquor are closed on Sundays? A. Yes, sir.

Q. You have heard the names of places repeated here this morning, Levitt's and Gannon's and others. Do you know where they are situated? A. No, sir.

Q. Then you don't know them by name? A. No, sir.

Q. Do you know where this place called "The Ram" is on Center street, opposite the Alameda? A. No., sir. I am not much acquainted in Bath.

Q. All the times you have been there have been on Sundays? A. Yes, sir.

Q. Have you been there on any holiday? A. No, sir.

Q. Now during the times when you have been there, although of course they were Sundays, have you seen evidence of the law being violated at those times? A. No, sir.

Q. Have you had occasion to make any complaint of supposed violations of the law? A. No, sir.

Q. Either to Deputy Ballou or to the sheriff? A. No, sir.

Q. And have not done so? A. No, sir.

Q. I do not know whether you live some little distance from Topsham? A. Twelve miles.

Q. I do not know whether since you have been deputy you have had occasion to go down there on any business of any kind? A. No, sir.

Q. Mr. Roberts, it is extremely important that you raise your voice. I know that you can holler like blazes when you want to.

Cross-Examination.

By Attorney General WILSON.

Q. Now, Mr. Roberts, you have been in Bath as a sheriff you say, for how long a time? A. Late last fall.

Q. This very last fall? A. Yes, sir.

Q. And have been in Bath before in your life? A. I have been down there to attend court.

Q. As an officer acting at the court at other times? A. Yes, sir.

Q. But since you have been detailed as a special officer you have been there on Sundays for about six months? A. I think less than that.

Q. Five months? A. Exactly.

Q. And then only on Sundays? A. That is all; yes, sir.

Q. Now as I understand it, on the days you have been there on Sundays you have not observed any violations of the liquor law? A. No, sir.

Q. And you say that you are not familiar with the names of the places mentioned here? A. Yes, sir.

Q. What do you do when you go there? A. I walk around through the city, down through the water front.

Q. Where? A. Down on the lower street, I don't know what you call it.

Q. I should think you would get lost there? A. Oh, no.

Q. You know enough to find your way around? A. Yes, sir.

Q. You know where Center street is? A. Yes, sir.

Q. That leads up to the sheriff's office? A. Yes, sir.

Q. I suppose you have been up there? A. Yes, sir.

Q. Did you ever go up to this place called The Ram? A. I don't know that I ever heard it called by that name before.

Q. What have you heard it called? A. I have heard it called the saloon.

Q. You have? A. Yes, sir.

Q. It generally goes by the name of a saloon, down there? A. It does some times.

Q. As a matter of fact, the times you have heard of it, it has been referred to as a saloon? A. Yes, sir.

Q. So that there is no question but that it is a saloon, is there? A. No, sir.

Q. It is closed on Sundays, though? A. Yes, sir.

Q. What about the place across the street, the Cafe? Did you ever see that sign out across the street? A. No sir.

Q. You never observed that in your going about the city? A. I never saw nothing there that took my attention, that is why I never noticed it.

Q. What other streets do you go on on these Sundays? A. Center street, around by the Depot and down through there.

Q. Do you know where the Harbor View Hotel is? A. Yes, it is down as you go to the depot.

Q. Every call in there on any of those Sundays? A. No, sir.

Q. You know where the American House is? A. Yes, sir.

Q. Every call in there on any of those Sundays? A. I have been in there once.

Q. How many Sundays have you been down there during the last five months? A. Probably 20 or 25.

Q. You called once at the American House? A. Yes, sir.

Q. What did you call there for then? A. I called in to see a man about a matter that he was interested in up in our town about some lumber. He wanted an answer about some lumber from some parties he had been there to see.

Q. I don't suppose you looked around there to see if there were violations of the liquor law? A. I looked around.

Q. Did you see any? A. No, sir.

Q. You know where the Columbia hotel is? A. Is that the hotel down there by the depot?

Q. You are the sheriff looking after the enforcement of the liquor law. I assume you know where it is, do you not? A. I am not very familiar myself.

Q. Apparently not.

Q. Do you know about Billy O'Brien's Hotel? Ever hear it called that? A. No, sir, I have not.

Q. So that you are unable to locate the Columbia Hotel? A. Yes, sir.

Q. I suppose the Bath hotels are open Sundays? A. I have not seen them going out and in. They might but I didn't see them.

Q. Bath does not keep its hotels open, Sundays? Is that right? A. I ain't seen them going in and out there, to no great extent, so—

Q. Well, now do you know where this Dabney Barney's place is? A. No, sir.

Q. Do you know where Grip Gannon's place is? A. No, sir.

Q. Do you know where Marion street is? A. No, sir, I don't.

Q. Do you know where Will Leavitt's place is, William Leavitt? A. On Center street.

Q. That is on Center street? A. I think so.

Q. You located that? A. Yes, sir.

Q. Is that another saloon? A. That is what they call it.

Q. Do you know where Commercial street is? A. That is off from Center street.

Q. Do you know where 70 Commercial street is? A. No, sir.

Q. You could not locate that? A. No, sir.

Q. Ever heard of Tim McAuliffe? A. What?

Q. You have not made his acquaintance? A. No, sir.

Q. You know where Front street is? A. Yes, sir.

Q. And can locate 10 Front street. Do you know where that is? A. Yes, sir.

Q. Right opposite King's Tavern? A. Yes, sir.

Q. Is that a saloon? A. I should say so.

Q. In the investigations you have been making there, have you located any other saloons? A. No, sir.

Q. That is, so far as your observation goes? A. Yes, sir.

Q. And during all this time that you have been down there, they did not seem to be doing any business? A. I have not seen them doing any.

Q. It was a sort of waste of time so far as you were concerned?

Q. What is your answer?

Mr. PATTANGALL: It was not a question.

Q. (By the Attorney General). What other deputies are on the duty at the same time you are on, Sundays? A. Mr. Atkinson.

Q. Anybody else? A. No, sir.

Q. Mr. John S. Ballou, that is the son? A. Yes, sir.

Q. He is not on duty, Sundays? A. I have not seen him there only three Sundays.

Q. On three Sundays there has been three deputies there to keep them in order? A. He has been around there. I have met him.

Q. He was not trying to observe the violations of the liquor law when you saw him? A. Me and Mr. Atkins went together.

Q. You were there for that special purpose? A. Yes, sir.

Q. Did you and Mr. Atkinson go together? A. Yes, sir.

Q. You never separated? A. No, sir, only to go to our meals.

Q. Did Mr. Atkinson go into this

American House with you? A. No, sir.

Q. You went in alone? A. Yes, sir.

Q. You say that you never located O'Brien's restaurant on Center street? A. No, sir.

Q. I suppose you or Atkinson were never able to get into those places you call saloons? A. No, sir.

Q. They have been closed up every week when you have been down there? A. No, sir, I have not seen anything of it.

Q. And you have not been there any week day at all? A. No, sir.

Q. Not even on business? A. Only down in court time, that is all.

Q. You have been down in court time on week days? A. Yes, sir.

Q. When have you been down to court, the last time? A. Last Tuesday court set.

Q. When were you down before that? A. The Sunday before.

Q. Down there in January? A. Yes, sir.

Q. Last January? A. Yes, sir.

Q. Now while you were down there at court time, did you go around the streets any? A. No, sir.

Q. Just went into court? A. Yes, sir.

Q. I suppose this place on Center street which you referred to as a saloon was open in those days when you were down there? A. I was not detailed for week days, only Sundays.

Q. You do not perform your duty only when you are specially detailed? A. That is all, yes, sir.

Q. You don't understand that the Statutes apply to you except when you are especially detained? A. Sunday was all I was called down there about.

Q. So that when you have been down to Bath on week days, you have not done anything in regard to the enforcement of the liquor law? A. No, sir.

Q. And neither the sheriff nor John S. Ballou have given you any instructions to look after it during the week days? A. No, sir.

Q. When were you first called in there, you say last Fall some time? A. Yes, sir.

Q. Did you report to Sheriff Ballou, John W.? A. John S. Ballou.

Q. Who summoned you there, John S. or John W. Ballou? A. John S. Ballou.

Q. Did you ever have any talk with John W. about it at all? A. Yes, sir.

Q. About serving there as a city deputy on Sundays? A. Yes, sir.

Q. When was that, before you came there? A. Yes, sir.

Q. What talk did you have with him? A. He wanted me to go down there and walk around and see how things was.

Q. On Sundays? A. Yes, sir.

Q. Did you ever report to him the conditions which you found? A. Yes, sir.

Q. What did you tell him? A. I told him that I didn't see anything but what was all right.

Q. Did you ever tell him that there was a saloon on Center street and that it was closed on Sundays? A. It was closed, yes, sir.

Q. Did you tell him that? A. Yes, sir.

Q. I suppose you reported to him this saloon on 10 Front street, across from King's Tavern, and that that was closed Sundays also? A. Yes, sir.

Q. You reported to him that saloon was not doing any business on Sunday? A. Yes, sir.

Q. Did you report to him the result of your visit to the American House? A. No, sir.

Q. You didn't tell him about that? A. No, sir.

Q. Did you report to him about Levitt's place, that there was a saloon there but not open on Sunday? A. I don't think I mentioned anything about that.

Q. I am speaking about John W. Ballou. A. I didn't have any talk with John W.

I don't want you to get mixed about the officers. I am referring to John W. Ballou. Have you ever reported to him? A. No, sir.

Q. So that you never have reported anything to him? A. John S. and I have two or three conversations.

Q. As a matter of fact you never

reported anything to the sheriff himself? A. No, sir.

Q. He never inquired of you in regard to the conditions you found? A. No, sir.

Q. You never saw the sheriff, John W. Ballou, on Sundays, making an investigation while you were there? A. I don't think I have; no, sir.

Q. You have attended the court, you say, as a crier for several terms back? A. Yes, sir.

Q. I suppose you have been there when liquor cases were called up? A. Yes, sir, I have been sitting there.

Q. So that you know that liquor was being sold in Bath? A. I heard cases called up and disposed of.

Q. You didn't know if things were not being done on Sunday, that they were doing something at other times? You knew they were selling liquor in Bath? A. Yes, I knew they selling.

Q. I suppose you heard the name of John Gannon, Joe Footer called in cases, did you not? A. I heard them called up, yes, sir.

Q. And Wilbraham Leavitt, do you remember his name? A. No, sir.

Q. You do not recollect that he was up before the court last January, or the December term? A. I don't think I do.

Q. As a matter of fact, it is a December term instead of a January that was held there? A. Yes, sir, but it runs over.

Q. Do you recall about John Gannon being charged with violation of the liquor law at the last December term of court? A. I don't think I do; no, sir.

Q. Or Joseph Footer? A. No, sir.

Q. Or Roland Lewis? A. No, sir.

Q. You didn't pay very much attention as to who was getting convicted and paying fines? A. No, sir.

Q. As I understand it, Mr. Roberts, Mr. John W. Ballou has made no inquiries of you during the time you have been there as a special deputy as to what you have found? A. No, sir.

Re-Direct.

By Mr. STAPLES.

Q. If I understand you, you did report three places that you named to Deputy Sheriff Ballou. A. I think I did.

FRED W. ATKINSON, being first duly sworn, testified as follows:

Direct examination by Mr. STAPLES.

Q. Your name is Fred W. Atkinson?

A. Yes, sir.

Q. You live in Topsham? A. I do.

Q. You are a deputy sheriff of Sagadahoc? A. I am.

Q. How long have you been an officer, a deputy, Mr. Atkinson? A. This is my ninth year.

Q. Now during your service as deputy—during any time of your service as deputy—have you had particular occasion to enforce the law in Topsham? A. I have.

Q. In that vicinity? A. I have.

Q. And you have from time to time taken out warrants and prosecuted cases there? A. I have.

Q. Do you have any idea how many such cases you may have prosecuted? A. Well, I couldn't say just at this moment. Quite a few.

Q. Now you were doing that under your general instructions and duty as a deputy, were you? A. I was.

Q. How long have you been coming to Bath as sort of a special deputy down there? A. Well, some Sundays last year, and some of the Sundays this year.

Q. And at whose direction? A. John S. Ballou sent for me.

Q. And after he had sent for you did you see Sheriff Ballou? A. I did. I went up and saw Sheriff Ballou did you see Sheriff Ballou? A. I did and he told me that business was in his son's hands, the liquor business, and to take orders from him.

Q. And what conversation did you have with him. A. He told me that the business was in John S. Ballou's hand, the liquor business, and to take my orders from him.

Q. And did you do that? A. I did.

Q. Now do you recognize, or do you know where are located various of these places that have been referred to, the Columbia Hotel, Gannon's, Footer's and those places? A. I do.

Q. Have you been on your Sunday trips around over Front, Center and Commercial, and the other streets where they are located? A. I have.

Q. Are those places open or closed on Sunday? A. The saloons are all closed.

Q. Have you had occasion to report to Deputy Ballou any place that

you had reason to believe was selling on Sunday? A. I did one, yes sir.

Q. What place was that? A. That was the Harbor View.

Q. Who was running it then? A. That was last fall, I have forgotten the name.

Q. Was it Lewis? A. Lewis, I think.

Q. After Footer had left it? A. Yes, sir.

Q. And from what you saw you have reason to believe that liquor was being sold there? A. I thought so.

Q. What reply did Deputy Ballou make to your report to him? A. Deputy Ballou said that he would go and see him.

Q. Did he give you any instructions about proceeding with a warrant or anything? A. He did not. I suggested that we ought to look into it, and he said that he would have a talk with him and tell him that he must cut it out, if I remember right.

Q. Now being under Deputy Ballou's order, did you consider that it was your place to go and swear out a warrant under those circumstances? A. I did not. Mr. Ballou went away and I didn't see him again, I was all alone, and I didn't feel justified in attacking that hotel with a warrant.

Q. Whether you have ever reported that, for instance, to the sheriff himself, or not. A. I don't think I have.

Q. Were you in the raid on that Italian camp there in Topsham? A. I was.

Q. Was Deputy Ballou in that. A. Deputy Ballou was up the next day. I made the raid the day before he came up.

Q. And you and he and some other officers were there together? A. Yes.

Q. That was the day of the shooting? A. When he came up—yes.

Q. Were you at any time down in West Bath? when various searches were made at Schoppee's? A. Yes.

Q. And was Deputy Ballou there with you at all? A. I don't think so.

Q. Do you know of his being there at all at other times? A. I don't recall now.

Q. That was when Mr. Purinton was deputy? A. Yes.

Q. You and he were together? A. Yes.

Cross-Examination by Attorney General Wilson.

Q. Now Mr. Atkinson, how long have you been a deputy sheriff? A. This is my ninth year.

Q. Nine years of continuous service—and have you been special liquor deputy during that time? A. I was from 1907—January, 1907, until December, 1910.

Q. And where located? A. Mostly in Bath.

Q. So that for practically three years you were special liquor deputy in Bath? A. I was.

Q. How much more of the time, of the nine years, have you been a special liquor deputy? A. Only what I have been called on Sundays recently.

Q. And when were you first called on Sundays? A. Well, last year some-time.

Q. In the fall? A. No, I think it was quite early in the year.

Q. That is before Mr. Roberts was called in to assist you? A. Yes, sir.

Q. You performed the duty of special liquor deputy on Sundays in Bath previous to the time that Mr. Roberts was assigned, all alone? A. I was alone excepting when I saw Mr. John S. Ballou.

Q. Well now, those three years you spent as a liquor deputy in Bath, I suppose familiarized you with the various places where they sell intoxicating liquors there? A. What haven't made charges.

Q. But the places haven't changed much have they? A. No, but the people.

Q. Only the proprietors—the Ram was selling I suppose at the time when you were special liquor deputy? A. That wasn't called the Ram then.

Q. Well, was it a saloon? A. Yes.

Q. And they were selling liquor there? A. Yes.

Q. What about the William O'Brien Cafe across the street there—or some O'Brien—John O'Brien? A. He was selling part of the time I was there.

Q. What about the Leavitt place?
A. He was selling.

Q. I am now referring to this three-year period—1907? A. Yes.

Q. What about Grip Gannon—Joe Gannon place—down there, was that running? A. Why, I don't think he was there at that time.

Q. Was the place being used for the sale of intoxicating liquors at that time? A. Well, now it was a family lived there that kept a sort of a nuisance.

Q. Kept what? A. A sort of liquor nuisance place where they congregated.

Q. That is, there was some violations of the liquor law going on at that place then? A. Yes, sir.

Q. Well, was the American House doing a liquor business in those days? A., I should think so, yes, sir.

Q. You had suspicions of it? A. Yes, sir.

Q. And the Harbor View House? A. Yes, sir.

Q. And the Columbia Hotel? A. I think so.

Q. And Tim McAuliffe place on Front street, right opposite? A. Yes, sir.

Q. That was a saloon in those days? A. Yes, sir.

Q. What about Dandy Varner, was he in business then? A. Yes, sir.

Q. His place was being run? A. Yes, sir.

Q. And the place at 70 Commercial street which has been referred to, was that running then? A. I think so, if I remember the number correctly.

Q. Now under whose direction were you at that time? A. John W.

Q. The sheriff? A. Yes, sir.

Q. So you were then in those days, when those places were running, you were taking your orders from John W. Ballou, the sheriff? A. Yes, sir.

Q. I suppose you reported to him from time to time as to the conditions of those places, in those days? A. I did, some of them at least.

Q. And did you make any seizures there? A. Yes, sir.

Q. During that period that you were there? A. Yes, sir.

Q. Well, now, when you were called in as a Sunday special deputy, there

was no one else but John S. Ballou that was doing any work, on Sundays, at that time, as I understand it? A. No, sir.

Q. And you were called there by John S. Ballou? A. Yes, sir.

Q. But you had some talk with John W. Ballou? A. Yes.

Q. So that you recognized him as being the head of the sheriff force, at that time? A. Oh, yes.

Q. And he told you that his son was having charge of the liquor business in Bath as I understand it? A. Yes, sir.

Q. Well, now, at what time was it that you reported this suspected condition of the Harbor View House? A. I can't recall positively.

Q. Well, was it last year? A. Yes, sir.

Q. And approximately what time? Before Mr. Roberts came? A. Yes, sir.

Q. So that it must have been in the early fall? A. I think so.

Q. What did you observe? A. Why, I observed men going in and coming out quite frequently.

Q. And apparently men that looked as though they might be going after liquor to drink? A. I think so.

Q. That was on Sunday? A. Yes, sir.

Q. You didn't go in yourself? A. No, sir.

Q. You simply watched from the outside, and made those observations? A. Yes, sir.

Q. I suppose those were apparent to anybody who was around there? A. Yes, sir.

Q. And you say that you reported that condition to John S. Ballou? A. I did.

Q. And he allowed that he would have a talk with the fellow? A. He did.

Q. Did he say who it was? A. I don't recall.

Q. Well, now, after that time did you observe anything that looked as though liquor was being sold there? A. I can't say that I did. I think that the marshal made a raid there shortly after that.

Q. That the marshal did? A. Yes.

Q. Don't know of the sheriff doing it? A. No.

Q. Don't think he did? A. No, I don't think so.

Q. As far as you know then the sheriff's department didn't take any action against the place notwithstanding your complaint or notice? A. No.

Q. And you don't even know that John S. Ballou went to see him? A. I do not.

Q. Was that the time that the police got the two jigger loads of stuff? A. I think so.

Q. John S. Ballou's statement to you was that he would speak to him about it? A. Well, as I remember it, something similar to that.

Q. Well, you didn't ever speak to the sheriff, John W. Ballou about it? A. I did not.

Q. And since you were first appointed there as a special deputy, has Sheriff John W. Ballou made any inquiries of you as to what condition you found? A. I don't recall. I have been up there to his office several times, talked with him. I don't just recall just what.

Q. But he never showed any interest in the work you were doing as far as you recall? A. Why, I think—I don't recall really what talk we had about it.

Q. Did you ever have any talk about the conditions that you were finding in Bath during the last six months? A. I don't remember now that I did.

Q. Well, did he ever say anything to you about it? A. I don't recall.

Q. Ever said anything to you about this jigger load of stuff that was obtained? A. No.

Q. Now in all of your visits there on Sundays, do you mean to say, Mr. Atkinson, you never saw any signs in any of these places, illegal business being done? A. Why, I think I did in some.

Q. And where? A. Well, there was two private houses.

Q. Where were they located? A. Well, they were located on Front street, up beyond Oak street.

Q. Well, are any of those the ones that have been mentioned here previously in this hearing? A. No.

Q. Those are new ones? A. Not new ones, they are houses that the

business has been done in before some.

Q. But, they are not places that have been referred to here today? A. I don't think so.

Q. Did you report those places to either John S. or John W. Ballou? A. Why, John S. told me to come down one Sunday, that he was going to have some warrants for me, and I went down and I didn't find him, and so of course I didn't raid them.

Q. When was that Mr. Atkinson? A. Well, that was last year sometime. I can't recall.

Q. After you were assigned as special liquor deputy? A. Yes.

Q. And when you went down in response to his summons that he was going to have some warrants for you, he didn't appear on that date? A. No, I didn't see him. No, sir.

Q. Well, do you know of anything being done against these places by John S. Ballou, or any deputy sheriff? A. I don't know. I watched them afterwards, and I didn't see any bad things afterwards.

Q. You don't know of any seizures being made there? A. No, sir.

Q. And you have heard the testimony here, that the sheriffs have not made any seizures here at all for the last year and three months, haven't you? A. I have heard it.

Q. So if there was any improvement whatever in those two houses, it was due to the sheriff? A. I don't think there was any seizure.

Q. Did you report those conditions to the sheriff, John W. Ballou? A. I reported to John S. Ballou.

Q. I asked if you reported to the sheriff? A. No, sir.

Q. Have you ever had any talk with him about that at all? A. No, sir.

Q. And as I understand it, he never has made any inquiries of you as to the conditions you were finding in Bath during the last six or eight months, since you have been serving as a Sunday liquor deputy. A. I understood that he wanted me to report to John S.

Q. I ask if he ever made any inquiries of you during the period you had been there? A. I think that I

answered once before that I didn't recall.

Q. That he ever had? A. I don't recall now.

Q. So that to the best of your recollection he has not? that is true is it? A. Well, I say I don't recall, it means that I don't remember, I suppose.

On motion by Mr. Morey of Andros-coggin, the convention took a recess until eight o'clock.

After Recess.

EDWARD W. HYDE, sworn for the prosecution, in answer to questions by Mr. Staples, testified as follows:

Q. You are the present postmaster of Bath? A. I am.

Q. And an ex-mayor of Bath? A. Yes, sir.

Q. In what years? A. I was mayor in 1902, 3 and 4.

Q. Now during those years, Mr. Hyde, what was the practice or custom or understanding with regard to the enforcement of the prohibitory law by the city officers and the county officers? A. It was the custom, prior to my administrations and during my administrations and afterwards, for the prohibitory law to be handled by the mayor and the city marshal.

Q. And why was that? A. Well, I suppose to get better results. They tried enforcement by special deputies some years ago and it was a failure.

Q. That was the special liquor deputies? A. Special liquor deputies, yes, sir.

Q. And that custom has still continued? A. I believe it has.

Q. Down to the present time? A. Down to the present time.

Q. Now, Mr. Hyde, as a citizen of Bath, in your opinion would the city or county be benefited by the removal of this officer and the appointment of a successor by the Governor? A. It most certainly would not.

Q. What in your opinion is the sentiment of the public in that respect? A. Not for any change.

Cross-examination by Attorney General Wilson.

Q. You say, Mr. Hyde, you held office in 1901, 2 and 3? A. 1902, 3 and 4.

Q. And it was at that time that this

understanding or agreement was made with reference to the enforcement of the liquor law by the police department? A. It had been the custom for some time prior to my administrations.

Q. Who was the understanding made with? A. I don't know, originally.

Q. Who did you have your understanding with? A. I simply followed the custom.

Q. Did you ever have a talk with the sheriff about it? A. No, I don't think I did; I don't recollect.

Q. Did you understand that this was an arrangement that was made between the sheriffs and the police department in previous years? A. Well, it was a general custom, when it started I don't know.

Q. You spoke of there being an understanding—was it an understanding between the sheriffs and the police department? A. It was the custom.

Q. Won't you answer my question, was there an understanding between the sheriffs and the police department, or the mayor that the police officers should enforce the liquor law? A. I don't know how it originally started but it was the custom.

Q. What did you mean by saying an understanding? A. I suppose it started with an understanding.

Q. Between the two departments? A. Yes. That I don't know, but I suppose so.

Q. And you say it has been continued? A. It has, yes sir.

Q. How do you know it has been continued as an understanding? A. Simply by observation.

Q. What do you mean by that; what is your observation about it? A. Why, all efforts toward the enforcement of the law have been made by the police department; it is always customary.

Q. In other words, the sheriff's department hasn't done anything towards the enforcement of the law down there away back in 1912, 3 and 4 at all. It hasn't done it. A. No.

Q. In other words, it has followed that custom? A. The custom has been followed, yes, sir.

Q. So that as a matter of fact it

is true that the sheriff's department has not done anything towards the enforcement of the law, but whatever has been done has been done by the police department as a matter of custom? A. The police department has done all that was necessary, in my administrations anyway.

Q. They have done all that was done? A. Yes.

Q. And as you testified it was according to an original understanding between the departmtns? A. I suppose it was.

Mr. Pattangall: Mr. Hyde, do you recollect when it was that the Sturgis deputies were in Bath? A. They came there several times after the passage of the law; that was after my terms.

Q. You can't give approximately the time when they were there? The law went out of existence in January, 1911. I thought that date might refresh your memory. Can you tell us approximately when the Sturgis deputies were there—that is, in what year? A. No, I couldn't; they were there several times.

JOHN W. BALLOU, sworn for the prosecution, in answer to questions by Mr. Staples, testified as follows:

Q. Your name is John W. Ballou? A. Yes, sir.

Q. You are the sheriff of Sagadahoc? A. I am.

Q. And the respondent in these proceedings? A. I am.

Q. What is your age? A. Eighty last November.

Q. How long have you been sheriff of Sagadahoc? A. Thirty-five years, I think.

Q. And were you a deputy sheriff prior to that? A. Two years.

Q. Now coming down to some time within the memory of most of us, have you had—for instance, under the law, authorizing special liquor deputies, did you appoint special liquor deputies in Bath under that law? A. Yes, sir.

Q. And who were they? A. Well, when Governor Cleaves first became Governor, he thought that I ought to appoint some liquor deputies, which I did. I appointed two, and they were there six years consecutively, and then they thought that it wasn't very wise to keep them, that they—well, the idea simply was this, that they had been there too long.

Q. The public had lost confidence in them? A. Yes, I know I did.

Q. And you dismissed them? A. I did.

Q. Now how many deputies have you on your force? A. Five of them.

Q. And how many in Bath? A. one only.

Q. And the others in the towns about? A. Adjoining.

Q. Now Mr. Ballou, I don't know that there has ever been any formal contract or definite understanding, but from time to time has it been the practice there to make a sort of division of this matter of the enforcement of the law between your staff and the city officers? A. No agreement to that effect. It has always been supposed that it being a municipal matter the officers connected with the municipal government should attend to that sort of thing and manage their own affairs if they could.

Q. In the city? A. Yes, but about all the time I have had deputies there occasionally. There was always more or less complaint about this liquor business and they are not satisfied with a very fair enforcement, but we want to be there so as to be prepared to do the best we can for it.

Q. Now some two years ago or a little more, what did you do about assigning one of your own staff to the general oversight of the business there in Bath? A. Well, I think two years ago and later and before that I had two deputies, one from Bowdoinham and the other from Topsham, Mr. Atkinson, that was here this afternoon, and Mr. Purinton that is now—he retired here to go to work for the Maine Central Railroad. They were on there I think, about two years and were in Bath every day.

Q. And then how long ago or about how long ago, did you appoint John S. Ballou? A. My impression is about—I think about six months before the first of January.

Q. Some time last year? A. I think so, I don't remember about that.

Q. But during the last year sometime? A. Yes.

Q. Now when you made that designation, did you give him any instructions, general or specific, about

his duties? A. Well, he is a good officer and knows what the duties of his office are. I don't know that it would be expected of me, really, to give him any special instructions. He knew just as well as I what his duties were, and he being a good intelligent man, he knew what he should do. Why, I hadn't any doubt but what he would be able to do it.

Q. At least as a matter of fact he knew that he was appointed to do that work around Bath? A. Certainly.

Q. And in addition to that you continued these two other deputies there, did you, on Sundays? A. I told him that if he needed any deputies I thought he better call on. He had Mr. Purinton down there a while and Mr. Atkinson, and after Mr. Purinton went away he got this Mr. Roberts to come down, and he managed the whole thing. I supposed he was capable of it, and I think he is now, but if he didn't do it as well as he ought to have, it was my misfortune and his.

Q. Now Mr. Sheriff, did you inquire of Deputy Sheriff Ballou, or did he report to you from time to time about the matter? A. Well, I don't know that he made any formal report. He came up to my house to supper every Saturday night when we had baked beans. He is very fond of them, and so am I, and we always had supper together every Saturday night, and he came up there with his wife and we would talk over matters and I would ask him "John, how is things down town?" And he would say, "Just right. Everything is going smooth. Everybody is satisfied." I don't think we had anything very extended about it or anything particular about it. No places were mentioned, but I had supposed that everything was in the highest degree satisfactory.

Q. I didn't mean, Mr. Sheriff, that he made formal reports, but he did make these informal reports frequently, practically weekly? A. Yes, at least once a week.

Q. Now have you had at any time—going back a year or two, or three—have you had any complaints from any people in Bath with regard to the enforcement of the law there by yourself or by your deputies? A. Never.

Q. Either generally or against particular places? A. No, sir, never.

Q. To call your attention to one particular instance that Deputy Atkinson testified to, do you remember of his making a report to you of—I think he said it was the Harbor View Hotel? A. Yes, I think he did.

Q. And did you report that to your son? A. I don't remember about that; I remember that he made me a report about it. He said he thought I hadn't seen John and he thought the case needed looking into, and I says: "I will speak to John about it," and he said he had seen John and John was going to get a warrant, I guess, or something of the kind, but I don't think he ever did, because I didn't hear anything more about it.

Q. Do you know, Mr. Sheriff, whether soon after that, within a day or two, or two or three days, a search was made there by the city officials? A. I understood so.

Q. And a seizure made and a conviction had? A. I understood so.

Q. Now this doesn't relate wholly to Bath, to go outside of the city a little, do you know about the enforcement of the law in Topsham by Mr. Atkinson? A. Yes, I have good reason to recollect Topsham.

Q. Won't you state why? A. Well, we have had a good deal of trouble there with those Italians who have been working on the dam there built by the paper company and also working out on the feldspar quarries in the northern parts of the town, and it seems that these Italians will take a loaf of black bread and a bottle of beer, and they make about a day's rations of it, and they can afford to work very cheap, and they do as long as they can have that; so I have had a talk with the contractor, or the man that employed them—there is a large crowd of them that are employed there, and they couldn't possibly do this work without their assistance—any they says: "Now it is entirely necessary that these people should have beer, and they won't work without it, and we can't do our work." When they were building their new dams there, I had Atkinson at Brunswick and Topsham. "Well," says I, "there is no earthly reason why they can't have beer themselves. There is no earthly reason why they

shouldn't have it, but they mustn't sell it, it mustn't be for sale, but if they have it among their own people, and keep it there, I don't know any reason why they shouldn't have beer, and they can, I think, legally and properly," and they have had it. What I was coming at was this matter you have been speaking about, what made me remember about Topsham, this fact about the procedure there, not only out to the felspar works, but over there where they built the new electric light station there and the new dam, on the Androscoggin at Brunswick, and in building this new paper mill dam what they call Topsham Heights, and they had their beer as usual, and Mr.—I don't know what—I have forgotten what his name is but it was in Waterville, I think, some Christian Endeavor man—

MR. PATTANGALL: Pringle?
A. Pringle, yes, sir.

MR. PATTANGALL: That is the fellow. A. He comes down, and he said—I was away and he came to my son John, deputy, and he said there were a great many complaints came from the Italians up there where they were building this new building, and that they must be raided. Well, I wasn't at home, and if I had been I guess it wouldn't have been any different, but John went up, and he got one of the other deputies, and they made a sort of a search there, and it stirred the Italians up so much that they didn't dare to go back again. So the next day John went up and loaded this stuff onto the cars, and was carrying it over to Brunswick for safe keeping until the thing could be decided by the court, whether the beer was seizable or not, and they finally got over there to the paper mill, and there was some 40 or 50 of these Italians came down, and John had one deputy with him. Mr. Atkinson had gone to Portland, I believe, and the other deputy that was with him ran away, and John was left there all alone, and they made a rush at him, some 40 or 50 of them, and he took his gun out, but they ran onto him and crushed him up against a telegraph wire, and took his gun away from him and made him indignant, and he said he wasn't going to let them take his gun away from him, and he went after them and chased them over the

bridge, and they shot him, shot his eye out here (indicating), and he was abed there perhaps a month in the hospital. I thought probably he would die, but he didn't, but he can't see anything half the time now. It has injured him for life.

Q. Destroyed one eye and impaired the sight of the other? A. Yes, that is the status of the thing; that is why I remember Topsham.

Q. Now, Mr. Sheriff, to call your attention to another particular locality in West Bath on the New Meadows river near the hotel. A. The George Schoppe place.

Q. That place, yes. A. He was right over there a number of times about having it seized and raided, as it was a dozen times.

Q. Were those raids made by your officers? A. Yes.

Q. And made—a number of them at least—by your men acting with others? A. Yes. He stayed in the woods every night for 10 days before they got a chance to seize it, but they finally got him and they got him convicted and sentenced to I think 18 months, if I remember right, in jail, and John carried him up—we imprisoned our prisoners then in Lewiston and Auburn, and we went up—he went up from Thomaston—he was in charge of John—George said he wanted something to eat. He said he was very hungry. He took him to an eating house there—he had a nice supper, he said, and just before he got ready to go George says, "I want to go out back here a little ways," but John didn't know there was any back entrance to it, so he went out there and went too far back, so that we lost him, and I know that it cost me some two or three hundred dollars for detectives and things to find out where that fellow was. I found him at Providence, but never succeeded in getting him, and the thing ran along a year, and I heard that he was coming some occasionally over to West Bath there on the New Meadows where he had a farm, and I told John, "Now," says I, "John, there is the chance for you to get George Schoppe and he went over there and they laid in the woods there and finally John said it was no use talking he had got to get him, so he went in to George Schoppe's barn and stayed in the barn.

Attorney General WILSON. We can admit this to save time.

Mr. PATTANGALL: There is lot of things we could have admitted to save time.

Witness: What do you object to?

Attorney General WILSON: I don't object —

Witness: Very well, what are you talking about?

Attorney General WILSON: He is relating something he doesn't know anything about himself, just hearsay.

Witness: It is a matter of history.

Q. Did he get the man? A. Yes, he got the man and put him in jail. We had him in jail for 18 months, that is the whole some and substance of it, a short horse and soon carried.

Q. Without going into any specific instances I want to come down to practically this present time and ask you when you first heard any complaints in regard to your not enforcing the law there in Bath—how recently or how long ago? A. Within a week, I guess; I don't seem to remember when it was.

Q. Within a week or 10 days or such a matter? A. I should think it was 10 days.

Q. And then did you begin to make any investigation or inquire as to how the matter had been carried on by Deputy Ballou? A. Yes, I did, and I found that there was quite a degree of difference of opinion about whether John had done his duty or not. Some thought he had, and some thought he hadn't. A good many thought he hadn't and I concluded so myself, and I asked him to resign, and he did so.

Q. That was about a week ago? A. I think so.

Q. Have you had any complaints made to you by the Governor of the State about it? That is, I mean since the first of January, since Governor Haines came in? A. No, sir.

Q. Or has he ever intimated that he had any complaint of dereliction of duty? A. No, sir; I don't remember of anything.

Q. Now, after the resignation of Mr. John S. Ballou did you make an appointment. A. Yes, I did.

Q. Whom did you appoint? A. Mr. Oliver.

Q. Wilber C. Oliver. A. Yes, sir.

Q. Who has testified here, today? A. Yes.

Q. And that appointment was made, Tuesday, Monday or Tuesday, of this week? A. I don't remember the day, some time about that time.

Q. Some time the early part of the week? A. Yes, sir.

Q. Now, Mr. Ballou, so far as that appointment was concerned and so far as you were concerned, I want to ask you if there were any strings, so-called, on that appointment? A. Not as far as I was concerned, there were none.

Q. Was there any difference between the appointment which you tendered him as the deputy sheriff, if there could be any difference, and the appointment of any other of your deputies? A. No, sir.

Q. Do the deputies serve at your pleasure? A. Yes, sir.

Q. That is the language of their commission? A. Exactly.

Q. And you tendered this appointment in good faith? A. I certainly did.

Q. And Mr. Oliver could have qualified at any time upon presenting a satisfactory bond? A. Yes, sir.

Q. You haven't revoked that appointment now, have you? A. No, sir.

Q. That is, it is still open for Mr. Oliver to qualify if he sees fit on filing his bond? A. Sure.

Cross-Examination.

By Attorney General Wilson:

Q. You say the first time you had occasion to appoint any special liquor deputies was back in Governor Cleaves' time? A. No, I don't think I said that; but I did appoint some back as far as that; I don't remember having any before that.

Q. You spoke of that as a special occasion, the first time you remember? A. Yes.

Q. And about that you feel sure? A. Yes, sir.

Q. And you appointed three? A. Yes.

Q. And kept them for—A. Six years.

Q. That was why, or when? A. Well, it was less than 2000 years ago. I don't remember how long; I didn't keep any note of the time. I don't think when a

man gets to be as old as I am he don't take notice of the years as they fly by, without they have something to guide them, and I don't think I have got anything to remember when Governor Cleaves was made Governor. You know yourself.

Q. It was about 20 years ago, I think, but I don't know exactly myself. A. Ask some of these young men, and perhaps they can tell you.

Q. They may not be able to remember back as far as that.

Mr. PATTANGALL: He went out of office in 1896.

Attorney General WILSON: Somewhere from 1892 to 1896. So that from 1895 to 1900 you had two liquor deputies there all the time. A. Yes.

Q. Was it two? A. Yes, I think it was two.

Q. And it was their special duty to enforce the liquor law in Bath? A. They didn't do anything else.

Q. So that up to that time this arrangement or custom that Mayor Hyde speaks of had not begun? A. No, sir.

Q. So that up to 1900 you were enforcing the liquor law, or your department was in Bath? A. We thought we were.

Q. That is, you had the men there? A. Yes.

Q. About when did this custom spring up of the police department enforcing it? A. It was previous I think to Mayor Hyde's incumbency, but I don't remember; it has been a sort of tacit understanding, but there has been no agreement about it.

Q. Did it spring up before your liquor deputies went out of existence, before you discharged them? A. No, I don't think it did.

Q. So that it couldn't have sprung up a great while before 1900, anyhow? A. Perhaps not.

Q. And you don't seem to know how it did spring up. You think it wasn't by any agreement with you? A. I suppose the idea was simply this—it might have been shown to the city government that it was a good deal better. I know that one city marshal there said he didn't want any help, and he could get along and get a good deal better results and do the thing himself; and I think that

is about the time Mayor Hyde took his seat.

Q. Did he say that to you, do you mean, the city marshal? A. I don't know that he did say it to me; I don't remember of his saying it to me specifically, but that was the understanding, and if he didn't say it to me somebody else did so that it came from him.

Q. So that there was practically an understanding between you and the city officers that they were to enforce the liquor law? A. Perhaps you might call it an understanding. I understood that they would, or if they didn't I would.

Q. As a matter of fact you didn't do anything about it from that time on? A. I kept deputies there about all the time. I can't attend to this sort of thing. I have something else to do beside running around rum sellers. I have to calculate and see that if they don't do their duty I would try and help them; and I kept my deputies there more or less ever since.

Q. You still did feel that there was some duty resting on you? A. Sure.

Q. Now in 1907, or thereabouts, you felt that the duty was so strong that you appointed some more liquor deputies there in Bath, didn't you? A. I had them about all that time. I think I had deputies there more or less all the time.

Q. I understood you to say in your direct examination that after you let these two men go at the end of six years you didn't appoint any more to have them there all the time until these two men in 1907? A. No, I didn't say so; you misunderstood me.

Q. What did you do between that time? A. I don't remember; it is a good while ago, and I don't remember as well as I did when I was as young as you are.

Q. That is only six or seven years ago? A. When you get to be as old as I am, and that will be quite a time

—
Q. You say you don't remember? A. I can't tell you.

Q. So that you don't know whether you did anything between 1900 and 1907? A. Didn't do what?

Q. You can't remember whether you had any special liquor deputies there between that time? I think in all hu-

man probability I did have them all of the time.

Q. How do you want to leave it? Did you or not have liquor deputies in Bath, between 1900 and 1907? A. I can't tell you, but I should think I did most of the time. These sort of things come along spasmodically; there will be a time when it would seem almost impossible to get along without them, and if you know anything about liquor sellers, they will spring up like mushrooms, and you will have a dozen or 15 and then you won't have any.

Q. It takes pretty diligent inquiry to keep them down? A. Well, that has been my experience.

Q. Evidently the police department couldn't have been enforcing the law very well or else you wouldn't have had your deputies there at that time, between 1900 and 1907, you understand? A. I don't remember about that. I guess they wouldn't enforce it any too well, any of them.

Q. Some time, about 1907, when you called in Mr. Atkinson and Mr. Purington, you had them there for two years? A. Yes.

Q. Is that right? A. I think so; it may have been longer than that.

Q. At that time you felt as though there was a necessity of your having some special men there in Bath? A. I thought all of us wouldn't be able to keep those fellows from selling rum, and haven't been able to.

Q. So that for two years you had two men there? A. I think so.

Q. And then there was a period elapsed when you didn't have men there regularly, after 1910, until about a year ago. Is that true?

A. I don't think it is; I think we had somebody there.

Q. What is the truth about it? Between the time Mr. Atkinson and Mr. Purington stopped, up to the time your son was appointed, or they, Mr. Atkinson and Mr. Robbins came down there? A. My impression is that my son John kind of took that thing under charge, and proposed to look out for it himself, and that these people were asked to come down and help when they thought it was essential.

Q. When did your son John undertake to look out for it? A. I should say per-

haps it was anywhere from six to 10 months before the first of January, 1913.

Q. That is, sometime the middle of last year? A. Yes, sir.

Q. Between the time Mr. Atkinson and Mr. Purington stopped and the time he took charge of it, sometime the middle of last year, did you have any special liquor deputies there? A. They were the ones there.

Q. Who? A. John had them down there.

Q. I am speaking about before he came? A. Before who came?

Q. Before John took hold of it last year? A. Mr. Purington and Mr. Atkinson were there; Purington had just left.

Q. Do you mean to say the time you had those men there lasted from some time about the middle of last year? A. I think so.

Q. I understood they stopped in 1910. That is not so? A. No, sir.

Q. So that the period Atkinson and Purington were there was from 1910 until some time last summer? A. That is the way I remember it.

Q. Then you felt at that time as though there was need of your doing something in addition to what the police department was doing? A. I suppose so.

Q. As a matter of fact, this agreement about the police officials enforcing the law in Bath—there hasn't been any agreement that they were to take it over entirely? A. There never was any such agreement. I didn't say there was any such; there was an understanding, a kind of tacit understanding.

Q. Has there been that, that they should have it entirely in their hands? A. I don't know as there was. What we want to do is to try and keep things straight and in good order; and I think we have one of the best ordered cities there is in the State of Maine, and we want to keep the thing as it is, and if we can't have the police, if they can't do it then we will try and do it ourselves.

Q. As a matter of fact, you felt that in order to faithfully and diligently perform your duties as sheriff there in Sagadahoc county it was nec-

essary to have those special liquor deputies there at work in Bath, in addition to what the police were doing?

A. If I hadn't supposed so, I shouldn't have had them there.

Q. Up to a year ago you attended to it more or less yourself to see that it was done, didn't you, before your son took charge of it? A. Yes, I think I did.

Q. You used to make investigations when they made complaints to you? A. They used to come to me and I made perhaps a little more personal effort, gave more attention to it than I have lately.

Q. Of course in all the years you have been there you have become perfectly familiar with the way liquor has been sold there in Bath? A. I can't say that I have.

Q. You don't know? A. An the other thing I haven't been so well versed in as the others.

Q. As a matter of fact, do you know the location of these places that have been testified to here today? A. Yes, I think so, most of them.

Q. You can locate those? A. Yes.

Q. Then you do know where the so-called "Ram" is? A. Well, the room has been put up within 10 days, I think the sign has

Q. You know where that saloon is there? A. Yes.

Q. Go by it every day? A. Yes.

Q. And also the cafe on the other side of the street, O'Brien's place? A. Yes.

Q. That is familiar to you? A. Yes, sir.

Q. And those are places where liquor is sold in Bath? It is generally sold there if anywhere? A. As I said before, this thing is done spasmodically. For instance, this cafe that we are speaking about, this John O'Briens, he is there, lives there I think a part of the time. John told me that part of the time he had some stuff there, and sometimes he didn't. He got quite a lot in there one time, and got to talking so loud that they attracted the attention of the police, and the police went in there, or John did, and got three or four barrels.

Q. When was it that John made a

seizure in Bath? A. He has made a good many.

Q. What is that? A. I think he has done considerable of that; and if he hasn't, he has directed it so that other people would. What do you mean?

Q. When was it this time you are talking about John told you about his getting some stuff in the O'Brien place? A. It might have been, two years ago; I don't remember exactly.

Q. Two years ago? A. Perhaps so, and it might have been a year and a half.

Q. That was before John took up this special work? A. Yes, sir.

Q. Have you talked with John in the last six months as to whether or not O'Brien was getting any more stuff in? A. No.

Q. Haven't made any inquiries about that place at all? A. No, I haven't made any inquiries about it.

Q. I suppose you know and are familiar with the several hotels, the American House and the Columbia and the Harbor View, you know about those places? A. I supposed they were—I didn't suppose that they were selling anything in what you might call an open bar in the city of Bath. It was one of the greatest shocks to me when someone told me that O'Brien was doing it down there; I never was so surprised in my life.

Q. You don't think that they took any advantage of the laxness of enforcement and started up again? A. I didn't suppose they were doing it all; I didn't suppose they were. Of course they have been doing it lately from all I can hear, but I haven't heard anything about it until within ten days.

Q. With all your experience with liquor sellers you didn't think to inquire whether or not they were in the last six months? A. Didn't what?

Q. In the last six months you didn't take pains to inquire whether anybody was doing business there? A. I knew, and you and everybody else knew that if there was a chance for them to sell rum they will sell it.

Q. In order to stop it you have got to investigate? A. I don't take time to stop

to investigate very much. I find somebody to look out for it, and I don't know why they don't do it. That is what I was trying to do, to get him to look after it and see if they didn't stop.

Q. In order to keep the sale of intoxicating liquor eternal vigilance is required, isn't it? A. I think so.

Q. And a sheriff who is undertaking to enforce the liquor law has got to keep on the go most of the time, hasn't he? A. I think so; I think he has, and then he can't.

Q. It is true that during the six months, or since your son assumed this duty, you haven't paid much attention to it? A. No, not any special attention.

Q. Have you given any attention to it? A. I have talked over with Mr. Atkinson. He come up and he says he wanted to know—

Q. Just what time was that? I don't want to get mislead on the time. A. I don't remember what time it was.

Q. In the last six months? A. Little over six months ago, I should say. He came up and was talking about seizing some and he and John were together, and he says: "Am I to understand that I am to obey you or obey John," and I says: "What I want you to do is to obey me, and if there is anything going on I want to know about it; and I want the law as far as we can consistently, to have the sale of this stuff stopped," and he understood that and understood it, and it is a wonder he didn't speak about it, this afternoon.

Q. Was it about this time when they made the seizure and carried off two jigger loads? A. I wasn't there; I didn't take any notice of it; I didn't take any notice of the particular time, whether it was about that time or not. That jigger load seems to trouble you.

Q. It was in relation to the Harbor View House that they made complaint to you, wasn't it? A. Yes, I think it was.

Q. Wasn't it immediately after that that the police cleaned it out and carried off a couple of jigger load? A. I guess it was shortly after that.

Q. Wasn't it immediately after that —didn't that make you realize that this hotel was possibly selling? A. After they began to seize it and carry it off I thought they might be.

Q. What did you do then about trying to seize and closing it out, or making inquiries as to whether or not there were any other places selling? Did you do anything? A. I had some men there to attend to it and see what was being done and to do what I supposed was proper and right to do in the premises.

Q. I asked you what you did? A. Perhaps I didn't do anything more than inquire, as you talk about, and made some investigation.

Q. What did you find out? What was the result of your inquiry? A. I don't remember.

Q. As a result of any inquiries you made you didn't give any special instructions to any of these liquor deputies to seize any place, did you? A. I don't think the men did go and seize anything; I didn't tell the men to go and seize anything that I didn't know anything about; I wouldn't tell him to make a promiscuous seizure unless I knew they had something to seize.

Q. As a result of any investigation you made you didn't order any seizures made? A. I couldn't find rum by investigating. If you are going to find rum you have got to go and seize it and find it.

Q. You didn't try that? A. No, I never did, and I never shall I don't believe, if I could get somebody else to do it.

Q. Did you or any of your deputies make any seizure of liquor within the past year? A. No, I didn't.

Q. Let me ask you a question. A. Yes.

Q. How long has it been that you have realized that they were not making any seizures during the past year?

A. All I wanted to do was to have the business of seizing rum and so forth carried on by someone, and as long as I had an idea that the municipal authorities were undertaking this sort of thing and were going to do it, and the mayor said he was going to do it and would, and it left me comparatively unembarrassed.

Q. When was this that you were left unembarrassed about it? A. Well, a couple of years ago.

Q. So that for the past two years you

have been unembarrassed about it? A. Yes, somewhat. As long as I supposed there was no use of my being embarrassed, I supposed the city government were doing it, and they did do it.

Q. Why did you keep three liquor deputies there in Bath? A. I don't know as that is any of your business, why I did. I can't see it.

Q. I don't know as it is any of my personal business, but the convention might want to know. A. Very well.

Q. I don't care personally. A. Well, I hope you don't; I don't.

Q. Why did you, Mr. Ballou? A. I don't know.

Q. That is your answer, is it? A. I don't know what the question was.

(Question read by the reporter.)

Q. If you thought the police were taking charge why did you keep three liquor deputies there nearly all the time and two Sundays? A. I have told you two or three times, and I thought if we had half a dozen more they wouldn't more than keep the thing down where it belonged.

Q. I understood you to say you had been relieved from all embarrassment. A. In some way I have been.

Q. I wonder whether that was true. And it is also true that you felt you needed some deputies? A. Yes, take it as you see fit.

Q. Now, did you make any inquiries of those two deputies of yours that were there Sundays, as to what they were going to do? A. I asked John and he said that everything was good, and there was nothing; I asked the deputies and they said all the shops were shut up and nothing doing at all, and there wasn't a thing.

Q. And they observed the Sabbath evidently? A. Well, they shut up shop.

Q. Now you were present at the December term of court I suppose? A. Yes.

Q. And did you know that at that term of court there were half a dozen of these rum sellers fined, search and seizure warrants? A. No, I don't think there were.

Q. You don't think there were as many as that? A. No, I don't think there were any.

Q. Not at the December term? A. I don't think so.

Q. Or the January term? A. I don't think there was anybody fined; I think they all run away.

Q. There were some cases? A. Yes, there were some cases and I think they all run away.

Q. There were some cases that were brought up? A. Yes.

Q. Were the fines imposed?

Mr. PATTANGALL: I think the record shows that the fines were continued.

Q. This record, Mr. Ballou, will show cases of search and seizure and the men against whom they were found? A. I don't remember.

Q. Roland Lewis, sentenced to fine and costs; Joseph Footer, sentenced to fine and costs; Wilbraham Levitt seems to be the only one that was continued? A. Yes.

Q. Here are five cases here? A. You know more about it than I do.

Q. Now Mr. Ballou, you say that the first knowledge you had of any complaints as to conditions you had in Bath was something like ten days ago? A. Yes, sir.

Q. Did you see Mr. Oliver's statement in the papers? A. Yes, sir.

Q. And of course you did not consider this in the nature of a complaint? A. No, I only considered the instigation of the thing.

Q. Did you take any trouble to investigate and see if there was any truth in that? A. No, sir.

Q. And the fact that there might be some 12 houses of ill fame in Bath, or that he alleged there were and gave the location of many of them, you did not consider worthy of investigation? A. No, sir.

Q. I suppose you mean by that you did not consider Mr. Oliver worthy of consideration? A. No, sir.

Q. As a matter of fact, you did not investigate that? A. No, sir.

Q. And did not investigate the charges in relation to liquor shops? A. No, sir.

Q. And did not make any inquiries of John to find whether there was any selling of liquors as alleged? That is,

you made no inquiries of John to see if there was any truth in the allegations that liquor selling was being done? A. No, I think not.

Q. And when was it after that you called on John and found out that he was not doing his duty and called upon him for his resignation? A. The day he gave it to me.

Q. Within a week's time? A. Yes, sir.

Q. And where is your son now? A. I don't know, I suppose he is in Bath.

Q. You suppose he is in Bath? A. Yes, sir, I suppose he is. That is where he lives.

Q. I suppose you made no investigation of course of the retail liquor licenses held in Bath to see whether they were held or not? A. What is that?

Q. You have not felt it your duty to inquire in regard to the liquor licenses held in Bath? A. No, sir, I think John found out something about that; he told me how many there were.

Q. When did he tell you that? A. I think three or four weeks ago. Someone was inquiring about sending someone up to Portsmouth to find out about this.

Q. Did you take any steps to see about it? A. No, sir; I thought one was enough.

Q. When were those seizures made against Schoppe? A. Three years ago I should say.

Q. And when was it that this Topsham affair took place? A. Last year, I think.

Q. This very last year? A. Yes.

Mr. STAPLES: It was year before last, 1911.

Q. (By the Attorney General) And the Schoppe business was before that time? A. Yes, sir, before that. I have had trouble enough, God knows.

TESTIMONY CLOSED.

Mr. STAPLES: Mr. President, by agreement, certain of the votes at the last State election in Sagadahoc county are to be admitted in evidence, and without reading the whole list, it shows the vote for Governor and sheriff in the county. I offer simply

the 1910 vote for Mr. Fernald for Governor in Bath, 700; Mr. Ballou for sheriff, 927; total vote of the county for Governor, Mr. Fernald, 1785; Mr. Ballou, sheriff, 1920. In September, 1912, vote in Bath for Governor, Mr. Haines, 723; Mr. Ballou, sheriff, 1014; total vote in the county for Governor, Mr. Haines, 1875; Mr. Ballou, 2021.

Mr. PATTANGALL: I would like to offer, Mr. President, without recalling Mr. Owen, the statement in regard to the number of liquor licenses held in such counties as are recorded and reported in the Civic League paper.

The PRESIDENT: Is that agreed to?

Mr. PATTANGALL: No, but it was spoken of by Mr. Owen.

Attorney General WILSON: It seems to me, Mr. President, that is going a little too far. I do not object to what Mr. Owen testified to, for we have been very lenient, but to put in documentary evidence of this kind to be used for any purpose, seems to me is going too far.

The PRESIDENT: The presiding officers have considered the matter very carefully and rule that it is not admissible.

Mr. PATTANGALL: Mr. President, I would not argue the matter for a moment but this is a court where we cannot take exceptions. Would the presiding officers consider it improper if I could recall Mr. Owen to the stand, he having already stated that the total number of liquor licenses in Maine was 1200, and having given the number in Sagadahoc county, and ask him to give the number in various other counties, and for this purpose alone: I realize the fact as unquestionable, and the presiding officers realize, that Mr. Owen having testified that there were 43 licenses in the county of Sagadahoc, the impression might get to the minds of some members not wholly familiar with the record of the United States licenses that that was a strong indication that intoxicating liquor was sold there to excess, without giving the total of the other counties with which gentlemen here are generally familiar, that would disabuse the minds of these members of evidence which otherwise might prejudice the case.

In the printed document, Mr. Owen's division of the figures which he has reported, are given. He states there are 1200 licenses in Maine. Would that alter the minds of the presiding officers?

The PRESIDENT: We think it is not admissible.

Mr. PATTANGALL: I understood the presiding officer that it was admissible to state the number in Sagadahoc?

The PRESIDENT: Was that objected to?

Mr. PATTANGALL: No, it was not objected to. I want to ask one question, I don't think I would introduce it as evidence, but as part of the record of the House without the introduction of the document, would the presiding officer rule that it would be proper in argument to quote from the message of the Governor, or should that be introduced as evidence in order to be used in argument?

The PRESIDENT: The attorney general probably would not object.

Attorney General WILSON: I should probably not insist upon the message being introduced in evidence.

Defense Rests.

The PRESIDENT: Is there anything further, Mr. Attorney General?

Attorney General WILSON: No, Mr. President, I will see that the exhibits are in.

(Exhibit 7 marked, Plan of streets.)

Mr. PATTANGALL: Mr. President, and Gentlemen of the Convention: I will realize the lateness of the hour and I will endeavor to present the matter as briefly as I can in justice to the case, briefer than I ought, because this is the sort of a case in which neither party coming before the bar of this court to answer to charges should be hurried in his defense, nor one in which the prosecution should be hurried in the presentation of their case.

I regret, and every sane man not only in this convention, but in Maine must regret that when so important a matter as this is to be presented to a convention such as this and through you to the people of Maine, that it comes in the closing hour of the Legislature when many members feel it incumbent upon them not even to stay and hear the evidence and vote; when we are

obliged to present the case to perhaps three-fourths of the members of the House and Senate.

We all regret that, but we have no control over these proceedings; we have to take them as they are, to meet conditions that confront us and to trust in the good sense and judgment and justice and reasonableness of the large fraction of the Legislature which is staying tonight to do its duty.

As my brother stated in his opening, and I want you to recall it to your minds, in the whole history of Maine from 1820 down to 1913 only so many cases of this kind have been presented to a Maine Legislature in number, the same number that you are being called upon to try in the last days of one session of the Legislature; doing this kind of work as much as 93 years of your predecessors have been asked to do.

It is a hard duty to thrust upon you; it is a hard duty to put upon the men who represent those who come before you to answer charges, and it is a hard duty for counsel for the prosecution.

Before I present any argument directly concerning this case, there are one or two things that I would like to suggest to you. This sort of a trial may seem a tremendous joke to the thoughtless. It may seem to some that we have been acting out a scene here this afternoon which ought to move to laughter even those who sit engaged in the solemn business of acting as judges. It does not so appeal to my mind. You never will have either as legislators or as officials occupying any other sphere of duty a case of more importance presented to you and one that should weigh more heavily upon your hearts and consciences, and when you are asked in this hurried way to act on charges presented almost at the moment they are to be answered, and recommending to the Governor of Maine the removal from office of a public servant, who, no matter what technical faults may be found with his administration, has served the people of his county so satisfactorily to them that for a life time they have endorsed him, you never will have a duty put upon you that ought to weigh more heavily than that.

And now what are you considering? Each and every one of you think you are considering a question addressed to your sound discretion. Do not in this case or in other case like it get the idea that you are trying a criminal indictment, a complaint, a warrant, or even an impeachment. Every charge set forth in the resolve that I hold in my hand might be technically proven and yet on your honor and on your consciences you could say, "I feel that it is not best for the interests of my State, for the interests of Sagadahoc county, to address the Governor for the removal of this sheriff." Will you think of that when you come to your final deliberations? You are not to vote and you ought not to vote as to whether the charge that John Ballou has done or failed to do certain acts, that are true or not, or as to whether he is guilty or not of certain charges, but as to whether on all the evidence and all the facts presented to you, as men with the good of men at your hearts, desirous to do justice to everybody, you deem it your duty to request the Governor of Maine to remove him from office.

And what of the charges themselves? I will read the resolve:

"Resolve, in favor of the adoption of an address to the Governor for the removal of John W. Ballou, sheriff of the county of Sagadahoc.

Resolved, that both branches of the Legislature after due notice given according to the Constitution will proceed to reconsider the adoption of an address to the Governor for the removal of John W. Ballou, sheriff for the county of Sagadahoc, for the causes as following:

First, because the said John W. Ballou, who is now holding the office of sheriff for the county of Sagadahoc, and who has held said office continuously since the first day of January, A. D., 1913, wilfully or corruptly refuses or neglects to perform the duties required of him as such sheriff by section sixty-nine of chapter twenty-nine of the Revised Statutes of this State as amended by chapter forty-one of the Public Laws of nineteen hundred and five."

Has there been a refusal to perform? I find the Statute which might well have been resorted to before these proceedings were brought. Section 9 of chapter 82 of the Revised Statutes: "Sheriffs shall obey all such orders relating to the enforcement of the laws as they are from time to time received from the Governor."

Was any order under the statute, a statute as binding on the Governor of Maine as are the laws binding upon the sheriff of the county of Sagadahoc? Has any order come from the Governor of Maine to the sheriff of the county of Sagadahoc to enforce the laws? In the Governor's message he says not. He says, why not? And I do not follow that statute—and I quote in substance—I don't follow that statute because to my mind it would do no good for me to follow it. In other words, I disregard the solemn mandate of the law, unless following out that solemn mandate would carry out some good. Just what sheriffs have done all other men for many years have done. No order came, no refusal, no request made by anybody, not even by the officers of the Civic League, hunting out the cities of the State and requesting proper and improper things of the officials; and they at Bath found the conditions were such that they did not request John Ballou to perform any act for them. There has been no refusal to perform and least of all, a corrupt refusal.

I know my Brother Wilson will not argue for a moment that there is either evidence or suspicion of any corrupt act on the part of John Ballou, no corrupt act, no refusal. Neglect! Corrupt neglect! No. Wilful neglect—and there, my friends, I want you to distinguish between mere neglect and wilful neglect. This is not a law court. When the sheriff of any county binds himself to do any work and no complaint comes to him about that work from anybody within his jurisdiction, from the judge, from the grand jury, from any individual in the county, is it not right to suppose that the work is being done properly, and even in fact, if it is in fact neglect to

oversee work as he should, has he willfully neglected it?

Think of that. Why, gentlemen, if you are going to try this sheriff or any other on the proposition that you have found liquor sold in his county, if you find rum sellers living in his county and from time to time doing business there so that they are known to the public, that under this constitution that is sufficient proof upon which to address the Governor for the removal of a sheriff from office, then you must remove them all and in a month come back and remove the men appointed to take their places; and in another month go through the same operation. Let us be honest with each other tonight. It is luxurious for the people of Maine to be honest. Let us be honest tonight with ourselves and with John Ballou, with the evidence that has been put in here today that there were places where liquor was sold in Bath and the names of the men were well known and the places were said to be on public streets.

Watching the faces while this evidence was being put in, I saw here and there on the face of a member a knowing smile, as much as to say "What damning evidence is this!" And yet I knew that the man who smiled knew that in his own town the officials were doing the same thing and that just the conditions existed that were stated here today.

We must take things as they are. We must not expect ideal work on the part of anybody. There is no public officer in the whole United States of America that in every detail lives up entirely to his oath of office. It is said sometimes by men who live up in the mountain tops, and now and then come to where most of us spend our lives, that it is a terrible thing that violations of the constitution should occur. To illustrate to you how the constitution is violated, I want to call your attention to the fact that by section 7 of article 4 of the constitution this Legislature and every other legislature that ever assembled in Maine is absolutely forbidden to charge up as mileage a single cent over the regular and actual traveling expenses, and still you

will all do that before you go home and will violate the sanctity of your oaths, and every legislature has done it since 1827. You do not do it corruptly. I imagine the most of you never read that section of the Statute. You will perform the same thing as I have performed myself when in the legislature. Now that I have told you about it, now that you have been warned,—not by the executive but by the feeble mind of a member of the public,—you will probably follow the Constitution and cut the mileage out. But I do not believe if you follow the Constitution from one end to the other, you will find that men who live in public life live up to the spirit of the law, let alone the letter of it. We talk a good deal about these things, how awful it is that sheriffs do not pursue the liquor sellers every minute, for he thereby fails to live up to his oath of office. Let me remind you that not sheriffs alone take the oath of office, but that you all took it with up-held hands when you came here at the convening of the Legislature, and that all public officials take an oath.

"I do swear that I will support the Constitution of the United States and of this State so long as I shall continue a citizen thereof, so help me God," and then the oath that you will faithfully discharge the duties of your office. Let me call your attention to that: "I do swear that I will faithfully uphold the Constitution of this State, so help me God," and in that Constitution my friends is an amendment with which most of us are familiar, that makes it a crime to sell intoxicating liquor in this State. Anywhere. Not alone at the Ram.

You have heard a good deal about the Ram today. You didn't hear many comments about the clubs, although they were in the list Minister Owen read to you. Forbidden by the Constitution to maintain a single club where liquor is sold to members in the State of Maine. And you men, sworn to uphold the Constitution, do you violate your oaths by supporting in whole or in part, any club?

Ah! take it home to yourselves. Are you going to sit here and say that because John W. Ballou, or any other sheriff, permits the business and professional men of his city to maintain a club that is forbidden by the Constitution and

the laws, clubs to which many of you resort from time to time, either as members or visitors—that because he does that, you are going to put on the long face of a hypocrite, and say on the evidence, "I must discharge him from his office."

Can you do it? Do you feel like doing it? Isn't there manliness and honor enough in this House and Senate so that you reject that proposition with scorn? Oh, but you say, there is more than clubs. Yes my friends, but when you talk about enforcement you are negating the idea of regulation, and the lowest dive that was ever maintained in the city of Bath, with or without the knowledge of any official there, is as much an infraction of the Prohibitory law that men shout so much about upholding, and uphold so little in their private lives,—one is as much an infraction of the laws as the other, and the sheriff who permits one is as much guilty of disobeying the law, as the sheriff who permits the other—I won't say permits, acquiesces in it, acquiesces in the existence of the club.

And what do you think of the sheriff? Why, a record was read here, a court record, in which it was shown that certain men had been brought into court, and there charged with liquor selling, and their cases had been continued. Who continued the case? Necessarily the county attorney and the court. Cases not prosed. Who not prosed them? Under the law of your State the county attorney has the arbitrary power to not pros any case he wants to short of murder. Cases filed. Who did that? The county attorney.

And case after case where liquor sellers were brought in to court and fined and the fine must be imposed by the Judge,—let me read to you, "December term 1912, five liquor cases; one continued." Is that the fault of the sheriff? "One placed on file." Is that the fault of the sheriff? "Three fined." Is that the fault of the sheriff?

By the action of the County Attorney, the combined action of the County Attorney and the Judge of the Supreme Court who presided at the January term at Bath, five liquor sellers were relieved of their offence, one by having the indictment filed, one by having it

continued, and three paid fines, and you know the result of that. You know that the next day they are back into business again, and you know that it is absurd, wholly absurd on the face of it, foolishly absurd, to expect the sheriff or his deputies, or his liquor deputies, or the police of Bath, or anybody else can drive those men out of business if the County Attorney and the Court take care of them with continuances, and filed indictments and fines.

Of course there is liquor sold in Bath. Who doubts it? Of course there is liquor sold in Bath, and in every other city of its size and kind in Maine, openly enough so that every well informed man in the town knows that there is liquor sold there, sheriff and all, and any of you who have had the slightest experience in these matters know this, that to entirely terminate the sale of liquor in Bath, even by the old offenders who are well known men, even in well known places, would require not one liquor deputy, nor three liquor deputies, but an army of liquor deputies, keeping at work all the time.

You know the plan which they say they adopted at Bath was the practicable, sensible and business like plan that is adopted everywhere, that because the sheriff is limited as to his number of deputies, he would be at least assisted in that work by the police of the city. And the man who criticizes most harshly the condition of affairs in Bath, and the administration of affairs in Bath, told you on the stand that when he made his criticism he was aiming it wholly at the administration of the Mayor, and that in his opinion conditions could not be bettered there by the removal of John Ballou from office and the substitution of another in his place.

I intend to proceed rapidly and merely to sketch an outline of the points I would like to have you consider in the limited time that I shall address you.

I ask you then to take this proposition, that you are not trying to decide whether or not John W. Ballou has followed the letter of the law, whether or not he has personally gone into the business of hunting out liquor sellers. You are deciding a broad question of whether he ought to be removed from

office and that question rests upon the proposition of whether he is not in general administering that office under the condition under which he acts, in the community in which he lives, as well as it is likely to be administered by someone else. It is not for you to say that John Ballou, because he has been negligent in not overseeing the work of his son, should be removed. It is not for you to say, in the careless off hand way, that I inadvertently overheard one member of this Convention say today, that although he sympathized heartily with Mr. Ballou, it was apparent that the old gentleman had grown too old to be fit to do the duties of a sheriff. Ah, that is not for you! That is not for you!

That question was up to his neighbors in the County of Sagadahoc last Fall, and they showed their appreciation of the man, their appreciation of their old neighbor, by giving him a tremendous majority as a candidate for office at that time. Do you know the wickedest things that can be imagined are done by men moved by party zeal—things done by them under that pressure of party zeal which they wouldn't think of doing otherwise. I am glad tonight, that in trying this case, and closing it up, we are not sitting here as Democrats or as Republicans. We are sitting here as men. Men of Maine, united in a common purpose to do that which we believe to be good for Maine, and that is to administer justice generously and fairly in all the affairs that come before us.

Yet this matter and all kindred matters that accompany it emanate from the same bad source from which came Wilbur Oliver's letters in the Bath Times. We may as well speak frankly. This solemn occasion was hurried on to you and brought about because of a desire on the part of somebody, at some time, not by the introduction of this resolve, but by the forcing of its introduction, to gain some apparent political advantage. In the heat and turmoil of politics those things are started. But they must not end in the heat and turmoil of politics. They must end in the cool, calm, honest judgment of men moved by their sober sentiment,

moved only to do that which they believe to be right.

It would be a terrible commentary on our system of government here in Maine, if because somebody sought to gain some standing among a certain class of our citizens by pretending to be an advocate of intense, fanatical enforcement of this Prohibitory Law—that because of that you should take from John Ballou all that in his old age he has left, the honor of representing the people who honor him, who esteem him, aye, who love him. It would be a terrible thing. Think! When I asked the witnesses of the prosecution, going into their own camp for the information, men whom I never saw before, and probably never will see again, if down in Bath, there had been even a rumor of dishonesty connected with John Ballou's name, those strangers said to me, "no."

I knew that I could take that chance safely with every citizen in Sagadahoc county, with every man who ever shook John Ballou's firm hand or looked into his honest eyes. I knew I could do it. Think of it—a man who has occupied the office of sheriff for 36 years, an office which is always surrounded by gossip, surrounded by malicious gossip,—for 36 years, and yet nowhere in any corner of that county can you find a man so low and mean and despicable as to intimate that ever a dishonest act came from John Ballou. Think of it!

And you are asking to remove that man from office!

Gentlemen, I respect the sheriffs of Maine, I know most of them. They are gentlemen. But I dare say that no other sheriff in Maine could hold that record for six years, the record that no enemy even accused him of dishonesty. It is a rare thing. I have known many of them to be unjustly accused. I never knew one to absolutely escape such accusation, excepting John Ballou. And when they tell me that he has held the office 36 years and that in all that time no breath of scandal has been whispered against him, he stands to me like a lighthouse, showing the way to decent fame which he has achieved by his manly integrity and his honesty of purpose.

And you are asked to remove him from office? Why? Because, forsooth, he did

not demean himself by going personally in his old age down into the filth of Bath and searching rum shops, but appointed deputies to do it. They were not as vigilant as the Statutes say they ought to be. They were not as vigilant perhaps, as you and I think they ought to be, and he is technically and legally, of course, responsible for their acts.

Nor would I have you think that John Ballou at any point in his career would escape the responsibility of his acts. Technically, legally, responsible for them, and yet doing just what that high-toned old man ought to do, leaving that sort of work to somebody else, trusting them perhaps too implicitly. And think! the man whom he trusted was his own son, and if a man cannot trust his own son to do his work, whom can he trust? He believed in his son, and when his son told him that things were going along in Bath as well as could be expected, when of all the 10,000 people in Bath not one came to him and made complaint, when of all the citizens of Sagadahoc no one complained, when of all the people of Maine no one complained, he believed that everything was going along as it ought to go. Not with fanatical enforcement, but reasonably, fairly, honestly.

If he was wrong in that belief, he was misled, if he was deceived somewhat by his own son, and somewhat perhaps by the city administration in conjunction with which he worked, are you going to say to the Governor of Maine.—we ask you to remove him from office? What a terrible thing it would be! What an awful thing it would be! What a travesty on justice it would be! If you should take that attitude.

Let me say to you again, if the proving that the sheriff knows of misdemeanors being committed in his county and does not raise his voice against the committing of those misdemeanors is evidence to suffice to remove him from office, I can bring before this House charges which will remove from office all of your sheriffs. I will go farther yet,—all of your county attorneys. I will go farther yet and say that if you read the clause in the Statute on the same page as that from which my Brother Plummer read relating to selectmen and mayors of cities, I would undertake to put out of

their offices, if that suffices to do it, every mayor of every city in Maine, and every selectman of every town in Maine with over 500 people in it,—not alone on the liquor law—there are other laws in Maine.

But if the commission of misdemeanors by people within the jurisdiction of an executive officer, and the knowledge on the part of the executive officer, that such misdemeanors are permitted are sufficient to remove him from office, then I reiterate to you every executive officer in Maine is open to removal, and even at the risk of being misquoted and seeing the glaring headlines in some Portland paper with regard to the matter, I would say I could go far enough in that line to almost get to the judges of the Supreme Judicial Court of Maine.

Think of that! Take your statutes and read the duties that are laid down for officials. Nobody lives up to them. Nobody ever did live up to them. Nobody ever could live up to them. Men take their duties seriously and work under them, under the conditions which surround them and do the best they can.

Let me picture for a moment—and I won't take but a moment doing it—what you are calling upon John Ballou to do, if you follow the line of the testimony presented here, to enforce the law in Bath.

And that means what? To close the clubs, of course, and not alone to close them, but to diligently inquire as to the doings of the clubs, and get out search warrants and personally search the clubs, and then arrest, of course, the members of the clubs. Well, we didn't have many Bath men on the stand. But we had one or two,—the judge of the Municipal court, a fine young man, a brother lawyer of mine, a friend of mine.

And it shows in the evidence that if John Ballou was doing his duty as called upon by that iron-bound statute that he would be obliged to bring some sort of criminal proceedings against the Judge of the Municipal Court as a member of one of those clubs, that Willbur Oliver declares to be Rum places. Think where that leads you! Do you believe that there would be a city official left in Bath if that sort of enforcement was started? And you

have not any right to say what kind of enforcement you will have. All you can say is that you will have enforcement, or you will leave it to the judgment of the executive officer as to how far he will go. You cannot tell him. You want him by these charges and by this evidence to go as far as he can. And if he went as far as he could, and proceeded in the way in which he has been proceeded against, without warning and without notice, he would hale before the courts of this State the best citizens of his city.

And he would have to be careful in his work, or he might bring in in his drag-net some visiting strangers of renown who happened to be enjoying the hospitality of his town at that time. It is a sweeping thing. How easy it is, my friends, to look solemn and say the law should be enforced—the law should be enforced,—it ought to be. If you had the Sheriff of Kennebec here before you tonight and the prosecution offered evidence that the sheriff had knowledge that there were certain places in this town where members of the Legislature, either by invitation or otherwise, could participate for a little while in maintaining a liquor nuisance, would you have the heart to remove him? How many of you could do it? Be honest with yourselves my friends.

Sometime or other the whole State of Maine will take this matter up, free from cant, free from hypocrisy, in a decent, honest, manly way. If there was shown against John Ballou one particle of dishonesty, one suspicion of dishonesty, I should be loath to make for him the argument that I am making now, and if proof of dishonesty was shown I should expect you to vote unanimously for his removal. No evidence of mal-administration, no evidence of any wrong doing in any way whatsoever, except that he has given over the administration of that part of his duty to liquor deputies instead of doing it himself.

It came in evidence that he did not swear out warrants. Why, some of you are familiar with the sheriff's office of Maine. Do you know a sheriff of Maine who swears out warrants? Do you think the business of the high sheriff is down to where he goes about from place to place, peeping in the doors of

rum shops, looking through the keyhole in houses of illfame and trying to get a chance to swear out a warrant against somebody.

Oh, I remember when I was a little fellow the first high sheriff I ever saw. He looked bigger to me than the Emperor of Germany would look now. He was a great fellow. In those days the office of high sheriff was given to big men. Great men held it. They were the leaders in the counties, and you held that kind of sheriffs in until you kept pressing statute after statute upon them, making of them nothing, if they followed the letter of the law, but liquor spotters, like some of the gentlemen here who bring evidence against them.

Most of that generation of old sheriffs have passed away. You have got one left, a sheriff of the old days, a sheriff of the bygone times. A man who has come down to us from another generation, who has enjoyed the friendship of the great in Maine, and not been puffed up by it, who has been the friend of the humble in Maine, and not been lowered by it, a man who has lived with the best and done good to the worst; a man who after thirty-six years of official life is forced in his old age to keep on performing the duties of Sheriff of Sagadahoc, with dignity and care and such energy as he possesses, in order that he may take care of himself and his wife in their old age; a man who in these days of graft and crookedness, in these days when it is almost prima facie evidence that there is something wrong about a man if he mixes up in public life at all, who after that long official life with all the opportunities that came to him in his office, in a County where there is some latitude in the administration of the law, is poorer today than when as a young man he first assumed the burdens of office. And you are asked to remove him! You are asked to remove him and put the stamp of your disapproval upon honesty, or manliness, on candor, on frankness, in order for what? In order that when he goes out, by some hook or crook, some Wilbur Oliver, or creature of that stamp may be picked out to take charge of the sheriff's office in the County of Saga-

dahoc; some man who when he speaks of the wickedness of his city, his home city, rolls it over in his mouth as a choice morsel; a man who delights to come into the public print, and who when he finds something going wrong, or that he thinks is going wrong, instead of going to the officers and telling them where the trouble lies, instead of going to his old friends, the man whom he had known from boyhood as an honest, square, manly man, and saying to him "Mr. Ballou, there are things going on in this town that you ought to know about,—I want to tell you about them and have you straighten them out"—instead of that goes into the public print and spreads broad cast over Maine the statements that were read here today, grossly exaggerated, and uttered by him purely and solely in an effort to gain votes in one of those despicable political campaigns to which we are becoming too well accustomed.

That is the only sort of a fellow you could get to take the place made vacant by the action of this Legislature, or our Governor in displacing such a man as John Ballou. No honest man in Sagadahoc would take his place. No honest man in Sagadahoc of either party wants his place, until the kind Master calls him home, and when that time comes I would rather lie down in my last sleep with John Ballou's record, knowing him as I have, than to take my chances with the record of any Wilbur Oliver, or any member of the Civic League, or any investigator of conditions in Bath, who would come here and by inquiry of his attempt to drive from office, John W. Ballou.

Ah, you have the power. You have not the right, but you have the power to assist in robbing him of his office. You cannot rob him of some things, though, my friends. You can't rob him of his honor. You can't rob him of his kindness. You can't rob him of the fond affection of the thousands through Maine who know him and love him, have known him and loved him, and will know him and love him long after the 76th Legislature has ceased its work.

I am not afraid of what you are going to do today. I know you for men. Some of you are Republicans. Some of you

are Democrats. Some of you are Progressives. That is only on the outside. Some of you believe in Prohibition, some of you don't. That don't amount to much. That is only a difference of opinion. But down in the hearts of those of you whom I know, and I know many of you, I know that there is a deep broad sense of manliness. I know that when you decide this case, you are going to decide it with your minds, your hearts, your consciences, and I know that when you have decided it you will do it in such a way that everyone of you before he leaves for home will meet again that kind old man and shake his hand more pleased and more honored than he will be at meeting him once more.

I thank you very much indeed for your kind attention. (Applause).

Attorney General WILSON: Mr. President, Mr. Speaker, Gentlemen of the Convention:

As has been stated by everyone who has taken occasion to address this convention, this is a solemn duty which the members of the two houses of the Legislature of this State are called upon to perform in a proceeding of this character, and I know that the hour is getting late and I shall not occupy your time at great length.

Now I want to comment just briefly, before I enter upon a discussion, on the questions that it seems to me the members of this Legislature will consider when you decide upon this question that is presented to you. The duty which you and I have to perform, gentlemen, is one in behalf of the people of the State of Maine. Now when we are called upon to perform a duty of this kind, it seems to me that we ought to rise above those petty and lower elements in us that sometimes cause us to ignore and look upon violations of the law, perhaps as a joke or in a slighting manner.

The question of whether or not any of you gentlemen in the past have committed some misdemeanors, or violated the laws of this State, it seems to me ought not to be taken into consideration in fulfilling and performing the kind of duty which you are called upon to perform in a case of this kind. It seems to me that you ought to rise above that sort of thing, that question of whether or not

any of you may have sometime violated the Constitution of the State, or some of the laws of the State. There is a higher duty that you are called upon to perform and in which you ought to exercise the better elements of your nature because you are performing a duty for the citizens of the whole State of Maine.

Now in these proceedings in which you are acting, technically termed an address to the Governor of the State, the Senate, one of the branches of the Legislature of the State of Maine, has proceeded to summon one of the public officers of the State before the bar of these two Houses, and to ask him to show cause why he should not be removed from the office which he holds for certain causes which they have alleged in this resolution.

Those causes are, as they are set forth, gentlemen, and I want to call your attention to them briefly, that John W. Ballou, sheriff of Sagadahoc county, has since the first day of January, 1913, since he began holding his present term of office, wilfully or corruptly refused or neglected to perform the duties required of him as such sheriff, by section 69 of chapter 29 of the Revised Statutes of this State.

Well now, gentlemen, what are the duties that Mr. John W. Ballou is called upon to perform as sheriff of the county of Sagadahoc, by section 69 of the Revised Statutes of the State of Maine? His duties are these, gentlemen. That he shall diligently and faithfully inquire into all violations of law in his county, and institute proceedings in cases of violation or supposed violation of law, and particularly the law relating to the illegal sale of intoxicating liquors and the keeping of drinking houses and tippling shops, gambling houses and houses of ill fame, either by promptly entering a complaint before a magistrate and executing the warrants issued thereon, or by furnishing the county attorney promptly and without delay with the names of the alleged offenders and of the witnesses.

Now those, gentlemen, are the duties that Sheriff Ballou undertook to perform when he took his oath of office on the first day of January last. Now you have alleged that he has wilfully or corruptly

neglected or refused to perform those duties.

Well, now, it is a pleasure to me, gentlemen, and I have no doubt that it is a pleasure to every one of you, and will be a pleasure to the whole State of Maine, and to the many friends whom all of us know that, Sheriff Ballou has, that no one of us thinks or ever did think, I trust, that Sheriff Ballou has been corruptly negligent, or has refused to perform the duties with which he was charged.

I think none of us have any feeling that Sheriff Ballou has corruptly neglected or refused to perform these duties, but, gentlemen, he did have a solemn duty placed upon him to perform, and in these days, gentlemen, especially at this time when the question of the enforcement of the laws of the State of Maine takes such a prominent part in all of our social matters, the question of whether any officer in this State is wilfully neglecting to perform the duties imposed upon him by the statutes of the State must appear to you, when you recognize the conditions existing in the State of Maine, as a matter of great importance to the citizens of this State, and any little petty question of whether any gentlemen here are engaged in any of the rooms down here in the City of Augusta in a technical violation of the laws of the State—because all of us have some elements of our own, perhaps, of which we wish we were not possessed—it is not for us to consider, but when we are considering the interests of our great State, and the importance to all the citizens of the enforcement of all these laws and the recognition of order in the society in the State of Maine, it is important that we should rise to a higher plane, gentlemen, in performing this duty, and if at this time you find that any officer in this State, any sheriff in the State of Maine, is now—that he does not now realize the importance of his enforcement of every law upon the statute book, that it is time he was called to account before this Honorable bar, before which Mr. Ballou has been summoned on this occasion.

Now let us see for a moment as to

just what conditions were in the county of Sagadahoc, and determine when you consider this question as to whether or not there has not been a condition there that warrants you in taking this matter and determining that whatever the reason may have been, whether or not Mr. Ballou has not negligently performed the duties that were imposed upon him, that is, to diligently inquire into the enforcement of supposed violations of the law in his county.

Now I don't believe that any man within the sound of my voice believes that the law has been reasonably enforced in the county of Sagadahoc within the past year. I don't believe that listening to this testimony that has gone in here before you—I don't care whether it has come from the lips of Mr. Oliver for political reasons in the first instance—as a matter of fact, gentlemen, it proved to be true, what Mr. Oliver states in the papers during the months of February and March in the city of Bath. That is the question for you to consider, not what incited this article, but whether or not he was telling the truth in the conditions which he depicted as existing in the city of Bath. It is not only the violation of the liquor law, gentlemen, but the condition that existed in the city in regard to the violation of the other laws, the laws against gambling houses and the houses of ill-fame. You heard the testimony as to conditions that existed there, and how openly the law was being violated in this respect, and because you have committed some petty offence some time in your life, and because you may have the greatest sympathy for Mr. Ballou, at his age, are you to allow these conditions to continue or not? Is that your duty as you conceive it to your constituents and to the State of Maine?

Now I don't believe that it is for me to take up any of your time in discussing the evidence that was introduced here in regard to the actual conditions that existed in Bath during the last three months or six months. Now we didn't introduce the evidence in relation to the liquor licenses for the purpose of showing the number of

rum-shops in the city of Bath, because we had other testimony upon that point, but we did introduce it for the purpose of showing that there was a source of information that was open, not only to Mr. Ballou, but to his deputy sheriffs, from which they could obtain some knowledge, if they had been diligent in enforcing the law, as to what the conditions were in their city, if they had desired to know them.

But we did introduce testimony here of citizens of Bath, Mr. Oliver, Mr. Atherton, Mr. Parsley, and Mr. Purinton, and not only that, but Mr. Ballou's own deputies, who testified that there were at least twelve rum-shops in the city of Bath that had always been known as places where the law against the sale of intoxicating liquors was violated. Now, there was no question in the testimony of these gentlemen but what liquor was sold openly in these places. Mr. Parsley says he went into this place called "The Ram" two or three times a week, and he found the bar with the bar-tender behind it, and liquors in bottles on the shelves, and everything wide open, and that was true of almost all of the places, so far as he went into them.

Now, gentlemen, as I have said before, I don't care to spend any time in discussing the evidence as to whether there was open violation of the prohibitory law in Sagadahoc county during the past three months.

Now to come down to the question of whether or not the sheriff of the county of Sagadahoc has performed his duty in relation to the enforcement of this law. The law says that his duty is faithfully and diligently to inquire into the supposed violations of this particular. Well, now, what has been done. It is undertaken here to claim that because Mr. Ballou appointed his son, a man whom he thought he could depend upon, to enforce the law, that he had performed all the duty that the statutes placed upon him. Well, now I don't believe that that question appeals to this convention with a great deal of force; that a sheriff can simply appoint somebody for the purpose, and then

sit back in his office and it be claimed that he is diligently inquiring into supposed violations of any particular law. Mr. Ballou himself made the statement that with all his experience in the office of sheriff, eternal vigilance is necessary in order to keep down the traffic in intoxicating liquor. He knows very well that in order to keep down this traffic he must keep up a continual inquiry, and see to it, it is his business and that of his officers, to find who are the violators of this particular law.

Now what did he do? As a matter of fact it was undertaken to be put in here, in order to get the burden off of Mr. Ballou, that there was a sort of gentlemen's understanding between him and the police department of Bath that the police department should enforce the law. As a matter of fact it didn't seem that Mr. Ballou himself had very much confidence of the police department, because there were several yars that he had two or three deputies trying to enforce the law in Bath, and then he took the two men off and had his son and the two deputies who appeared on the stand this afternoon enforcing the law during the last six or eight years.

Now I submit to you as to whether or not the appointment of such men and the making of no inquiries by himself or the investigating of none of the reports that came to him, so far as any did come, is a diligent inquiry into the violations of any of the laws of this state. His son, whom he says he placed in charge of this department last summer, and who it seems with all the other officers he had they have not made a single seizure in any of these well-known liquor shops, which he himself says he knows existed there and were usually selling—not made a single seizure during all that time—and do you suppose Mr. Ballou was faithfully and diligently inquiring into violations of the liquor law when he knew that sort of thing was going on? And if he didn't, gentlemen, if he sat back and allowed this condition to exist there in Bath, when these complaints were coming out—and he said he saw them—that Mr. Oliver made, and he knew that the police department was making seiz-

ures, and hauling off two jigger loads of stuff from one place, and he sat back and did nothing, and never made a single move to see whether his deputies were enforcing the law until about a week ago—don't you believe that his action in that respect was wilful and intentional, that he had thrown off this burden, as he says, and that so far as he was concerned he was making no effort to enforce the law?

Why, gentlemen, the very absurdity of calling down these four liquor deputies on Sundays, when there was not a rum-shop open except the hotels, and those two men walking the streets both together, and never visiting a single place, except the American House, and one of them went in there on business! What sort of a performance is that for a sheriff in the enforcement of the Prohibitory law? Do you suppose that that thing could go on, and nothing be done, no seizures taken out, no complaints made before the Municipal Court of Bath by any of his deputies, and Mr. Ballou be ignorant of what was going on, or be indifferent about it, and be able to convince men that he was diligent in the performance of his duties? Is that what appeals to our minds as diligence in the performance of duty? Why the word "diligence," as I understand it, means some action on the part of the person whom it is alleged is diligent. It is that sort of diligence which a business man would have in his own business in case he was looking for information in a particular thing. For instance, if a business man wanted to find out whether there was a place in the city of Bath where he could sell groceries, and he appointed an agent to sell groceries, and it was the agent's business to find places where he could sell them, and he didn't succeed in selling a dollar's worth of groceries for a year, would you think that he was diligent in the performance of his duties if he didn't find out that his agent didn't find any places where groceries could be sold in the city? Why, gentlemen, the thing is absurd, that any officer could come in here and undertake to claim as a matter of fact, and they actually confess and admit that there has been a lack of diligence and a neglect on the part

of Mr. Ballou to perform his duties as sheriff in Sagadahoc County not only for the last three months, but almost for the last ten years, that he has at times trusted to the police department so that he would be relieved of the embarrassment of it, that he wouldn't make seizures, somebody else could do it. Now it isn't necessary for him as sheriff to make seizures. He can perform his part of the duty if he sees to it that his own deputies make the complaints, and that he has not been doing. In the last three months they have not made a single seizure, and he has not made any inquiries, either, within that time.

I don't believe it is necessary to take any more time as to the question whether there are open rum shops in Sagadahoc County, and whether it is flagrant and a menace to the people of the City of Bath and to the young boys and girls that are growing up there in that city. I say it is for you to consider whether it is not for you to take cognizance of that condition, such as Mr. Oliver depicted in that city, and if any officer fails for any reason and it results in such conditions as are existing there, that it is your duty as men, as representatives of the State of Maine to see to it that that condition is relieved, and if it cannot be relieved except by the removal of Mr. Ballou and the appointment of somebody else to perform those duties, that it then becomes your solemn duty, gentlemen, to perform that duty without fear or favor, and without sympathy for Mr. Ballou, even at his age.

This is a serious matter for the State of Maine at this time, in my judgment, gentlemen: Those have existed here in the past few years that have raised questions about some particular laws, and whether or not they are practical, and whether or not they can be enforced, but to my mind, gentlemen, there has been something wider, something broader and deeper, than the mere question of whether the Prohibitory law is the wisest law for the State, or whether it is the wisest law for any community, or whether any community in particular did not want that law enforced. It is a question for the people of the whole state. The founda-

tions of the society of the state are based upon having its laws recognized and obeyed by its citizens, and when you get a condition where any class of its people, any part of its people, feel perfectly free to ignore its laws, you are taking out from under it the very pillars on which it rests, and some day, if something isn't done to stop this disregard of the laws and the nullification of our laws, I don't know where society is going to land. It is a serious question, gentlemen, for you to consider, as to what is the best course to pursue, what ought to be done, and what your duty as representatives of the people of this state requires you to do on matters of this sort. You should not let sympathy for any man swerve you one iota from the straight path of your duty when so solemn a matter, so widespread a matter, a matter of so great interest to so many people of the whole state presents itself to you, and I have a feeling that the members of this legislature will look upon this question in that way, in that broader and higher spirit, and when they take up this question to determine it, that they will determine it from the standpoint of the home, and of their family and of their children, as to whether or not they want them brought up in a state where its laws can be disregarded, and any official assume any office who openly neglects and fails to enforce them in the slightest degree.

Now I don't propose to take any more of your time, gentlemen, in discussing these things. It has grown so very late, and as many of you as have stayed here have been very patient in listening to such evidence as has been presented. I know you all appreciate the difficulty of getting evidence together in so short a time as we have had in this matter, but you all know the conditions that exist, and you must know as men what those conditions mean, and so I ask you to consider this question in all solemnity and with all the power that you have to give to questions of this kind the very best consideration.

The purpose for which the convention was formed having been accomplished, the convention was dissolved and the Senate retired to the Senate chamber.

IN THE HOUSE.

(The Speaker in the Chair.)

Mr. SMITH of Patten: Mr. Speaker, I move that this House now go into executive session for the purpose of considering the resolution for the adoption of an address to the Governor for the removal of John W. Ballou, sheriff of Sagadahoc county.

A viva voce vote being taken, The motion was agreed to, and the House went into executive session.

In Executive Session.

The SPEAKER: The question before the House is whether or not the House will favor the adoption of an address to the Governor for the removal of John W. Ballou, sheriff of Sagadahoc county.

Mr. Smith of Patten called for the yeas and nays.

The SPEAKER: On that question the gentleman from Patten, Mr. Smith, has

demanded the yeas and nays. Those favoring the demand will please rise.

A sufficient number having arisen,

The yeas and nays were ordered.

The SPEAKER: The question is whether or not the House will favor the adoption of an address to the Governor for the removal of John W. Ballou, sheriff of Sagadahoc county. Those in favor of the motion when their names are called will answer yes; those opposed will answer no. The Clerk will call the roll.

On the call of the roll 81 voted in the affirmative and 50 in the negative.

On motion by Mr. Pendleton of Searsport,

Adjourned until nine o'clock tomorrow morning.