

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

IN THE HOUSE.

(The Stenographic Report)

Monday, April 7, 1913.

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

Prayer by Rev. Mr. Mosher of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: An Act relative to the issuance of stock by corporations.

In the House this bill was passed to be engrossed, and came from the Senate in that branch indefinitely postponed.

On motion by Mr. Quinn of Millinocket the House voted to recede and concur with the Senate in the indefinite postponement of the bill.

From the Senate: An Act to amend Section 15 of Chapter 154 of the Private and Special Laws of 1911, relating to the Houlton municipal court.

In the House this bill was referred to the committee on salaries and fees, and in new draft passed to be engrossed, and came from the Senate in that branch indefinitely postponed.

On motion by Mr. Putnam of Houlton the House voted to recede and concur with the Senate in the indefinite postponement of the bill.

Orders.

On motion by Mr. Thombs of Lincoln, it was

Ordered, that the clerk of the House be instructed to procure from the secretary of the Senate, Senate Document No. 293, entitled "An Act for the better protection of automobile garage keepers and owners."

Passed to Be Enacted.

An Act to amend Sections 1 and 2 of Chapter 117 of the Public Laws of 1905, relating to the compensation of county commissioners;

An Act in relation to the assessment and collection of inheritance taxes;

An Act providing temporary clerk hire for the register of probate in Kennebec county;

An Act providing temporary clerk hire for the register of deeds in Oxford county;

An Act providing temporary clerk hire for the clerk of courts in Piscataquis county;

An Act providing temporary clerk hire for the clerk of courts in York county;

An Act providing temporary clerk hire for the register of deeds in Penobscot county;

An Act to provide temporary clerk hire for the register of probate in Aroostook county;

An Act to provide for the reconstruction of Portland Bridge;

An Act creating a State board of charities and corrections and prescribing the powers and duties thereof;

Finally Passed.

Resolve, to provide for re-indexing the House and Senate papers now on file in the Senate office;

Resolve, to provide for indexing the House and Senate papers in the Senate office for the session of 1913.

Orders of the Day.

Mr. SANBORN of South Portland: Mr. Speaker, the secretary of the committee on public health has been obliged to have re-drafted a considerable number of the bills which have been before that committee, and, having no stenographer for that committee, he has been put to the expense of \$10 for that work, and I have here a resolve asking for that sum in reimbursement, and I ask unanimous consent that it may be received at this time under a suspension of the rules.

The motion was agreed to and resolve in favor of H. D. Maxwell for expenses incurred for stenographic services for the committee on public health, was received under a suspension of the rules.

On further motion by Mr. Sanborn, the resolve received its two readings at the present time and was passed to be engrossed without reference to a committee.

The SPEAKER: The Chair will state that in accordance with the order introduced by the gentleman from Vinalhaven, Mr. Boman, the papers in the matter of bill, An Act providing for the in-

spection of bakeries and confectioneries, have been returned to the House. In this matter the report of the committee was "ought not to pass." In the House the bill was substituted for the report of the committee and the bill was passed to be engrossed; in the Senate the report of the committee was accepted in non-concurrence; later, in the House, the House voted to recede and concur with the Senate in the acceptance of the report "ought not to pass."

On motion by Mr. Boman of Vinalhaven, under a suspension of the rules, the vote was reconsidered whereby the House voted to recede and concur with the Senate in the acceptance of the report of the committee "ought not to pass."

On further motion by Mr. Boman the House voted to insist upon its previous action in the passage of the bill to be engrossed, and asked for a committee of conference.

The Chair thereupon appointed as such committee of conference, on the part of the House, Messrs. Boman of Vinalhaven, Trimble of Calais and Brennan of St. George.

The SPEAKER: The Chair will state that the report of the committee of conference in the matter of bill, An Act for the better protection of automobile garage keepers and owners, has been returned to the House in accordance with an order passed by the House.

Mr. THOMBS of Lincoln: Mr. Speaker, is this bill now in a stage where a motion to recede and concur with the Senate in the passage of the bill can be entertained?

The SPEAKER: Accompanying this report is a memorandum from the secretary of the Senate stating that the original papers were not returned by the committee of conference.

Mr. THOMBS: Mr. Speaker, I was not on the committee of conference, but I understood some gentleman who was on that committee, the other day, to state that they did not have the papers.

The SPEAKER: The Chair will state that the papers will have to be found before any motion of the nature sug-

gested can be entertained. The clerk will endeavor to find the papers.

On motion by Mr. Smith of Presque Isle, the House voted to take a recess until 9.55 o'clock A. M.

After Recess.

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

In Convention.

(The President of the Senate in the Chair.)

The PRESIDENT: The Chair will state that the time having arrived to which recess was taken, the secretary of the convention will call the roll of the convention.

PRESENT:—Sen. Allan of Washington, Sen. Allen of Kennebec, Allen of Machias, Austin, Sen. Bailey, Bass, Benn, Benton, Boman, Sen. Boynton, Bragdon of Sullivan, Bragdon of York, Brennan, Bucklin, Sen. Burleigh, Butler, Sen. Chase, Chick, Churchill, Clark of Portland, Clark of New Portland, Sen. Colby, Connors, Cook, Crowell, Currier, Cyr, Desco-teaux, Doherty, Dresser, Dunbar, Dunton, Eastman, Eaton, Eldridge, Elliott, Emerson, Farrar, Sen. Flaherty, Franck, Gallagher, Greenleaf of Auburn, Greenleaf of Otisfield, Sen. Hagerthy, Hancock, Harman, Harper, Harriman, Haskell, Sen. Hastings, Sen. Hersey, Higgins, Hogan, Hutchins, Irving, Jenkins, Sen. Jillson, Johnson, Jones, Kimball, Lawry, Leary, Libby, Sen. Mansfield, Marston, Mason, Mathieson, Sen. Maxwell of Sagadahoc, Maxwell of Boothbay Harbor, McBride, McFadden, Merrill, Metcalf, Mildon, Sen. Milliken, Mitchell of Newport, Mooers, Sen. Morey, Morgan, Morse, Sen. Murphy, Newbert, O'Connell, Sen. Packard of Knox, Packard of Newburg, Peaks, Pendleton, Peters, Peterson, Pitcher, Putnam, Quinn, Sen. Reynolds of Kennebec, Reynolds of Lewiston, Sen. Richardson of Penobscot, Richardson of Canton, Ricker, Roberts, Robinson, Rousseau, Sanborn, Sander-son, Skelton, Skillin, Sen. Smith of Penobscot, Smith of Auburn, Smith of Pat-ten, Smith of Pittsfield, Smith of Presque Isle, Snow, Spencer, Sprague, Sen. Stearns, Stevens, Stuart, Sturgis, Swift, Taylor, Thombs, Tobey, Tryon, Twombly, Umphrey, Violette, Sen. Walker, Wash-burn, Waterhouse, Wheeler, Winchen-baugh, Sen. Wing, Wise.

ABSENT:—Bither, Boland, Bowler, Brown, Chadbourne, Sen. Clark of York, Cochran, Sen. Cole, Sen. Conant, Davis, Donovan, Durgin, Sen. Dutton, Sen. Emery, Estes, Farnham, Folsom, Gamache, Gardner, Goodwin, Gordon, Haines, Hodsdon, Jennings, Kehoe, Kelleher of Portland, Kelleher of Waterville, Leader, LeBel, Leveille, Maybury, Mitchell of Kittery, Morncau, Morrison, Sen. Moul-ton, Nute, Sen. Patten of Hancock, Pea-cock, Plummer, Price, Ramsay, Rolfe, Sargent, Scates, Sherman, Stanley, Stet-son, Swett, Thompson, Trimble, Yeaton.

The PRESIDENT: The Chair will state that owing to a minor accident to the engine on the train from Portland, this morning, many of the members of the convention as well as counsel and witnesses have been delayed, but will be in attendance in the course of a few minutes.

A call of the roll reveals the presence of 130 members of the convention.

Mr. SKILLINGS recalled.

Examination by Judge CLEAVES.

Q. At the end of the session on Saturday you were giving the names of places that you visited, this year, in Portland, and I ask you to complete the list of such places and state briefly as you can the conditions that you observed? A. Will it be all right for me to read from my minutes?

Q. You can refresh your recollection from your notes.

Mr. PATTANGALL: I suppose as a preliminary matter if the witness is to use notes, it should be stated by him if his notes were made at the time and by himself.

The SPEAKER: He can only use his notes to refresh his recollection.

The ATTORNEY GENERAL: That was stated the other day.

Mr. PATTANGALL: That is, the notes the witness uses to refresh his recollection must have been made at the time and not some time since.

The WITNESS: These notes were not made in the places, but after I visited two or three places. I would then go to some quiet place and make notes of what I saw.

Mr. PATTANGALL: On the same day? A. Yes, sir, within a half hour.

Judge CLEAVES: You may only use such notes as were made at the time, and not any made since that time. A. No, sir. Saturday, March 15, at 16 Fore street, one bar keeper, four or five in there, one or two quite drunk; same day, southwest corner Fore and Union streets, two bar keepers, ten or twelve men in there, some drinking beer and some quite drunk; northwest corner Fore and Union streets, about fifteen men in there, some drinking beer and some quite drunk. I have not put down the num-

ber of bar keepers. March 17, 65 Commercial street, one bartender, strong odor of beer outside, nine or ten men inside, some drinking beer, some partially intoxicated; March 17, 40 Washington avenue, proprietor Thomas F. McGee, one barkeeper, four or five men in there, one drinking, one somewhat under the influence of liquor.

Mr. PATTANGALL: Are not the same places and dates and the same testimony that was given on Saturday?

Judge CLEAVES: I will say through the President, that I asked Mr. Skillings, Saturday, to go through his list and bring this morning those he had not mentioned.

The WITNESS: It was a little hard for me to remember just what I had mentioned. I may possibly have mentioned duplicates, some. I do not think I have mentioned this one on Washington avenue. I have it on my minutes. March 17, 21 Free street, one barkeeper, six or eight men in there, some drinking and some drunk; northwest corner of Free and Centre streets, 18 or 20 men in there, some drinking, some intoxicated, three barkeepers, two with white coats; March 17, 95 to 97 Centre street, barkeepers, two in white coats outside the bar by the stove, only two or three men in there, young man came in and was served beer, had quite a talk with him, he seemed to be under the influence of liquor; between 87 and 93 Centre street, bar man one, seemed to be a hop beer joint, old man drinking hop beer, seemed to be the only one there, northwest corner Pleasant and Centre streets, otherwise 1 Pleasant street, two barkeepers, one in white, five or six men in there, some drinking and some intoxicated. March 17, northeast corner, Fore and Summer streets, one barkeeper, eight or ten men in there, some drinking, some intoxicated, 13 to 15 Pleasant street; I haven't the number of barkeepers, but there were eight or ten men in there, some drinking and some intoxicated, as usual. March 18, 108 Preble street, barkeepers one, six or eight men in there, some drinking

beer, one intoxicated. 545 Commercial street, proprietor Patrick A. Sullivan, only two men in there, Patrick Sullivan, "Big Pat," so called, behind the bar, and apparently a barkeeper who came out of a back room; March 19, 50 Pleasant street, owner, Martin O'Hare, barmen 2, two men behind the bar, one playing cards with one in front, six or eight men in there, none drinking, one empty glass on bar and a bottle with a little brown liquor in it, 75 Centre street, one man in there doing nothing.

Q. Now, Mr. Skillings, during the time that you were a deputy of the sheriffs, did you visit in your official capacity a large majority of these same places searching for intoxicating liquors? A. I did.

Q. And what difference, so far as the openness and absence of watchers and that sort of thing, is concerned, did you notice in these same places in your visits this last month and the times you visited the same places when a deputy sheriff? A.

MR. PATTANGALL: Is it going to be proper to take up a comparison of enforcement conditions in Cumberland county under the different sheriffs for the past few years?

THE SPEAKER: Probably not. We think the Attorney General would endeavor to shorten the method and describe the conditions within a reasonable time before the first of January, and as a preliminary show the changes after the first of January.

Judge CLEAVES: That is my purpose, Mr. Speaker.

MR. PATTANGALL: This question goes back to 1902.

THE SPEAKER: It seems as though the question should cover a reasonable time and ten years would be more than a reasonable time.

MR. PATTANGALL: I can see where certain questions going back to that time would be admissible, but I suppose that any evidence as to events occurring before the first of January, so far as fixing the knowledge of Sheriff Moulton is concerned, would be confined to his term of office.

THE SPEAKER: Probably that would be the case. Two years would also ap-

pear to be a reasonable time, although it is a question of large latitude as to what is a reasonable time. The Chair suggests that the question be confined to two years before the first of January.

(Question withdrawn.)

Q. How long have you known Thomas A. Brownrig? A. Oh, about 12 years.

Q. What has been his business during that time and up to the present moment?

A. So far as I know—

MR. PATTANGALL: We object to that; what Mr. Skillings would have known of this man's business 12 years ago would seem to us as having no bearing upon Sheriff Moulton.

THE SPEAKER: The question is what a certain man knows, and as preliminary that cannot be objectionable.

MR. PATTANGALL: As to what his business was 12 years ago?

JUDGE CLEAVES: I said down to the present time.

THE SPEAKER: The counsel asked what a certain man's business was and that should not be objectionable. It may be preliminary to objectionable testimony.

MR. PATTANGALL: Is it not the rule that if a preliminary question leads to an objectionable question that the preliminary question is questionable?

THE SPEAKER: This question is admissible.

MR. PATTANGALL: One other suggestion: I supposed that the understanding was that all evidence relating to anything previous to January 1, 1913, the time embraced in the charges before the convention, was admitted simply as tending to show that the knowledge on the part of the sheriff continues without change from the prior years.

THE SPEAKER: That is the general idea.

MR. PATTANGALL: And anything that occurred prior to the inauguration of the sheriff in office would have no bearing at all?

THE SPEAKER: That is right.

MR. PATTANGALL: Then consider this: If a man had been known to Mr. Skillings as liquor dealer for some eight or nine years before Mr. Moulton came into office, would that be admissible?

THE SPEAKER: The Chair under-

stands that the question relates to the present time.

MR. PATTANGALL: But it is not confined to the present time.

(The question was read by the reporter.)

THE SPEAKER: Of course the period of two years should be covered by the question.

JUDGE CLEAVES: Particularly during the last two years?

MR. PATTANGALL: The question in that form does not eliminate the preceding ten years.

JUDGE CLEAVES: During the last two years and three months what has been the business of Thomas A. Brownrig? A. As far as I know, he has been in the liquor business.

Q. And at what place have you known him to be in the liquor business during that two years and three months? A. The only place is the northwest corner of Franklin and Commercial streets.

Q. And is he the only Thomas A. Brownrig you have known during that time as having been in business at that place? A. Yes, sir.

Q. During that same period of time, have you known Patrick A. Sullivan? A. Yes, sir.

Q. And is he the one to whom you referred as "Big Pat"? A. Yes, sir.

Q. And is that a name by which he is quite generally known in Portland? A. Yes, sir.

Q. What has been his business during the last two years and three months? A. Well, as far as I know, he has been in the liquor business.

Q. And at what place have you known him. A. I forget the number now.

Q. On what street is it? A. On Commercial street, the corner of Clark and Commercial; northeast corner.

Q. Is he the same Patrick Sullivan whose name was read by Mr. Owen as holding a retail liquor dealer's license, 41 Commercial street, and a wholesale malt liquor dealer's license at the same place? A. I think so.

Q. You understand him to be the same party? A. Yes, sir.

Q. And during the last two years and three months do you know what has been the common reputation of Patrick A. Sullivan's place at that number, so

far as the sale of intoxicating liquors is concerned? A. The last 18 months?

Q. No, two years and three months. A. The reputation has been that it has been a drinking saloon, and a place where intoxicating liquors were sold.

Q. Do you know what the reputation of Thomas A. Brownrig's place has been during that same period of time, as far as doing business is concerned, and if you do know you may state, in regard to the use of intoxicating liquor. A. I do not remember how long ago it was that that place was an express office.

Q. Since it has been an express office and within two years and three months, what has been its reputation? A. It has been a place where liquors have been retailed, intoxicating liquors, and whether they have been wholesaled there or not, I can't say.

Q. I ask you if you know what has been the reputation, so far as the sale of liquors is concerned, of the place at the corner of Free and Temple streets on the right hand side as you go down Free and Centre streets, as you go down from Congress, the one that has the cigar sign and a front and back door. A. I know where you mean. It has been the reputation of the place for some time, I do not remember just how long, as being a drinking place where liquors were sold.

Q. Longer than this year? A. Yes, sir.

Q. On the opposite corner of the same street, what has been the reputation of that place? A. That has been a drinking saloon, a drinking place.

Q. Upon the right hand corner of Center and Fore streets coming down from Congress street—do you locate the place? A. Yes, sir.

Q. What has been the reputation of that place for two and a half years? A. That has been a drinking place.

Q. Upon the opposite corner of the same streets, what has been the reputation of that place? A. That has had a reputation of being a drinking place, a regular bar room.

Q. And Fore and Cotton streets, has that the same reputation? A. Yes, sir; a regular bar room.

Cross-Examination.

By Mr. PATTANGALL.

Q. Mr. Skillings, the number of places you visited, on March 15, 17, 18 and 19, have been bar rooms for how long a time? A. Most of them for at least 12 years.

Q. And that dates back to your first work as a deputy sheriff? A. Yes, sir.

Q. Now what sheriffs did you serve under? A. Samuel F. Pierson.

Q. He died before his term of office had been completed? A. Yes, sir.

Q. And what sheriff was appointed in his place? A. Sheriff Dunn. I served under him.

Q. What sheriff came next? A. If my memory serves me right, it was Sheriff Pennell.

Q. He served two terms? A. I think he served three terms. I am not sure.

Q. Either two or three terms? A. Yes, sir.

Q. And during his term of office do you remember that for a part of his term at least the Sturgis deputies were in Portland? A. Yes, sir.

Q. Do you remember what sheriff followed Mr. Pennell? A. Yes, sir, Melvin W. Trefethen.

Q. He served one term? A. Yes, sir.

Q. During a part of his term were the Sturgis deputies assisting in Portland? A. I do not remember.

Q. And then Mr. Moulton was elected? A. Yes, sir.

Q. And served one term and so much of this as has expired since January 1? A. Yes, sir.

Q. Now those different sheriffs whom we have named were men of different political parties? A. Yes, sir.

Q. Mr. Pierson was a Prohibitionist? A. Yes, sir.

Q. And Mr. Trefethen was a Republican, and Mr. Dunn and Mr. Pennell were Democrats? A. Yes, sir.

Q. And those terms of office covered 12 years? A. Yes, sir.

Q. During that 12 years a considerable number of those places which you have mentioned were conducted as liquor saloons, were they? A. Yes, sir.

Q. They had that reputation? A. Yes, sir.

Q. And were fairly well known

places, were they not? A. Yes, they were.

Q. You remember a liquor seller by the name of John Halloran? A. Yes, sir.

Q. And where was his place? A. 65 Commercial street.

Q. That is still a liquor saloon? A. Yes, sir.

Q. And was when you were a deputy sheriff? A. Yes, sir.

Q. And when both Mr. Dunn and Mr. Pierson were sheriffs? A. It was in the first part of Mr. Pierson's administration. Whether it was in Mr. Dunn's, I can't say, I rather think that place remained open.

Q. During the two years you were deputy sheriff? A. I rather think so, although I will not be sure.

Q. Don't you know that Holloran's place remained open right along through those years? A. Yes, sir.

Q. And during Sheriff Moulton's term, do you know that John Holloran received a jail sentence? A. No, sir, I don't remember it. I may have known about it at the time, but I don't recall it.

Q. Nothing of that kind happened to him before that, that you know of? A. No, sir.

Q. That was one of the well-known places in Portland? A. Yes, sir.

Q. Do you remember at one time while you were an official that Mr. Curtis, now mayor of Portland, called that particular place to your attention and asked you why it was not closed? A. I do not remember.

Q. Would it refresh your memory if I asked you if you recall that you said to him that it was impossible to close it? A. No, sir; I don't remember anything about it.

Q. Or would it refresh your mind if I ask you if you said to him that you did not know the reason why it was not closed? A. I do not remember anything about it. It may have happened.

Q. As a matter of fact, was any attempt made to close it? A. Yes, sir.

Q. Who by? A. Myself.

Q. Did you succeed? A. No, sir.

Q. So that from your experience as an official, did you ascertain the fact that even when you were attempting to close liquor saloons, that it was im-

possible to do so? A. Not impossible, but hard work sometimes.

Q. You tried to close this man? A. Yes, sir.

Q. Did you succeed? A. I didn't succeed, that is, I didn't succeed, I can't remember whether anyone else succeeded or not.

Q. And whether that place was closed or not you know you did not close it? A. No, sir.

Q. You do not know that anybody else closed it? A. I don't remember.

Q. And your general recollection is that John Holloran's place has been open from then to now? A. Yes, sir.

Q. Do you mean to include the time when the Sturgis deputies were there, was Helloran's place running then? A. As far as I know, it has not been closed; it may have been closed.

Q. Would you be rather of the opinion that it had not been closed? A. I would not express an opinion.

Q. You expressed the opinion that the place was running right along. A. I may be mistaken.

Q. Would you say you may be mistaken as to other places referred to as old-timers? A. No, sir, this is an old-timer.

Q. In a general way, all those old-timers' places have been running right along for 12 years? A. Yes, sir.

Q. Would that include the Pierson regime and the Sturgis deputies' time? You do not know of any places that have been closed during those 12 years, do you? A. Yes, in the latter part of Mr. Pierson's administration, and Sheriff Dunn's.

Q. Who was closed of the places you testified, Saturday, had been open 11 or 12 years? A. No. 1 Pleasant street, James Welch or Walsh.

Q. What business did he go into after he went out of the liquor business? A. I don't now that he ever went out of the liquor business until he died.

Q. Was that caused by his place closing? Was that the cause of his place closing or did the sheriff close it? A. No, sir; he died some years after that. It was the deputy sheriff under Sheriff Pierson who closed it.

Q. What do you mean by closed it? A. Why, made it so disagreeable to sell liquor there that they shut it up.

Q. How long did they keep it shut? A. I don't remember.

Q. Not very long? A. Yes, sir.

Q. How long? A. I can't say.

Q. Give the convention some idea; you must have some idea in your mind. A. It might have been six months.

Q. That was during the latter part of Mr. Pierson's term of office? A. Yes, sir, and in Mr. Dunn's.

Q. You think that place was closed about six months? A. Yes, sir.

Q. Now can you tell me some other ones of the old-timers that have been open during the whole of these 10 or 12 years? A. 10 India street.

Q. Who run that place? A. I don't remember.

Q. Well, how long was that closed? A. I couldn't say.

Q. Was it closed at all? A. It was closed, yes, sir.

Q. Now you mean by closed that the shop was not run for any purpose? A. Wasn't run for any purpose.

Q. Now how long a time? A. Perhaps that was six months. I couldn't say positive just how long.

Q. Who was in business next door to this last place mentioned? A. I don't remember now.

Q. Somebody was, wasn't there? A. Yes, that was closed and this place was closed.

Q. Who was in business at the next door, on the other side, do you remember? A. India street?

Q. Yes. A. On the same corner?

Q. No, right next door to it. A. On the same side of the street?

Q. Yes. A. And above?

Q. Yes. A. Andrew Eagan.

Q. Was that place closed, Eagan's? A. I think it was.

Q. What do you know about it? that is, I mean to say, do you know that it was? A. Well, I can't say positively as to that.

Q. Let us see—Andrew Eagan was the man whom you spoke of, Saturday, as having run a liquor business for 13 years? A. Yes, sir.

Q. That is on India street? A. Yes, sir.

Q. Do you mean by that that he has run it at times, or that has been his business for 13 years there, at that particular place? A. That has been his

business there for 13 years in that particular place, but at times there may have been weeks, or months, possibly, that the place was closed, that is, the saloon on the corner.

Q. You haven't any knowledge of any such times? A. I couldn't say positive.

Q. Looking back for 12 years you haven't any recollection of any time that Andrew Eagan was not selling liquor on India street, in Portland, have you? A. No, sir, I have not.

Q. Under all these different sheriffs and Sturgis deputies—now isn't that true Mr. Skillings in a general way, of a large number of the places you have mentioned? A. Yes, sir.

Q. Going back to the time you were employed there, how many liquor deputies did you use? or how many deputies were engaged in suppressing the sale of liquor? A. There were three at first, and then there were two more added, I think.

Q. And how many people did you have employed in assisting you? A. Oh, I couldn't say.

Q. Well, a good number? A. Quite a number, yes.

Q. Officers, or men whom you just took as aids, spotters? A. Men whom we took as aids.

Q. And you employed detectives, did you? A. Yes, sir.

Q. Spotters, we call them, I don't mean the term as a reproach. A. Detectives, I think is a better name.

Q. But not regular detectives—they were men employed in that particular line of work, weren't they? A. Yes, sir.

Q. And you took in your country deputies, and used those men with whom the liquor men were not so well acquainted? A. Yes, sir, I think to some extent they were used.

Q. Now then, with all that assistance, did you find it possible to keep these liquor saloons closed in Portland? A. Not all of them.

Q. A good many of them were open were they not? A. Well, not open in the sense they were not guarded, and in the sense that the barkeeper did not get out when some of us came in.

Q. But they sold liquor? A. We seldom could find any liquor in the bar room.

Q. They sold liquor didn't they?

A. They did, I think. Couldn't say positively as to that, but it is my opinion they did when we were not there.

Q. Well, Mr. Skillings, you were about Portland a good deal in those two years. Didn't you see any indication that liquor was being sold in Portland during those two years? A. I did, yes sir.

Q. Of course you did. I know you are going to be fair with me and frank with the commission on those matters. Now as a matter of fact, with all the effort that could be made and that was made, liquor selling was far from being suppressed in Portland, wasn't it? A. Why, it was not suppressed altogether. There was a great deal of pocket peddling.

Q. And when some of these places were closed, other places sprang up, didn't they? A. Yes, sir, kitchen bar rooms.

Q. Quite a number? A. Quite a number, yes sir.

Q. Kitchen bar rooms became pretty extensive? A. Yes, sir.

Q. And those, as an official you found it practically impossible to reach, didn't you? A. Not altogether.

Q. I don't mean that you couldn't get an offender here and there, but to do anything toward,—anything that looked like suppressing them and stamping them out? Do I make myself clear? A. Why, I think so. I couldn't say as to that, I know we found quite a number of places.

Q. You didn't by any means succeed in eliminating that feature? A. No sir, we did not.

Q. Or in preventing drunkenness in the city? A. No, sir.

Q. Do you know where the Cumberland Club is located? A. Yes, sir.

Q. During the last 12 years, have you known that the Cumberland Club has been maintained as an institution? A. Yes, sir.

Q. Ever know of its being disturbed by any official? A. I don't remember.

Q. You don't remember of its ever having been disturbed? A. I don't remember that it ever has been.

Q. Do you know where other Clubs are located, without naming them, other clubs in Portland, Social Clubs? A. Yes, sir.

Q. Some of them have existed for 12 years haven't they? A. I think so.

Q. And some of them have never been disturbed by anybody? A. I couldn't say.

Q. As far as you know? A. As far as I know, I don't know that they have.

Q. At least they were not during the time in which you were actively engaged in the work? A. Well, I think there were some that were disturbed.

Q. And some that were not? A. Some that were not.

Q. You spoke of a place called the Gaff Topsail. Do you know when that place was first opened? A. I don't remember.

Q. Now, Mr. Skillings, after ascertaining the present conditions in Portland, did you make any report to the sheriff? A. No, sir.

Q. Or any request of him? A. Only in the matter of—No, no personal request to the sheriff,—a matter of complaint, I complained of this place, where I saw the man purchase a half pint of liquor.

Q. You complained of that to the young lady? A. To the young lady in the sheriff's office.

Q. And he was then in the city of Washington? A. I was told that he was in Washington.

Q. That is during the present month? A. In March.

Q. And excepting for that one matter you have never made any complaint to the sheriff or his officers, have you? A. I have talked with the sheriff about his doing his duty in the city of Portland.

Q. Have you made any specific complaints of any places to him? A. I don't know that I have.

Q. Have you made any complaints to the Court? I mean to your Municipal Court? A. No, sir.

Q. Have you been to the county at-

torney in regard to these matters? A. No, sir.

Q. You know the county attorney? A. Yes, sir.

Q. Mr. Bates? A. Yes, sir.

Q. You haven't taken any of these matters to the grand jury? A. No, sir.

Q. From your experience and knowledge of affairs in Portland with relation to liquor matters embracing a period of 12 years, what do you say in a general way has been the effect of attempted enforcement, as far as these bar rooms are concerned? Where has the traffic gone? What conditions have obtained? A. Why, pocket peddling and kitchen bar rooms.

Q. And what has that condition resulted in? What have you seen as an evidence of it? A. Hardly know what you mean.

Q. Have you investigated—have you as an officer or as a citizen, and I know that as a citizen you take a good deal of interest in those things, properly, have you visited, investigated these kitchen bar rooms? A. I did while I was an officer, when I was an officer.

Q. What did you find there? You didn't find bar tenders with white aprons on? A. No, sir.

Q. Who did you find? A. Well, many times it was women.

Q. And children? A. Well, no, I never saw any children handling liquor.

Q. But in many cases women? A. In many cases women.

Q. And in houses? A. In houses, yes, sir.

Q. Children about there? A. Yes, sir.

Q. Taking part in the proceedings, hiding liquor, or anything of that sort? A. I don't remember any particular occasion where—I might possibly have seen some children engaged in hiding or taking care of liquor, but I don't remember any particular occasion where children had anything to do with the liquor.

Q. In those days when some of these bars were temporarily closed, as you observed conditions about Portland, was there any improvement so far as liquor drinking, the evils of liquor drinking was concerned? A. Yes, sir.

Q. There was? A. Yes, sir.

Q. Less arrests for drunkenness? A. I couldn't say as to that, I don't remember.

Q. You know anything on that point?
A. No, sir.

Q. You haven't looked that up? A. I think that there was a marked improvement, and if I may be allowed to state it, was told, I was pointed out, men in the grocery stores—a man in a grocery store was telling—he says, "there comes a man now—"

Q. Pardon me, your own observation, of course we want, because it is of value. I don't think it would be right to repeat what others have said. Mr. Skillings, you are familiar with the fact that there is a government fort there. Fort Preble is it? A. Yes, sir.

Q. A considerable number of soldiers located there? A. I think that the most of the soldiers are located at Ft. William. I should doubt if they have many at Ft. Preble just at present.

Q. Do you know somewhere near the number? A. I do not.

Q. It runs up around nearly one or two thousand, perhaps? A. I think not, but I am not sure.

Q. It is a considerable number? A. Quite a considerable number.

Q. And going about as you have around these drinking places have you seen more or less of the soldiers there?
A. Yes, sir.

Q. Now as an officer you learned, and as a citizen of Portland you know that there is a large floating population in Portland—that is true, isn't it? I mean people who come and go and who are not residents of the city? A. Quite a large floating population.

Q. And at certain times of year are there quite a good many people who come there on the trains and boats, for a day or two, working men? A. Yes, sir.

Q. Now at such times have you observed, say during the month of March, rather more drinking and drunkenness about the city than the average for the year on account of men coming out of the woods and from the ice, and all that? A. I couldn't say that I had noted that, that I have made any—

Q. You never had anything to do with the police work there? A. No, sir.

Q. Nothing to do with making arrests for drunkenness? A. No, sir.

Q. Speaking of Thomas Brownrig, one of the men mentioned to you, you have known him for 12 years, you say? Am I correct in that? A. Yes, sir, I have known him by sight at any rate.

Q. And do you know what business he was in last year? A. Not from personal knowledge.

Q. Do you know anything of it from anything that anybody who is familiar with you and with him has told you? A. No, sir.

Q. So that neither by intimate hearsay nor by personal knowledge do you know what business he was in last year? A. No, sir, I testified as far as I knew he was in the liquor business.

Q. I noted the phrase, and I wanted to see if you had any means of information. Now as a matter of fact you don't know what business he was in last year, do you? A. No, sir.

Q. Or the year before? A. No, sir.

Q. Now isn't that also true with regard to Sullivan? A. Yes, sir.

Q. That you don't know what business he was in last year or the year before? A. No, sir, not from personal knowledge.

Q. Or through anybody stating it to you, with whom you are familiar and who is also familiar with Sullivan's business? A. Yes, sir, I think I have in the case of Sullivan.

Q. You think you have some reputable hearsay on that point? A. Yes, sir.

Q. And do you recall anything in regard to it? A. I cannot recall the time or place.

Q. Under what circumstances anybody told you what business he was in, or when? A. I couldn't recall the time or place.

Q. Isn't it a fact that when you in a general way say that those men have been known to be in the liquor business that you are referring not especially to this year, or last year, or the year before but to the fact that when you were active in that work or familiar with it, and in the years that have gone by since those men have been known as liquor sellers—

isn't that what you mean? A. I mean that they are known as liquor sellers now.

Q. You don't know whether they are selling liquor now or not, do you?

A. Well, I do not from personal knowledge.

Q. And you don't know whether they were last year or not? A. They are known, I know that they are known as liquor sellers now.

Q. You don't know whether they were selling liquor last year or not? A. I didn't see them selling liquor.

Q. You don't know, do you now? A. I know well enough.

Q. What do you mean by well enough? A. Because I don't know that they have been engaged in any other business.

Q. There are a lot of men in this Convention that you don't know have been engaged in any other business, but you don't think they are liquor sellers, do you? Haven't you known in your experience in Portland, men to be engaged in the liquor business, and to be known as such, and then go out of it and be engaged in some other line of work? A. I don't recall any instances of that kind.

Q. A Portland liquor seller, is always a liquor seller, is he? A. They stick to it pretty close.

Q. That has been true, though they had Pearson for sheriff and Dunn for sheriff and three years of Sturgis deputies—they stuck right through the whole game didn't they? A. There may have been cases—

Q. You never knew any of them to change their business, either for Pearson, Dunn or the Sturgis deputies, did you? You don't recall any? A. I can't recall anyone now. I know of one man who went out of business, I don't know where he is now.

Q. Well, one exception proves the rules, you know. You had nothing to do, Mr. Skillings, with circulating the petition with regard to Sheriff Moulton, had you? A. No, sir.

Q. You signed it? A. No, sir.

Q. Wasn't your name on it? A. No, sir.

Q. Did you know of such a petition being circulated? A. I don't re-

member whether I heard of it or not. I know it was news to me. I may have known of it and forgotten it, but when I saw it in the paper it was news to me, and news to me that I had signed it.

Q. I didn't mean that you did sign it. I think you didn't sign it, Mr. Skillings? A. No, sir, I didn't sign it.

Q. It wasn't presented to you to sign was it? A. It was not presented to me.

Q. It wasn't generally circulated about Portland enough so that you recall hearing about it until you saw it in the newspaper? A. No, sir, I don't recall hearing of it.

Q. Was it on your own initiative, or at the request of some person that you visited these various places, Mar. 15, 16, 17 and 19, and made the minutes that you have presented? A. It was at the request of some person.

Q. Who? what person? A. Am I obliged to answer that person?

Mr. PATTANGALL: Well, I have asked the question. The Chair will rule on it.

The SPEAKER: I think you may answer.

A. Mr. Charles A. Plummer.

Q. Who is Charles A. Plummer? A. He is a citizen of Portland.

Q. What is his business? A. Insurance business.

Q. Was he at one time a deputy sheriff? A. Yes, sir.

Q. Under whom? A. Sheriff Pearson, Sheriff Dunn.

Q. Co-deputy with you? A. Yes, sir.

Q. And like you, I suppose, became familiar with these old timers when their places were running in those days? A. Yes, sir.

Q. Now prior to the 15th of March, how long had it been since you had had visited any of the places which you have named? A. Oh, I had visited some of them quite recently.

Q. How recently? A. Not a great many of them, perhaps.

Q. Well, how many and how recently? A. Oh, I couldn't say how many.

Q. Well, you can give an approxi-

mation? A. I drop in quite frequently.

Q. Have you visited Sullivan's place? A. Which Sullivan, Patrick A.?

Q. The only one you have spoken of, Patrick Sullivan, Big Pat? A. No, sir, not recently.

Q. Or Eagan's, or Brownrig's? A. No, sir.

Q. Or Coleman's? A. Yes, I think I have been in there sometime—I couldn't say just when.

Q. Who has the place on the corner of Free and Center streets, Northeast Corner? A. I could only give that answer as a matter of opinion.

Q. Well, who do you understand, or who did you understand, was conducting the place? A. A man by the name of Feeney, John Feeney.

Q. That has always been—I mean by always, within your knowledge of affairs, a liquor saloon? A. Yes, sir, as far as I know.

Q. For 12 years? A. And still, I couldn't say but what in that 12 years it might have been used for a short time for something else, there may have been lunches, may possibly have been a restaurant there for a time.

Q. Might have been a restaurant there last year, mightn't there? A. Possibly, I couldn't say when.

Q. Or the year before, but during a large part— A. Oh, I don't think it was last year, I think it was earlier than that.

Q. During a large part of the 11 years, that has been known as a saloon, hasn't it. A. Yes, sir.

Q. And been open and running? A. Yes, sir.

Q. I don't want to go into unnecessary details, but I want to run these places down as rapidly as I can, places that you mentioned in your note: 416 Fore street, how long have you known that as a saloon? A. Not a great while, I couldn't say just how long.

Q. Well, how long? Somewhere near how long? A. Oh, perhaps a year.

Q. Southwest corner of Fore and Union? A. I should say that had been a drinking place for at least 2 years.

Q. No longer? A. I don't know, I couldn't say.

Q. You wouldn't say that it had not been for a good deal longer than that? A. I wouldn't say it had not been, no.

Q. Northwest corner of Fore and Union? A. Well, I couldn't say as to that, that was occupied as a tailor shop at first. It may have been a liquor saloon there for a year or less. Q. Now, 87-93 Center street,—that was a hop beer place you say? A. It seemed to be like that.

Q. You took it to be that? A. Yes. Q. You didn't see any sign of anything else about it? A. No, sir.

Q. You didn't see any indication that it was anything more than that? A. No, sir.

Q. I pass you this paper—it is a plan similar to the large plan which Bro. Cleaves showed you—House Document No. 667—and on Center street, I want to ask you if you visited 93 Center street? A. I think I did.

Q. Now is that a bar room? A. It is fitted up as a bar, yes.

Q. Are they selling liquor there? A. There was none sold there when I was there. I think there were two men in there.

Q. Were there indications that it was a liquor saloon? A. Why, nothing only the bar, and the man there, it was an open place with a bar, I don't remember seeing anything behind the bar.

Q. Did you visit 89 Center street? A. I think I did.

Q. What did you find at 89 Center street? A. About the same as at 93.

Q. That is, you saw no liquor there? A. Only the men drinking beer, I couldn't say what kind of beer it was.

Q. At 93 did you see men drinking beer? A. No, sir.

Q. The 89 wasn't like 93 in that respect? At 89 you saw no signs of liquor at all? A. It was fitted up about the same, had a bar just the same.

Q. At 89 did you see any sign of liquor? A. I did—I may not have the same number—there were two places there on Center street at about that locality. At one place there were two

men sitting at the table, no men at the bar, and no signs of drinking. At this other place, up the street a little further, an oldish man took up a glass of beer out of a brown pitcher.

Q. Now you memorandaed the number of the street and the places you went into—put them on a memorandum? A. I did, I may have got the numbers wrong.

Q. But it is important to get them right, if we are going to pursue this investigation intelligently. Now have you anything to indicate that there was any liquor sold or anything looking like liquor selling going on at 93 Center street? A. No, sir.

Q. Not a thing? A. No, sir.

Q. And that on this chart (indicating) is one of the black places, put down in black? A. Yes, sir.

Q. Now at 89 Center street you saw a man served with beer out of a brown pitcher? A. Yes, sir.

Q. Now there are in Portland places that you refer to as hop beer joints? A. There are, yes, sir.

Q. Now do you know whether 89 was a hop beer joint or a bar room? A. No, sir, I don't.

Q. So far as your observation went, it might have been one of those hop beer joints? A. Yes, sir.

Q. Now I come to 71 Center street. What if anything did you find there to indicate liquor selling? A. I don't remember that I went into that place.

Q. Didn't go in there at all, so far as you remember? A. No, I don't think I did.

Q. Now at 59, what did you find, if anything, there? A. That was fitted up with bottles behind the bar, and glasses behind the bar, and white-coated bartenders. They were sitting out by the stove when I went in but when a man came in and asked for a glass of beer one of them went behind the bar and served a glass of beer.

Q. That had the appearance of a bar room? A. Yes, sir.

Q. And not a hop beer joint? A. No, sir.

Q. So that of these four places you only saw evidence of one of them being a bar room, is that correct? I mean a liquor saloon? A. I saw no sales in

those. They were fitted up—they had a bar, both of those had bars.

Q. I have got to start all over that again, then. At 93 you said you saw no liquor, none exhibited, and none sold of any kind—you saw no liquor there at all? A. None that I thought intoxicating. There might have been ginger ale.

Q. Haven't you said you didn't see any? A. I don't remember about that.

Q. You remember what you said a minute ago, don't you? A. Yes, sir.

Q. You of course have a right to correct your testimony at any point, if you make a mistake. At 89, did you or did you not, see any liquor of any kind?

A. I couldn't say. If I made the statement that I didn't see any, a positive statement, I want to retract; I couldn't say.

Q. You have a right to. Do you recollect having seen any? A. I don't recollect, and all I recollect is that there was no sale of liquor of any kind.

Q. Can't you make that stronger than that? There was no sale, and you don't recollect seeing any to sell, do you? A. A. I couldn't say as to ginger ale; they most all of them have ginger ale.

Q. You and I won't quarrel about ginger ale. Even Ed Emery drinks that. A. I don't.

Q. Now at 93, Mr. Skillings, you have no recollection of seeing anything that in any way resembled intoxicating liquor, do you? A. No, sir.

Q. At 89, you haven't any recollection of seeing anything in the way of liquor at all excepting liquor poured out of a brown pitcher? Is that right? A. Yes.

Q. And 71 you didn't go into at all, as far as you know? A. As far as I remember I didn't.

Q. But 59 had the appearance of a bar room—that is, there was liquor there, apparently. A. Yes, sir.

Q. So that in these four places, so far as your observation went, you saw evidence of there being one liquor saloon—isn't that right? A. Why, in my opinion there was evidence in all three of these places that I went to.

Q. Any more evidence than you have told the convention? A. No, sir.

Q. Now, if Sheriff Moulton or any other sheriff should search No. 93, for instance, and should carry off all the

liquor there was in it, provided there was any there, and he got the proprietor in jail, that bar would still be there, wouldn't it? A. Yes, sir.

Q. And that was all you saw in there to indicate that it was a liquor saloon. Was the bar, wasn't it, in 33? A. Yes, sir.

Q. I won't go over the details of it. Now on Free street did you go to No. 23? A. I think I have at 21 on my minutes—the number on the place is 21.

Q. You think that it means the same? A. I think it does. If it doesn't 21 isn't down there, that is all.

Q. And there you found indications of a bar room? A. Yes, sir.

Q. Appeared to be a saloon, with all the paraphernalia? A. Yes, sir, with all the paraphernalia.

Q. Is that true of 14? A. No, sir.

Q. What did you find at 14? A. I didn't visit 14 at that time; I have been there since.

Q. What did you find there? A. Sort of a restaurant.

Q. No indications of a bar room? A. There was a small counter; I didn't notice whether there was any display of liquors there or not; there were cigars.

Q. When did you go there? A. It was last week.

Q. Don't you think that if there had been a display of liquors when you went there, last week, you would have noticed it, that is what you were looking for, wasn't it? A. I should think so.

Q. You would have made a memorandum of it, wouldn't you? A. Possibly, yes; I didn't make any memorandum.

Q. No, and you haven't the slightest evidence, have you, of a sign of liquor selling around 14 Free street? A. No, sir.

Q. That is one of the places marked in black on the chart. Now, No. 29—I take it to be—after going up Free street from 21 or 23, whichever it is—did you visit there? A. I think not.

Q. You didn't visit there at all? A. No.

Q. And No. —It was something like 51 or 55—you visited and have testified about? A. Yes, sir.

Q. And on the corner of Cotton and Fore, you have testified about? A. Yes.

Q. And the corner of Center and Fore? A. Yes, sir.

Q. And the corner of Center and Pleasant? A. Yes, sir.

Q. That number (indicating), I think, is 52 Center street, which would be the corner of Center and Free—you know what that is? A. Yes, sir.

Q. What is it? A. A drug store.

Q. And that is one of the places marked in black on the chart, isn't it? A. Yes, sir.

Q. Did you go in there? A. No, sir.

Q. Have you ever been in there? A. Yes, sir.

Q. Is it a saloon or a liquor joint, or is it a regular drug store? A. It is a regular drug store.

Q. Were you shown a list of places that were printed in the House Document as being places where liquor was sold in violation of law in the city of Portland—have you been shown that? A. I don't remember.

Q. You never examined that list? A. I don't remember.

Q. I don't know that you could locate it by street number—that is pretty difficult without a directory—but I show it to you, if that has been called to your attention, places where it is claimed that intoxicating liquors are sold in violation of law in the city of Portland? A. No, sir, that has never been called to my attention.

Q. You have never examined it? A. No.

Q. If you should find in that list the Union Depot, you wouldn't call that one of the oldtime barrooms in the State of Maine? A. It is my opinion they have sold liquor there.

Q. Within the last three months? A. Yes, sir.

Q. What do you base that opinion on? A. I don't know.

Q. You want to base it on something. You wouldn't just have an opinion that they sold liquor there at the Union Station unless you had something to base it on. What have you to base such an opinion on? A. I couldn't say, only what I think, that is all.

Q. Are you willing to state to this convention, without any possible reason for thinking so, that they sell liquor at the Union Depot, in the Armstrong restaurant in Portland? Do you

want that to go into your testimony? A. Why, yes.

Q. But you will add to it, will you, that you haven't any reason for thinking so, or will you give some reason? Do one or the two—either say you haven't any, or give us a reason, one of the two, I don't care which. A. I don't know that I can.

Q. You can't give any reason? A. Possibly I might take that back.

Q. That is, that you don't think that they sell there? A. I don't want to say that; I can't give any reason.

Q. You say that you haven't any reason for thinking so, won't you? A. No reason outside of my own mind.

Q. What got your own mind into that position? You are too good a fellow to go around imagining that people sell liquor, whether they do or not. You don't do that. You have something to base your opinion on. You haven't any basis for intimating then that they sell liquor at the Armstrong restaurant in the Union Depot at Portland at the present time or during the last two years, have you? A. No, I don't know that I have.

Q. Why, of course you haven't. A. I have heard that they did previous to that.

Q. Previous to what? A. Previous to two years ago.

Q. Back in the old times? A. Yes, sir.

Q. Oh, certainly. But not since Moulton was sheriff. You are going back to when they had the Sturgis deputies, aren't you? A. Perhaps farther than that.

Q. Back to Pierson and Dunn's time? A. Possibly.

Q. But not lately. Now if you should find in that list the Falmouth Hotel, what would you say in regard to that being properly included in the list of places where intoxicating liquors are sold in Portland at the present time in violation of law? A. I couldn't say.

Q. You haven't any reason for thinking that liquor is sold there at the present time under Mr. Pooler's management, have you? A. No reason except the reason that I have for the Union Station restaurant.

Q. That is, that liquor used to be sold at the Falmouth? A. Yes, sir.

Q. But you haven't any reason for

suggesting to this convention that liquor has been sold at the Falmouth, during the past two years, have you? I mean since Mr. Pooler took the hotel? A. I haven't been there, no. I don't know.

Q. You know that it was sold there, years ago? A. Yes, sir.

Q. That was at the time the Sturgis deputies were there? A. I don't remember about that.

Q. And when Pearson and Dunn were sheriffs? A. No, sir; there was no bar room there, at any rate none sold over the bar.

Q. The bar room has always been there, hasn't it, whether they sold liquor or not? A. Well, yes, the bar room has been there, but it was closed during Sheriff Pearson's administration.

Q. Do you know Joseph W. Mitchell, who has a place in Monument square? A. I don't know him personally.

Q. Do you know the place? A. I know where the place is.

Q. You know who I mean when I speak of him? A. Yes, sir.

Q. Have you any reason to suppose that liquor is sold there? A. I don't know whether it is or not.

Q. You don't know anything about it? A. No.

Q. If that place is included in a list of places in Portland where intoxicating liquor is sold, you would say you haven't any knowledge of its being sold there? A. Yes, sir.

Q. And in investigating Portland at the request of ex-Deputy Sheriff Plummer, you didn't go there? A. I didn't.

Q. You went to the places where you thought you would find liquor? A. I went to the regular bar rooms; that isn't a regular bar room.

Q. That isn't a bar room at all, is it? A. They have a counter there; they serve lunches.

Q. That is true of a good many places in Portland that they have a counter? A. Yes, sir.

Q. You wouldn't infer that there was a bar room because they had a counter—take the Dairy Lunch, for instance? A. No, it isn't a regular bar room.

Q. It isn't a bar room, regular or irregular? A. I couldn't say as to that.

Q. You have testified as to reputation—has Mitchell's place got the repu-

tation of being a bar room? A. I couldn't say.

Q. You couldn't say what its reputation is? A. I couldn't say what its reputation is.

Q. Never heard people talk about it? A. No, sir.

Q. Do you know where the Evening Express office is located? A. Quite near.

Q. Is it in Monument square? A. Yes, sir.

Q. And how far would it be from the Evening Express office over to 23 and 29 Free street—I mean in a straight line? A. Oh, it would be—

Q. Couple hundred feet? A. Yes, two or three hundred feet, perhaps.

Q. Something around 100 yards? A. Yes, sir.

Q. You speak in a general way of when there was some sort of enforcement in Portland that pocket peddling resulted. Won't you describe so that the convention will understand it, how that pocket peddling was carried on, by what kind of people, and in what kind of a way? A. Perhaps I might describe a case that I found one day. I went out of the office and went up on Free street, and saw a fellow leaning against a tree and looking up the street, and I saw that his pocket was bulged out, and I placed my hand on his pocket, and it felt like a bottle. I took him up to the office and found eight half pints in his pockets. Of course I never saw him sell any, but that is the way it was carried on, that is it was carried on by hiding liquor under a platform, and taking it out from there and putting it in their pockets. I watched, one day, one man that went on, at 4 o'clock in the morning, and stayed until 4 o'clock in the afternoon, and I saw him sell eight half pints.

Q. Can you give some more indications of it just in that brief way? A. Yes, I watched a kitchen, one morning, I stood so that I could look in, and some one—I won't say whether it was a man or woman—brought out the liquor and placed a glass on the stove—I think the woman was combing the little girl's head, and the man brought out the glass of liquor and placed it on the stove and turned out a glass of liquor and gave it to the man. Afterward,

the next morning—I couldn't see where the man got it, that morning—but the next morning I went into a place on the other side of the yard and saw him come down and get the liquor out of a hide in the yard and take out a pint bottle and went up into the house. Someone told him that I was there, and he came down to where I was, and I had him come up to the office with me.

Q. Did you have any cases where you found women handling liquor at that time with it hid about their clothes? A. Yes, sir.

Q. Won't you describe that, just in a brief way? A. Well, there was one woman had a dress with pockets around the bottom—she had a number of half pints in the pockets around the bottom of her dress.

Q. And those cases that you have mentioned—were they typical of a large majority of the cases that came to your attention at that time? A. Quite a large number of them.

Q. In all those cases that people were selling hard liquor, not beer? A. Yes, sir, whiskey generally.

Q. You never knew pocket peddlers to handle beer? A. Well, I have have found beer on men.

Q. But as a general rule it was whiskey? A. As a general rule, yes sir.

Q. They didn't have any white coats on? A. No, sir.

Q. What do you say as to the age of these peddlers who handled the traffic under those circumstances—were they middle aged men or boys? A. They were young men, anywhere from 18 to 25 or 30.

Q. And that sort of thing, as you have described, continued down to the time you went out of office? A. Yes, sir.

Q. When you were doing your very best to control—or rather enforce—the liquor traffic? A. Yes, sir.

Q. And aside from the fact that you succeeded in actually catching some of these pocket peddlers, did you have evidence that they were doing business when you were unable to detect them, just how they were doing it, by finding a good many bottles around the streets mornings and around the squares. A. Yes, sir.

Q. That was quite common, wasn't it? A. Yes, sir.

Q. And noticeable? A. Yes, sir.

Q. Where they had been thrown down after being emptied? A. Yes, sir.

Q. Mr. Skillings, can you tell me how many jail sentences were imposed upon liquor dealers during the two years you were deputy sheriff, and by liquor sellers I mean all grades and kinds. A. No, sir, I couldn't tell just the number.

Q. Could approximate it? A. I couldn't approximate it, I don't really know of more than half a dozen.

Q. As a matter of fact do you know that there were only seven straight jail sentences given in the county of Cumberland while you were deputy sheriff? A. I don't know, I know of some that were sent to jail.

Mr. PATTANGALL: We can put that in from the record better, perhaps.

Direct examination resumed.

By Mr. CLEAVES:

Q. Bro. Pattangall asked you, Mr. Skillings, in regard to whether or not you were able while you were a deputy sheriff under Mr. Pearson and Mr. Dunn to close up all of these places. At that time were any of these running open, and did they have their stock displayed and fitted up, or did they have it in a basket where they could get at it quickly and run when they heard a deputy sheriff coming? A. They did.

Q. That was the way? A. It was.

Q. And did you find any places with stocks of liquors behind a bar or barkeepers in white uniform. A. No, sir.

Q. Or any battery of faucets? A. They had faucets.

Q. But not running in those days? A. In some cases they were.

Q. How was it in a large majority of the cases in those old time places as to whether they had beer on draught, in the Pearson time? A. There were some places that had been on draft. They had a hide and a two-way faucet, could draw two kinds of beer out of one faucet.

Q. The good beer was hid, and the

bluff beer was what was apparently drawn.

Q. Do you know of any of those two-way faucets that have been in use during the past two years? A. No, sir.

Q. Has there been any pocket peddling about Portland, or have you observed any pocket peddling about Portland during the last two years? A. Not until the last few days.

Q. Since last Monday morning? A. Yes, sir.

Q. Now you spoke about having had several talks with the sheriff—I meant to have asked you about that—what did you say to Sheriff Moulton upon these several occasions in regard to doing his duty? A. I don't remember just what I said, but the gist of it was that he ought to do his duty, not only for the good of the county, but for his own good. That if he couldn't do his duty, he ought to resign.

Q. When was it you had these talks with Mr. Moulton? A. I couldn't say just when it was; I think the last one might have been in February.

Q. February of this year? A. Yes, sir; this year.

Q. And you had some previous to that time, had you? A. Yes, I had talked with him once or twice at any rate.

Q. How far back? A. I couldn't say; perhaps a year from that time.

Q. A year before that? A. Yes, sir.

Q. That is, before he was elected the last time? A. Yes, it might have been.

Q. And you thought he was not doing his duty? A. Yes, sir.

Q. And told him so? A. Yes, sir.

Q. That is to say, under his regime they were selling beer on draught instead of women selling whiskey from their petticoats? That change had come about, had it? A. Yes, sir.

Q. And pocket peddling had disappeared, had it? A. Yes, to a large extent; there might have been some pocket peddling.

Q. But none that you observed? A. No, sir.

Q. And you didn't find any empty

pint bottles scattered around the square in the morning? A. I have seen some, yes.

Q. You saw them before. So they attracted your notice? A. No, not quite so many.

Q. You didn't find boys leaning up against a tree with a bottle in their pocket waiting for customers, nothing of that kind? A. No, sir.

Q. And this change caused you to go to the sheriff and tell him he hadn't done his duty. Now in the meantime after you had this talk with him you had an election and he was re-elected, wasn't he? A. Yes, sir.

Q. Now, Brother Cleaves asked you if during the time you were a deputy sheriff they had any beer on draft, and you answered him that they only had that beer on draft, that is, that they were using this two-way faucet, the open faucet and they could let out Uno on one turn and lager beer the other. And you say they haven't any of those now in Portland? A. Not that I know of.

Q. You don't know anything about it? A. No, sir.

Q. Not a thing? A. No, sir.

Q. And do you think there is any particular advantage to the community to have this two-way faucet? Is there an improvement, or what is the suggestion, that Portland would be better off with a two-way faucet than it would be with a one-way faucet? A. The suggestion in my mind is that when they have the two-way faucet the sheriff is doing his duty, and that is all he has to do. It is not his business to look out for the community; it is his business to do his duty.

Q. As long as the sheriff is getting them to use the two-way faucet he is doing his duty, and you think Mr. Moulton has succeeded in getting them to do that? A. That is a wrong impression.

Q. What is a wrong impression? A. When you enforce the law and do your duty they use the two-way faucet, and they were enforcing the law.

Q. Do you call it enforcing the law when you get it so that whiskey is sold by women? Is that enforcing the law? Yes.

Q. It is? A. Yes.

Q. Well, it is a beautiful law to enforce then. That is all. A. That isn't our business, about the law, our business is to enforce the law.

Q. Well, let us get back to that a little. When you were a deputy sheriff under Pearson did you enforce the law. A. Tried to.

Q. Well, did you? A. I did.

Q. And when you were enforcing the law they were still selling whiskey, women selling it from their clothing on the streets of Portland, weren't they? A. Yes, some few.

Q. And women selling or men selling it in kitchens where the mother was combing the little girl's hair when you looked in? A. Yes, sir.

Q. And boys selling it from their pockets on the street? A. Yes, sir.

Q. And then the law was being enforced. A. Yes, sir.

Q. That is all.

EMERSON H. DOUGHTY, called and sworn, testified as follows:

By Mr. CLEAVES:

Q. What is your name? A. Emerson H. Doughty.

Q. And you live in Portland? A. I live in Portland.

Q. And you were formerly as deputy sheriff? A. I served six months under Sheriffs Pearson and Dunn.

Q. And during the last three months, during this present year have you made any investigation in the city of Portland as to liquor selling? A. As I recall it now, it was the first Saturday in January.

Q. And was it day or evening? A. It was in the evening.

Q. Will you please tell us what place you first visited, and where it was? A. On Saturday evening I left my home with the intention of going to some of the saloons in Portland to get a little evidence to give to the people on Sunday afternoon, at a temperance meeting. I first visited the place at 236 Federal street; I found in there six men, one man at the bar had just turned a glass, a small glass out, and it looked to me like wine, and the man behind the bar—there were two men there, went to the cash register, pushed the cash register and

brought the man back his change, and laid it on the bar and he picked it up and put it in his pocket. The proprietor of that bar was so drunk that night that he couldn't get away from the wall, and his name I think was Thomas.

Q. Were there any men in there, any of the men in there who were under the influence of liquor? A. There were some standing at the bar.

Q. Where next did you go? A. I went to No. 13 Temple street.

Q. How many bartenders there? A. There were three bartenders at No. 13 Temple street.

Q. Did you count the number of men that were there? A. I counted the number of men in there, and I found there were 28 men in there lined up to the bar, most of them; some of them were in the corner apparently under the influence of liquor, a good many of them; I saw glasses of ale. I took them to be, on the counter turned out; and from there I went to No. 416 Fore street, and I found a man behind the counter and three men in front with a glass each, just turned out full of beer or ale, I couldn't swear which.

Q. Now, somewhat earlier in the winter at that same place what display of liquor if any had you seen? A. I think it was in December. I was doing a job for a man that met me on the street and he took me into that place, and I saw on the bar seven bottles standing on a shelf behind the bar, and the label on them, whiskey.

Q. What place did you next visit upon that Saturday evening? A. I went to No. 9 Exchange street, and I found five men in that place, one man behind the bar; didn't apparently appear to be intoxicated, these men didn't. There were two standing at the bar and I think they had a glass each, apparently drunk, and it seemed to be beer.

Q. What other places did you go to? A. I went to No. 342, I think it is, Fore street, in the Gaff Topsail corner run by Frank Sherman.

Q. How many bar-keepers there? A. There were two bar-tenders there dressed in white coats.

Q. What if anything about any drinking there did you see? A. I saw three glasses, apparently ale, on the counter, some men under the influence of liquor so that you would notice it, and most of the men were standing in front of the bar; there were 11 men in that place I think.

Q. How many? A. Eleven men.

Q. Did you go to the McGlinchey place, or perhaps I haven't it in my mind right, or have you mentioned that already? A. I have mentioned the place on Federal street, and also the place where Mr. Coleman run.

Q. Now did you go to No. 65 Commercial street? A. Not on that Saturday night; no, sir.

Q. Did you at any other time this year, or within a year? A. I went a week ago last Saturday night.

Q. What did you observe there? A. I found Mr. Patrick Halloran behind the bar, and there were 11 men in front of the bar, some standing at the bar, and some against the wall opposite the bar.

Q. What if any exhibition or display of whiskey did you notice in that place? A. I didn't see any whiskey in that place. I saw one glass and one of those small goblets with a large top setting on the counter about half full of liquid, red liquid, ale or beer, one or the other.

Q. Did you see any bottles behind the bar labelled or marked? A. No, I didn't at that time.

Q. Have you during this year? A. I don't think so; I think that was in December.

Q. What did you see in December with reference to bottles? A. As I stated before, this man got me to do the job and took me there, and I went in there and I found it on the shelf behind the bar with Mr. Halloran in there himself, and I think it was six or seven bottles, marked whiskey; and while I was in there there were men that knew me, and a man come up to me and he says, "Mr. Halloran, give Mr. Doughty a hot drink," and I says, "I don't see any reason why I couldn't have it if I wanted it by the looks of the array on the shelf," and he never made any answer to that.

Q. Upon any of these places you have mentioned, upon either of those Saturday nights was there any evidence of

any watchers around the place? A. No, sir.

Q. Doors locked or in any way guarded? A. Doors were open; the outer door in most of these places were open and the inner doors were swinging.

Q. During the present year have you been down to the freight office or station? A. Yes, sir.

Q. And in the early morning? A. Well, I have been there as early as perhaps half past seven in the morning.

Q. And your duties kept you about there more or less during how many days? A. I used to go there frequently, sometimes two or three times a day and then sometimes I wouldn't get there more than—perhaps I would miss a day or two sometimes.

Q. What do you know in regard to liquor being hauled from freight cars and freight sheds? A. I observed in that station that year, perhaps not so much as the latter part of last year; but this year I have seen them haul it from there in cartloads; I have also seen a great many barrels of whiskey

marked C. E. Odiorne Company, Portland, Maine.

Q. And marked whiskey? A. Marked whiskey on the barrels, yes. I want to say that I have counted as high as 108 quarter barrels piled up in one place in the Boston & Maine shed, and others being added to it while I was standing there; that was beer or ale.

Q. As a deputy sheriff for six months and as Sturgis commissioner for such time as you were such, you got in touch there with old-time places, did you? A. Yes, sir.

Q. Or you knew where they were? A. Yes, sir.

Q. Now during the present year have you travelled around at near the hour of 10 o'clock at night upon many occasions to see whether they closed up at a certain hour regularly at that time? A. No, I haven't been around as late as that.

Q. You haven't been around to observe whether they closed up at 10 o'clock or not? A. I haven't; no, sir.

Q. Have you noticed whether they at any times have closed at 6 o'clock on Saturday? A. Not from my personal knowledge I haven't noticed that.

Q. What about the 22nd of March, I mean, this year? A. I understand, but that is merely hearsay.

Q. I don't mean that. I thought you knew about it? A. I don't want to give that to this convention because I don't know that to be a fact.

Q. You have given us now what personal observation you made this year, have you? A. Not all of it; no, sir.

Q. What other place did you visit? A. I went to No. 360 Fore street, a place called McMenniman's, and found in there I think 11 men or nine men there were in there, and as I went into the outer door between the outer door and the single doors that go into the bar I found three men, as I recall it, drunk in the vestibule going from the outer door into the saloon.

Q. How many bartenders? A. There were two bartenders at that place, and they had white coats on.

Q. Any display of liquor there except what you saw on the bar? A. I didn't see only a pint on the bar.

Q. What was the next place you went to, what other place did you go to? A. I went from there to the corner of Silver and Fore streets, No. 349 Fore street, I think.

Q. Run by whom, as you understood it, at that time? A. Mr. Coleman, I think was the man. I don't just recall how many men I found in there, but there were quite a number. I think there were seven men in there, some of them were quite drunk and some of them knew me, and one man wanted me to take a drink with him and I told him I wasn't drinking at that time.

Q. Did you see Mr. Coleman at that place that night? A. I did; yes, sir.

Q. And as you left—or, by the way, did he know you? A. Yes, sir.

Q. And in the old days have you visited his place in your official capacity? A. When I was a Sturgis commissioner I visited the place while I was that.

Q. Did Mr. Coleman follow you out and make some talk to you? A. He followed me out to the street door and out onto the sidewalk, and then he came along and spoke to me and wanted to know if I was going to make any trouble with him, and I says: "No, not that I know of now."

Q. Will you give us the rest of your personal observation? A. A week ago Saturday night I visited—I have already given one of them, seven places. The first one I visited was on Washington street, a place that a man run by the name of Eagan, and I found in the bar room proper four men.

MR. PATTANGALL: Can you give the street number so that we can get it? A. I couldn't give you the number of that place, no, sir.

MR. CLEAVES: Is it William F. Eagan, 68 Washington avenue? Should you think that was about the location? A. I think it was about that. There were ten men in the place altogether, and there were four of them in the regular bar, and in the cigar place there were six or eight, and at one end of the bar there was one of these goblets poured out full of what I called ale, and on the other end there was a quart can, which I man took as I went in and went out with it. We went from there to India street, and I think the number on India street was 66—it is near the corner of Newbury.

Q. Do you know the name of the supposed proprietor? A. No, I don't know; and we found six men in that place, one glass of ale apparently on the counter half full, and one man standing at the bar real drunk, and the other man had seemingly been drinking some. And we went from there across on to the other side of the street into—I think it was No. 43 India street, and I found 11 men in there, and I think there were four or five glasses of ale on the bar at that time, and some of the men were quite drunk, one was so drunk that he was stupid and laid over on the counter at the further end of the counter; and while I was in there the bartender drew a glass of some kind of liquid out of the faucet and passed it up on the bar to some of the men. And I went from there to No. 51 Commercial street, and I think the man there by the name of Welch runs that place, and I found 17 men in there, and some of them were quite drunk; there was a number of glasses partly full of liquid, and one of the men in there knew me, and he says: "Come over here, Doughty, and have a drink," and I says: "I am not

drinking," and walked out. And I think I have given you about the other one, the one at 65 Commercial street; and we went from there to the corner of Union and Fore streets, and that place is run by a man by the name of Taylor I think, and we didn't find very much evidence there of anything going on that was very wrong; there were two young men in there and one man went in ahead of us, beside the proprietor and bartender. There was no liquors in sight and all there was was one glass setting on the bar apparently just emptied and a few dregs in the bottom of it, and that was all. I think that includes a list of the places that I was into that night.

Q. During this present year have you been into the saloon of Thomas A. Brownrig? A. I haven't; no, sir.

Q. Have occasion to go by it from time to time? A. I go by it to the Boston boat and the New York boat.

Q. Do you know Mr. Brownrig? A. I have met the gentleman but am not personally acquainted with him.

Q. You know him by sight? A. I don't know whether I know him now or not. I haven't met him for a couple of years.

Q. Do you know Patrick A. Sullivan? A. Yes, I know him.

Q. Are you familiar with his place on Commercial street? A. Quite familiar.

Q. Or during the last two years and three months has Patrick A. Sullivan been in business at that same place on Commercial street? A. I have seen him there during the past two years a good many times at that place.

Q. And is Patrick A. Sullivan engaged in business in any way except at that place? A. I don't know of any other business.

Q. That is all.

On motion by Mr. Smith of Presque Isle, a recess was taken until two-thirty o'clock in the afternoon.

After Recess.

Convention called to order by the President.

The PRESIDENT: The secretary of the convention will call the roll of the convention.

PRESENT:—Sen. Allan of Washington, Sen. Allen of Kennebec, Allen of Ma-

chias, Austin. Sen. Bailey, Bass, Benn, Benton, Boman, Bowler, Sen. Boynton, Bragdon of Sullivan, Bragdon of York, Brennan, Bucklin, Sen. Burleigh, Butler, Sen. Chase, Chick, Churchill, Clark of Portland, Clark of New Portland, Cochran, Sen. Colby, Connors, Cook, Crowell, Currier, Cyr, Descoteaux, Doherty, Dresser, Dunbar, Duntun, Durgin, Sen. Dutton, Eastman, Eaton, Eldridge, Elliott, Emerson, Farrar, Sen. Flaherty, Franck, Gallagher, Goodwin, Gordon, Greenleaf of Auburn, Greenleaf of Otisfield, Sen. Hagerthy, Hancock, Harmon, Harper, Harriman, Haskell, Sen. Hastings, Sen. Hersey, Higgins, Hogan, Hutchins, Irving, Jenkins, St. Jillson, Johnson, Jones, Kehoe, Kelleher of Portland, Kimball, Lawry, Leary, Libby, Sen. Mansfield, Marston, Mason, Mathieson, Sen. Maxwell of Sagadahoc, McBride, McFadden, Merrill, Metcalf, Milodon, Sen. Milliken, Mitchell of Newport, Mooers, Sen. Morey, Morgan, Morrison, Morse, Sen. Murphy, Newbert, Nute, Packard of Newburg, Peacock, Peaks, Pendleton, Peters, Peterson, Pitcher, Price, Putnam, Quinn, Sen. Reynolds of Kennebec, Reynolds of Lewiston, Sen. Richardson of Penobscot, Richardson of Canton, Ricker, Roberts, Robinson, Sanborn, Sanderson, Scates, Skelton, Skillin, Sen. Smith of Penobscot, Smith of Auburn, Smith of Patten, Smith of Pittsfield, Smith of Presque Isle, Snow, Sprague, Sen. Stearns, Stevens, Stuart, Sturgis, Swift, Taylor, Thombs, Tobey, Tryon, Twombly, Umphrey, Violette, Sen. Walker, Washburn, Waterhouse, Wheeler, Winchenbaugh, Sen. Wing, Wise.

ABSENT:—Bither, Boland, Brown, Chadbourn, Sen. Clark of York, Sen. Cole, Sen. Conant, Davis, Donovan, Sen. Emery, Estes, Farnham, Folsom, Gamache, Gardner, Haines, Hodsdon, Jennings, Kelleher of Waterville, Leader, LeBel, Leveille, Maxwell of Boothbay Harbor, Maybury, Mitchell of Kittery, Morneau, Sen. Moulton, O'Connell, Sen. Packard of Knox, Sen. Patten of Hancock, Plummer, Ramsay, Rolfe, Rousseau, Sargent, Sherman, Spencer, Stanley, Stetson, Swett, Thompson, Trimble, Yeaton.

The PRESIDENT: The call of the roll disclosed the presence of 141 members of the convention.

The Chair desires to state that in response to suggestions from several members we will have a short recess, about 4 o'clock, in order that the members may be convened. And members are requested at the close of the recess to come back promptly.

Mr. PATTANGALL: Mr. President, with the permission of counsel for the prosecution, Bro. Gulliver would like to suspend Mr. Doherty's examination to put in some matters of record through Mr. Gately, so that he can take the train to Portland.

Mr. THOMAS H. GATELY; recalled for further cross-examination.

By Mr. GULLIVER.

Q. Mr. Gately, have you at the request of the defence made an examination of the criminal court docket showing the collection of fines in liquor cases since the commencement of Sheriff Moulton's term of office? A. I have.

Q. Will you kindly read it to the convention. A. At the January term, 1911, there were collected \$7103.42. At the May term, 1911, there were collected \$5600.73. At the September term, 1911, there were collected \$8518.84. At the January term, 1912, there were collected \$3,804.88. At the May term, 1912, there were collected \$3,049.07. The fines for the September term are already in record. I gave them here, Saturday.

Q. Those are already in and you have not the record of those terms with you? A. No, for the September term, last year, or the January term of this year.

Mr. GULLIVER: Now, Mr. President, so that the purpose of the next inquiry may appear clear, it was stated by counsel for prosecution in his opening that certain Italian places were raided, and that these Italian places were next door to well-known bar rooms, and it was argued from that that the purpose of the raids was protection for the bar rooms. The purpose of the present offer is to show that owing to the number of crimes of violence committed by Italians that raids were instituted by the sheriff at the request of the judge of the superior court, and this result shows a comparison between the enforcement of the law against these special Italian places and the increase or decrease of crime by those of Italian names.

Q. Have you, Mr. Gately, at the request of the respondent, prepared a list of crimes committed by persons holding Italian names? A. I have, beginning with the year 1909.

Q. And without taking the time of the convention, will you read from that list, term by term, commencing with the year and the term and the number of such cases at each term? A. I will say that these are general crimes, or in other words, cases wherein Italian respondents were brought in for violation of other laws than the so-called liquor

law. Beginning with the January term, 1909, at that term there were five cases. At the May term, 1909, there was one case. At the September term, 1909, two cases. At the January term, 1910, there were two cases. At the May term, 1910, there were two cases. At the September term, 1910, there were two cases. At the January term, 1911, there were two cases. At the May term, 1911, there were three cases. At the September term, 1911, there were six cases. At the January term, 1912, there were two cases. At the May term, 1912, there were two cases. At the September term, 1912, there were four cases. At the January terms, 1913, there were none.

Q. Now if you have it in your possession, will you also read to the convention the list of seizures and indictments found against persons holding Italian names? A. I begin with the year, 1912. At the January term of that year, there were no Italians there brought in for violation of the liquor laws. At the May term, 1912, there were 20 respondents, 15 upon appeals and five upon indictments.

Q. Can you give the names of the persons so that we can tell whether men or women? A. I shall have to read from the docket.

Q. Read that first. A. At the September term, 1912, there were four cases upon appeal, and at the January term, 1913, there were 16 cases upon appeal, and two upon indictments.

A. Now commencing with the May term, 1911, have you prepared a resume or abstract of the number of appeals and nuisance cases in the superior court relating to violations of the liquor law? A. I have.

Q. Please read it. A. At the May term, 1911, there were 86 appealed cases and 16 indictments, making a total of 102 cases. At the September term, 1911, there were 65 appeals and 27 indictments, making a total of 92 cases. At the January term, 1912, there were 38 appeals and 15 indictments, making a total of 53 cases. At the May term, 1912, there were 63 appeals and 21 indictments, making a total of 84 cases. For the September term of last year and the January term of this year the

records already has the amount of business.

Q. Now, Mr. Gately, as I understand it, the list of appealed cases in the superior court of course does not include such fines and search and seizures and other cases as are paid in the inferior courts? You have no record of them? A. I have no record of any fines that are paid in the municipal court. Of course we get nothing but appealed cases and indictments from the grand jury.

Q. And your record shows nothing as to libels against persons unknown? A. No, sir.

Q. You testified at the hearing, Saturday, that it was your impression that most of the witnesses before the grand jury in liquor cases since the commencement of Sheriff Moulton's term were from the liquor deputies. Will you state whether you have made an examination and what the examination disclosed? A. I so did testify and wish to correct it, after having examined the record since Saturday. I wish to correct it in this respect: That at the May term, 1911, there were five appealed cases that were brought in by officers other than the liquor deputies. At the September term of that year, there were 15 appealed cases brought in as I have stated.

Q. All the others were brought in by the deputies of Sheriff Moulton as I understand it? A. Yes, sir.

Q. Just one further question, whether or not this list, we will call it Italians without any offense in reference to the Italians as a race, includes crimes such as assault, intent to kill and manslaughter, and other crimes of a violent nature? A. They do.

Q. The total of these crimes of violence up to January, 1913, and at which there were none, amounts to 33? A. Thirty-three is right.

Mr. GULLIVER: This list may be used by either side.

By the ATTORNEY GENERAL.

Q. Have you the lists here of the January and May terms that you brought with you, today—I mean the September and January terms? A. I

have nothing but the judge's docket.

Q. You have that with you? A. I have these dockets here since 1909.

Q. Perhaps you can state from recollection whether or not at the January term there were six or eight appealed cases from the Westbrook court? A. I do not think there was an appealed case from Westbrook.

Q. And whether or not there were indictments of parties living in Westbrook some six or eight cases? A. There were.

Q. And were the witnesses in those cases Sheriff Moulton's deputies? A. Deputy Sheriff Leighton, I think is his name, was in those cases.

Q. And whether or not most of the witnesses were citizens or outside parties in Westbrook? A. I think so.

Re-Cross Examination.

By Mr. GULLIVER.

Q. You say it was Deputy Sheriff Leighton? A. He is one of Mr. Moulton's deputies.

Q. It quite frequently happens, does it not, that other citizens, business men, testify in liquor cases? A. Yes, sir. We were referring to prosecutions that were initiated by a certain class of officers.

EMERSON DOUGHTY, recalled.

Cross-Examination.

By Mr. PATTANGALL.

Q. Mr. Doughty, you served as a deputy sheriff in Cumberland county at one time? A. I served six months, 1902.

Q. Under both Mr. Pearson and Mr. Dunn? A. Yes, sir.

Q. And later served as a Sturgis deputy? A. I did.

Q. During what period of time were you employed in Cumberland county as a Sturgis deputy? A. I came in, in March and went to Brewer in June, I think it was, came back to Portland in August.

Q. What year? A. 1910.

Q. In March 1910, you were a Sturgis deputy detailed in Cumberland county until June? A. Yes, sir, until June.

Q. And then went to Brewer? A. Went to Brewer, Maine.

Q. And returned to Portland at

what time? A. In August. I don't remember the date in August.

Q. And how long did you serve as Sturgis deputy in Cumberland county after August? A. Up to last of December.

Q. Now who was sheriff in Cumberland county? A. Mr. Trefethen was sheriff at that time.

Q. Before Mr. Moulton came into office? A. Before Mr. Moulton came into office.

Q. The first investigation you made of conditions in Portland during Mr. Moulton's term of office, the investigation which you first testified to occurred on January 4th, last? A. I think it was January 4th last, yes, sir.

Q. An on that evening you visited several places? A. Visited six places.

Q. For the purpose of preparing some remarks that you had to make at a public meeting? A. Yes, sir.

Q. At that time was the grand jury in session in your county? A. I think the grand jury went in session on Tuesday. I think this was on Saturday.

Q. And your public remarks were made on Sunday? A. Made on Sunday afternoon.

Q. The grand jury went in session Tuesday? A. I think it was Tuesday they went in session.

Q. Did you take any of the evidence which you discovered on that Saturday evening before the grand jury? A. No, sir, I did not.

Q. Did you call the attention of the sheriff or county attorney to what you had discovered? A. I didn't call anyone's attention to it any more than I spoke of it in the public meeting as recorded in the newspaper.

Q. Was your entire speech recorded in the newspaper? A. I think the whole—entire speech was.

Q. What newspaper? A. I think it was in the Press for one of them; I think the Argus had an item.

Q. Yes, but not your speech, no paper had your speech? A. Didn't have the whole of it.

Q. Well, did it have any large part of it? A. I think they had in the Press the largest part, what they thought was proper to put in the newspaper, perhaps.

Q. Now was the sheriff present at that meeting? A. I didn't see him there.

Q. Well, was it a very large meeting? A. I presume there was a hundred and twenty perhaps in the meeting.

Q. You would probably have recognized him if he had been there, wouldn't you? A. I certainly should.

Q. Was the county attorney present? A. I didn't see him.

Q. And you know him well, of course? A. Yes, sir.

Q. Previous to January 4th, when you visited places for the purposes you have stated, you had during the year before been about Portland, and visited some of the same places, had you? A. Not the year before, no, sir.

Q. During the year before? A. No.

Q. You hadn't? A. Yes, I did, too. In December I was in a few places.

Q. During December? A. December.

Q. And your evidence given here in regard to the places you visited is confined to December and January 4th? A. And March, two weeks ago.

Q. And you did not bring any of the information which you discovered in December to any officer or to the grand jury? A. No, sir.

Q. Do you reside in Portland? A. I live in Portland, yes, sir.

Q. What is your business? A. I am a furniture and piano mover for the last 26 years, except about two years intervening with other business.

Q. You spoke of having seen a good deal of whiskey hauled from the freight office during the past two years? A. Yes, sir.

Q. Now during the years when you were an officer, when you were in Portland as a Sturgis deputy, what did you observe, if anything, in regard to the hauling of whiskey from the freight office? A. There was some hauled from the freight shed at that season that I was in as deputy.

Q. And also beer? A. Beer, yes, sir.

Q. Is that true of the express company? A. That was express company's goods as I understand it.

Q. Well, the express teams were handling beer and whiskey, aside from the freight, the truckmen's teams? A. They handled practically all the beer and whiskey that came into the depot at that time—the express companies handled.

Q. That was a large quantity? A. Fairly large quantity.

Q. Why do you say "fairly?" Wasn't it a large quantity? A. No, it wasn't with present conditions, as it has been running for the last two years.

Q. Now, Mr. Doughty, when you were there as a Sturgis deputy, you made no seizures at the freight depot, did you? A. I did not.

Q. Or at the Express Company? A. No.

Q. So there was nothing in your work, or the work of your co-laborers in the vineyard that kept the freight depot or express office in any better shape than now?

THE WITNESS: With the permission of the Chair I would like to make a statement. The statement will answer the question.

MR. PATTANGALL: We will have the question read, and if you can't answer it say so; if you can, answer it.

(Question read.)

THE WITNESS: Was that your question?

MR. PATTANGALL: The lady just read it to you.

A. I didn't understand it before. I want to say that the conditions under the Sturgis Deputies in the city of Portland were a great deal better than they are under Sheriff Moulton.

Q. And you think that answers this question? A. I think it answers the question as I understand it.

Q. Let me ask it again, assuming that you understand plain language, and see if we understand each other.

Q. Was there anything in your work that affected the delivery of liquors by freight into the city of Portland? A. There was nothing in my work hindered it coming into the depot, but there was something in my work that hindered it being delivered from the depot.

Q. Did you make any seizures, or did your associates, of liquor prior to its delivery to the consignee? A. Not out of the shed.

Q. Did you make any from teams? A. I did.

Q. Did you make any from express teams? A. Yes.

Q. And from Express Companies' offices? A. None in the Express Companies' offices.

Q. But in the teams, in the delivery teams? A. I took the teams, a number of them.

Q. That part of the work you did something in, but none from the freight depot? A. No.

Q. In your opinion there was very much less liquor delivered in Portland depot than now? A. Yes, a great deal.

Q. Now at that time did we have the United States law which compelled packages containing liquor to be plainly marked what they contained, and with the consignee's name? A. At our first appearance in Portland, there was nothing of that kind.

Q. Was there at your last appearance? A. Last appearance there was a law passed in the United States Body, I think, that compelled every man to have his package marked to him direct.

Q. Now when did you come under the rulings of that law? A. I don't just remember, sometime perhaps in September, I don't just recollect the date.

Q. September, 1911? A. 1910.

Q. So that prior to September, 1910, you could not tell just what all the boxes and barrels contained that came into the Portland depot for delivery to various people in town, could you, as readily as you could afterwards? A. No, not exactly so.

Q. Well, could you tell pretty well? A. I could myself tell pretty well, what was in the packages when I saw it.

Q. And whenever a package contained whatever you believed to be liquor, did you seize it when it was on the team on the way to the consignee? A. When I could get near enough to the team to catch it I would seize it.

Q. How many men had you helping you? A. There were four, I think, at the last part of it.

Q. And the four all followed that same process did they? A. I presume so, although they didn't go with me all the time.

Q. But you worked on the same basis? A. Yes, sir.

Q. So that as a matter of fact you would have the convention understand that during the time that you were there as a Sturgis deputy there was very little liquor delivered into Portland, either by freight or express, but what you seized from the teams, is that correct? A. I don't wish to have the convention understand any such thing.

Q. What do you want them to under-

stand? A. I want them to understand that there was less liquor delivered in the city of Portland, in 1910, than 1911 and since.

Q. How much was there delivered, in 1910? A. I couldn't tell you because I haven't the records.

Q. Can't you estimate it? A. No, I don't know as I can.

Q. Can't you estimate it within 10,000 gallons? A. No.

Q. Now, how much was there delivered there, in 1911? A. Well, you might put 20 times 10,000 gallons and you might come somewhere near it.

Q. Do you say 20 times 10,000? A. I did say it.

Q. Of course I heard what you said. Do you say to the convention that in your opinion there was 20 times 10,000 gallons delivered, in 1911? A. That is what I said.

Q. Can you make it more definite? A. I can't make it more definite than that. Q. You would estimate it at about 200,000 gallons? A. Yes, sir.

Q. Let us see how much you know about it? How many times did you go to the freight depot? A. Anywheres from one to four times a day—not every day.

Q. And you kept some check on it, did you? A. Any more than what I saw at the depot.

Q. Did you take any account, any memoranda of the barrels? A. Once in a while I would count a pile that stood in the floor.

Q. And then you would go along a few days and not count. A. Yes. But I could see the stuff there just the same if I did count it.

Q. Certainly. To the best of your judgment, in 1911, there would be 200,000 gallons of whiskey? A. Not all whiskey.

Q. Well, liquor? A. Liquors of various kinds.

Q. Including beer? A. Beer, ale, whiskey, gin.

Q. Now, what is your estimate for 1912? A. I shouldn't say it was any less than it was in 1911.

Q. Approximately 200,000 gallons? A. Somewheres in the neighborhood of that, yes, sir.

Q. Now, in 1910, it was part of your business to watch the delivery of liq-

uor, and how much do you estimate was delivered in Portland, then, when you were not moving furniture, but attending right to it? A. Attending right to business?

Q. Yes, what is your estimate of that? A. Oh, I couldn't come very near that I shouldn't suppose, because I wasn't there at the depot so often, perhaps, as I was before.

Q. Not when you were a Sturgis deputy? A. Quite often I would go there in the morning early, sometimes in the evening.

Q. Now when you were there as a Sturgis deputy, watching liquor, what is your estimate of the amount delivered in the city of Portland, during that period? A. I might say, perhaps, a quarter of the amount I have named, already.

Q. You would feel safe in that? A. I think so.

Q. That you saw? A. I think that would cover it easy enough.

Q. That is, that you saw? A. That I saw.

Q. And you were employed as a Sturgis deputy in Portland about half of that year? A. I came in March, left in June, went back in August and was there till the last of December.

Q. That is about half of the year? A. Yes.

Q. So you saw about a quarter as much as you estimated last year during half of the year, and you say that you were not there all the time? A. Not to the depot all the time.

Q. Well, were you there half the time? A. No.

Q. Well, if you were in Portland six months of the year and only watching these shipments half of the time and you saw only a quarter as much coming in as come in last year, wouldn't you estimate that the trade hadn't changed much? That brings you about the same results, doesn't it? A. I ask the privilege to make a statement, I would like to have permission.

Mr. PATTANGALL: You are on the stand.

The WITNESS: I could make it clear, if you please, to the Convention, what I mean.

Q. If you will answer my question—

A. I will answer it. If you will give it to me correctly, I will answer it.

Q. You are doing first rate. Now you visited on January 4th, 236 Federal street? A. Yes, sir.

Q. Had you been there before? A. Not since 1910.

Q. When you were a deputy? A. When I was a deputy.

Q. And you had been there as a deputy? A. I have been, yes.

Q. Whose place is that? A. It is commonly called McGlinch's.

Q. And is that one of the places such as Bro. Cleaves has referred to as old timer places? A. That has been running a good long while, I don't know how long, but a good while.

Q. Running back in the days when you were a deputy? A. It was open at the time.

Q. And down through since then? A. As far as I know.

Q. Well, you knew about it while you were an officer, of course? A. Yes.

Q. And it was running when you were an officer? A. Yes, sir.

Q. And when you were a Sturgis deputy? A. The doors were open.

Q. And also when you were a Sturgis deputy? A. Yes.

Q. And did the proprietor have any other business so far as you know excepting running that place when you were a Sturgis deputy? A. I don't know that he had any other business.

Q. And when Mr. Pearson was sheriff, and Mr. Dunn was sheriff, did he apparently have any other business than running that place? A. I don't know that he did.

Q. And so far as your recollection goes, McGlinch's place and 236 Federal places has been open for 12 years? A. Been open as far as my knowledge goes along that line.

Q. Do you work on that street? A. The place where I used to work was on that street.

Q. You are fairly familiar with the conditions there? A. Yes.

Q. And Mr. Doughty, is there anything in front, a cigar store or any—

thing, or is it plain bar room? A. Just a plain bar room.

Q. As you come in from the street, what do you find first? A. There is a vestibule, two doors, you might say, the outside door and the inner door, swinging doors, I think, and then you come to the bar room proper.

Q. No restaurant, or cigar store or anything? A. No.

Q. And that place in that way, with just the vestibule between the street and the bar, has existed for the past 12 years has it? A. Yes, sir. It has been on the street a good deal longer than that.

Q. And even back of that, years before? A. As far as I know.

Q. As an officer under the Sturgis deputies while Mr. Trefethen was sheriff, did you succeed in closing McGlinch's place? A. No.

Q. It was open, was it? A. Yes.

Q. And the bar was there? A. The bar was there.

Q. And the mirrors? A. Yes.

Q. And the glasses? A. I couldn't say as to the glasses.

Q. Well you were in, weren't you? A. Yes, but I don't remember whether we gathered up any glasses there or not.

Q. Well, you could see them there when you went in, couldn't you? I will put it generally—there was all the paraphernalia of a bar? A. Presumably so, as far as I know. The bar was there, and the mirror behind the bar, and the man in charge.

Q. Have a white coat on? A. No; no white coats on.

Q. When you went in there on January 4th was the bartender dressed in a white coat? A. There were two. They were not either of them dressed in white coats.

Q. Well, now, is that place any different now from what it was in prior years, when you went in on January 4th? A. The condition between January 4th and 1910?

Q. Yes. A. The difference was when we went in in 1910 there was no one in there but one man, nothing in sight, nothing upstairs except a few bottles of ginger ale. When I went in on January 4th last I found men in there intoxicated and glasses of liquor on the counter and two men behind the bar.

Q. Now when you went in in January,

1910, you went in as an officer? A. Yes.

Q. And did you not have reason to suppose that they had received notice of your coming? A. Possibly they might have.

Q. That is to say, when you started to go there you expected to find liquor or you wouldn't have gone? A. I expected to find it if there was any there.

Q. And when you got there from some cause or other the place had been cleaned out? A. It was swept and garnished.

Q. Now when you went in the other night you went in as a private citizen? A. I did.

Q. And your approach was unheralded? A. Unknown to them until I appeared.

Q. And I suppose it is common in your experience, is it not, that when an officer gets a search warrant for a place and starts out to search it that by some means or other the proprietor frequently hears of it and cleans out his stuff? A. That has been the case in a good many cases in my experience.

Q. So that one ordinarily would expect to find not quite the same situation, going as an officer as he would as a private citizen—wouldn't that be true? A. If he has been an officer, that would be the result.

Q. He would realize that from his experience? A. There would be a cleaning up, if he were an officer and meant business, from the time he was appointed and got his warrants out, there would be a cleaning up, nothing to find in that place.

Q. And that being so it is more or less a waste of time for an officer to get out warrants against places that are well posted, isn't it? A. Places that are well guarded by men—that is the answer I believe you want, isn't it?

Q. Yes, I think so. Now take this McGlinch place, did you search it more than once as a Sturgis Deputy? A. I think we were there once in that place, if I remember right.

Q. But you had reason to suspect that it was a bar room during all the time, hadn't you? A. The bar was there, and the building was there.

Q. And McGlinch was there? A. But there was no signs of liquor in there or around about it.

Q. That was the time you went? A.

The time I went and as far as I observed, and on outside information that I got there from people on the outside.

Q. So you think that place was really out of business for several months? A. I think it was.

Q. With nothing to sell in there but ginger ale? A. Ginger ale, and perhaps a little hop beer; I think he had a barrel of hop beer.

Q. Now how about 13 Temple Place? Who runs that place? A. I think his name is Lowry, if I remember correctly.

Q. Is that one of the old places or a new one? A. I am not prepared to say how old it is; it was in 1910 anyway.

Q. Was it closed in 1910? A. I think the doors were open.

Q. And the same proprietor there? A. I didn't see him there at any time I know of.

Q. Well, do you know whether the same man was then doing business there that is now? A. I think it was always called his place.

Q. Lowrey's place? A. Yes.

Q. And did he have any other business in 1910 as far as you know, except running the saloon? A. As far as I know, he didn't have, no.

Q. Now is that a restaurant or a cigar store there? A. There were some tables in there, I believe, on one side.

Q. Do you know anything about the restaurant business, whether there is a substantial restaurant business does there are not? A. I will say in 1910, there were no signs of grub in there of any kind to my knowledge.

Q. In 1910, so far as the place is concerned, it was just a plain bar room? A. Just a plain bar room.

Q. Now it has got at least a semblance of a restaurant? A. I won't say—the tables were there in 1910, the tables were in the same building, the same room, but no sign of food.

Q. No sign of food? A. No sign of food.

Q. Now they have food about there, do they? A. That I don't know.

Q. Well, what difference do you see in regard to the restaurant part of it, is there any? A. I didn't go in far enough to find out. I didn't go back into the inner room where the stove was at the time I was there before.

Q. Is the restaurant in the rear or

the front? A. Tables are in the front room, a large room. *

Q. Now, on January 4th, you went from the front rooms where the tables are to the rear room where the bar is, didn't you? A. There is no rear room excepting the little place boarded off in the rear of the big room. As you go in the outside door you come practically into the bar room itself, where you will find the tables on the left as you go in, and the bar is on the right.

Q. Now do you know if that place was running when you were a deputy there? A. There was no place running when I was a deputy under Pearson and Dunn, excepting two on Federal street, and the place across the street was run by Murphy.

Q. What business was going on at 13 Temple street at that time, do you know? A. I don't know.

Q. Now you went to 416 Fore street, next? A. Yes.

Q. Whose place is that? A. Ingraham was there the night I was there.

Q. And do you know how long that place has been running? A. No, I don't.

Q. Was it running, in 1910? A. The building was there but the doors were closed and we went in there once, I believe, and searched the building from the top to the bottom, into the sub-cellar, but couldn't find anything.

Q. And do you mean by that that the store part wasn't opened again during that time? A. Not that I know of, I don't know that it was.

Q. Now when you went to Portland first as a Sturgis deputy, in March, 1910, there were, I assume, a certain number of places where liquor was being sold, weren't there—you found some places? A. We found some places, yes.

Q. Now how many places of that kind did you succeed in closing, during that year? A. I don't know that we succeeded in closing either one of the places up, that is, shutting the doors; I don't know that we done that.

Q. That is to say, the places were kept open, and the paraphernalia of the bar was left in them and the proprietor apparently had no other business—is that correct? A. The bar was there, and the liquor glasses behind the bar, but so far as anything in the bar, there was nothing there.

Q. But the proprietors were all there, weren't they? A. I couldn't tell you.

Q. And the clerks? A. They had a clerk in some of them.

Q. And the doors were kept open for custom? A. In some cases the doors were open and the men stayed on the sidewalk and went in when they saw anybody go in.

Q. Did you succeed in closing the doors of any of them, in 1912, or were the doors of all of them kept open and some sort of trade kept up? A. So far as I know the doors were open.

Q. Of all of them? A. So far as I know.

Q. And somebody there to tend store? A. Somebody on the outside or the inside. Sometimes they would be on the outside and sometimes on the inside.

Q. And was there any sign of any goods displayed for sale during that time? Any sort of goods? A. In the building?

Q. You know what I mean. I mean in these barrooms you have described. A. I want to say that when we first came in there were signs of liquor but after we had been in there a little while these places were cleaned out and there was nothing in there excepting what they could take in their hands and run with it.

Q. I understand that, and there wasn't any sign of anything else being sold—dry goods or boots and shoes or anything of that sort? A. No.

Q. So that during that time that you saw these places open there would be somebody apparently tending store and no goods of any kind to sell—is that right? A. That is right, no goods so far as I could see.

Q. What did you conclude from that that they were keeping the stores open for? A. I don't know as I just get that question.

Q. As an officer you were watching these places more or less, weren't you. A. Yes, sir.

Q. Now when you saw a place that you had known to be a bar, and had searched as a bar, and you saw the door open, and the clerk or somebody else in attendance, and nothing displayed for sale, what kind of business did you suppose was going on there?

A. That is a peculiar question to answer. In answering that I might make a statement.

Q. Is there anything about that question that you can't answer? If there is, let me ask it again, that is the better way. A. I understood the question correctly.

Q. Won't you answer it? A. In order to answer it correctly I would have to make a statement.

Mr. PATTANGALL: There are counsel here—and very able counsel—to argue the prosecution's side of the case. If you will answer the question, and if I didn't make it plain, let me—now—

Attorney General WILSON: I would submit that the answer to that question is a matter of argument, simply asking for his conclusion.

The SPEAKER: The witness is asked to give his conclusion from that state of facts which he observed. Of course he should give it, but he ought to have some latitude in his methods of giving it.

WITNESS: That is why I wanted to make a statement.

The SPEAKER: You must not go outside the limits of the question, but you can give your conclusions that you drew from the facts within your observation.

Mr. PATTANGALL: If you drew any conclusion, tell me what it was. A. The conclusion I drew was that the places would be cleaned up when we approached and there was no one inside or around about it.

Q. You don't mean that? A. I mean just that; if I hadn't I shouldn't have said it.

Q. Wait and see. Do you mean that there would be a vacant store and not even a clerk in it? A. That is what I mean to say.

Q. Nor a proprietor? A. Yes, sir.

Q. Nor a customer? A. Yes, sir.

Q. That is true of how many cases? A. Once in a great while I would catch a man, but we would have to get down like a snake in the grass to do it.

Q. And the doors open? A. The doors open.

Q. And the proprietors there so self-dom, and the customers there so self-

dom, that you had to get down like a snake in the grass to catch any one in there? A. That is correct.

Q. And that was true in all your experience in 110? A. Yes, sir.

Q. That wasn't true of McGlinchy's, was it? A. That wasn't true of McGlinchy's, no.

Q. And you never went into McGlinchy's but once to see whether you had to go in like a snake in the grass? A. No.

Q. And are there any other places that you have described as "old-timers" that you didn't go into but once during that year? A. I don't know of any of them except that once.

Q. Did you go around every day? A. Nearly every day.

Q. And found the stores entirely vacant? A. In nearly every place they would be out, nobody in them.

Q. Do you know the Coleman place? A. Yes.

Q. Where is that—corner of Silver and Fore streets? A. Corner of Silver and Fore streets.

Q. And is that one of the old-time places? A. I think that has been a rum shop since I can remember.

Q. And during the time that you were there as a Sturgis deputy was Coleman's place habitually and entirely empty? A. Not all the time it wasn't empty.

Q. Was it most of the time? A. Most of the time I went there it was empty.

Q. Nobody in it at all? A. Very seldom anybody in it.

Q. When there was somebody in it, who would it be, Coleman or a clerk? A. Once in a while I would see Coleman there.

Q. When you saw Coleman there, he would be doing absolutely nothing? A. He would be doing absolutely nothing. Sometimes he would be on the sidewalk before I went into the building and go in the building and find nobody.

Q. You know Patrick Holloran, 65 Commercial street? A. Yes, sir.

Q. During the time you were a Sturgis deputy, what was his business? A. So far as I know he was in the rum business.

Q. And where? A. At 65 Commercial street. That was his headquarters.

Q. Was the place open? A. It was apparently at times, and other times shut.

Q. I mean the doors open? A. Not at all times, no.

Q. But how as a general rule? A. Nearly every time I would go down there the doors would be locked.

Q. And nobody in it? A. Nobody apparently.

Q. You have searched it? A. I have when there was anyone in it.

Q. How many times? A. I couldn't say.

Q. Several times? A. Several times.

Q. You have found liquor in it? A. Yes, sir.

Q. When? When you first went there, wasn't it? A. I found something there the first time and I found some there once or twice afterwards.

Q. After you had been there a while? A. Yes.

Q. In that place? A. Yes.

Q. Do you mean liquor? A. Liquor.

Q. How in the world do you think it got there? Do you suppose it came from the depot or the boat? A. It was there, that is all I know.

Q. How much of it? A. I think there were seven or eight bottles in a hide in the washtub.

Q. Then you made other searches? A. And we found once before that, just prior to that time, some kegs in a hide away out in the shed, overhead.

Q. Any other times? A. We have found liquor at other times than that, yes.

Q. So from your searches you would conclude that Patrick Holloran kept pretty steadily in the liquor business during that year? A. I presume he was in nothing else.

Q. On Washington avenue, a week ago Saturday, you visited William Egan's place? A. Yes, sir.

Q. Is that a comparatively new place, or is that an old place? A. That is an old place.

Q. And was that running when you were there as an officer, a Sturgis deputy? A. No, sir; it was closed.

Q. After you went there or before? A. I don't know just when it was closed, but it was closed after we went there.

Q. Do you know whether your officers

had anything to do with closing it, or was it closed when you arrived in the city? A. I couldn't tell you as to that.

Q. Now when you went there as a Sturgis deputy was Sherman's place running? A. Frank Sherman's bar was running; that is, when we first went there we found liquor in the barroom hid overhead, and then it was taken away.

Q. That is the place called the Gaft Topsail? A. Yes.

Q. And that was open in 1910? I mean the business itself was open? A. The bar when we first went there was open, and then it was closed, and he moved upstairs. It was a dwelling.

Q. What business did he go into during that year other than rum selling, if you know? A. I think he went across to the old country hunting for a wife at that time.

Q. How long was he gone? A. I think somewhere in the neighborhood of three or four months.

Q. Outside of that what did he go into? A. I don't know that he had any business outside of the rum business.

Q. During that year? A. During that year.

Q. Was that his first start in business or had he kept a place in some other business before that? A. He has been in other places.

Q. In the same business? Liquor business? A. Liquor business.

Q. How far back do you know of him? A. As far back as I was a deputy sheriff, in 1902.

Q. Was he in the liquor business then? A. We made seizures at his place and brought him in as a respondent.

Q. Had him before the court? A. Yes, sir.

Q. And he still continued in the business? A. Yes, sir.

Q. Now when you worked under Sheriff Pearson and under Sheriff Dunn, a strong effort was made on the part of the officers to enforce the prohibitory law? A. There was.

Q. Did you succeed in stopping the sale of liquor in Portland? A. No.

Q. Where did the traffic appear when you drove it out of some places? A. The most of it was on the streets and in back yards.

Q. And in kitchen barrooms? A. There were a few kitchen barrooms.

Q. Mostly on the streets and in back yards. A. Yes.

Q. How was it conducted? A. In various ways.

Q. Won't you describe some of them? A. This Thomas Brownrigg was in the business at that time as an express company. He used to haul it and deliver it at back yards or anywhere else they wanted it, on the street or anywhere. He used to horse it up and haul it to them.

Q. He didn't haul it to the consumer, but hauled it to places where they retailed it? A. He hauled it and put it in back yards, presumably to sell.

Q. Not to somebody to use for themselves, but for them to sell? A. Yes.

Q. And was that carried on pretty extensively? A. Quite so, until the last part of that year.

Q. That would be 1902, would it? A. 1902.

Q. Now that was the way Brownrigg handled the trade, was it? A. Yes.

Q. How else was the trade carried on? A. Some others that dealt in hard goods would bring a basket down the street and stand around the corner and stand there until they saw a customer coming and go around the corner and go to the basket and I would see them get something and deliver it.

Q. What that trade comparatively extensive or very limited? A. Very limited.

Q. Did you catch some of them at it? A. Not very many of them.

Q. Did you some. Have some before the courts? A. I think we had a Mr. James Welch up for sales on the street corners.

Q. Of course whenever you knew of a man selling you had him before the court? A. If we knew his name and could get hold of him and there was evidence enough to satisfy the court he was in the business.

Q. It was somewhat difficult, of course, to detect that kind of work? A. It was difficult to satisfy the court that he was in the business.

Q. Well, if you could have gone into court and sworn under oath, as you have here to this convention, that a man had a basket hid away in the back

yard and stood on the corner waiting for a customer and when he found him went and got the whiskey and sold it, the court wouldn't have had much trouble in convicting him, would he?

A. The court wouldn't have had much trouble if I had seen him pass the money.

Q. Just what court is it that has ruled that they have to pass the money? A. The municipal court.

Q. Well, the State can't appeal, so I suppose you had to accept the ruling? Did you bring many such cases before the court where the court turned you down because you didn't see the money passed? A. No.

Q. Did you know anything about women handling liquor for sale in those days? A. There were a few.

Q. That you detected? A. One or two.

Q. And of course you might imagine that there was more or less going on that you couldn't get hold of as an officer? A. There would be some pretty hard to detect.

Q. Did you run into any of this business of young boys and girls being in the traffic at that time? A. I don't remember recalling any young girls or boys regularly in the business, but I do recall of their calling out "blow" to call the attention of the people that was selling, to give them warning that we were coming.

Q. And usually after this warning was given you didn't get hold of anything? A. The bird would fly and we couldn't catch it.

Q. And that would make it pretty difficult to detect that sort of thing, or even to detect the extent or it? A. Why, yes, in a sense.

Q. Do you remember how many of you worked with Mr. Pearson or Mr. Dunn or under him at that time? A. During the time that I served as deputy?

Q. Yes, sir. A. There was four of us.

Q. Did you give your entire attention to it? A. Practically every moment.

Q. Have you any idea how many kitchen bar rooms were being run in Portland at that time? A. No, I don't have any idea how many there were.

Q. Do you have any idea how many men, women and children there were en-

gaged in pocket peddling at that time? A. No.

Q. Do you have any idea how many people there were who were standing around and watching in the employ of these pocket peddlers? A. Oh, I couldn't estimate how many there were.

Q. They had some regular watchers? A. They had a few of what we called bums on the corners.

Q. Could you give any estimate or judgment to the convention of the extent of that illicit traffic? A. No, I don't know that I can.

Q. It would be practically impossible to do it, wouldn't it, it was carried on in such a way. A. Yes.

Q. Is it or not true that when enforcement is attempted from a different standpoint, as for instance, when conditions are as they are now in Portland, that pocket peddling practically ceases? A. I don't quite understand.

Q. Is pocket peddling going on to any extent in Portland now, in your opinion? A. I couldn't tell you.

Q. You don't notice any? A. I don't notice any pocket peddling as I know of, but I notice men divvy up and run up a street—I don't know where they go or how they go about it.

Q. I mean when you were about in December or January—did you see any indication of pocket peddlers? A. I didn't, no.

Q. Or during the last two years? A. I have seen men drinking out of a bottle quite frequently. I don't know where they came from or anything about it.

Q. But you have seen that in Portland under all kinds of times in certain parts of the city? A. Yes, some parts of it.

Q. When you were working as a Sturgis deputy and when you were there under Mr. Pearson, did you have reason to believe that the druggists were many of them doing a substantial business in hard liquor? A. We did.

Q. And did you have a great deal of difficulty in reaching that part of the trade? A. We had difficulty in bringing in evidence that the court

would accept, in convicting them.

Q. So that practically, you were unable to effectively enforce the law against druggists, weren't you? A. Yes.

Q. That is true, isn't it?

Q. How was it about the hotels when you were operating as Sturgis deputy, did you have much trouble with them? A. We didn't have much trouble with them. I think the Preble House gave us all the trouble that we had, except the Goodrich House, so called, on Free street.

Q. Now it is a fact, isn't it, that what we would call the first class hotels in Portland weren't selling liquor at that time. I won't say the Preble House isn't first class but I mean, speaking of the first class hotels, they gave you no trouble, such as the Lafayette and Congress Square? A. They didn't as a hotel.

Q. It is also true that these first class hotels aren't selling liquor at the present time? A. I don't think they are.

Q. You have no reason to think they are? A. No, I have no reason to think they are.

Q. You have made no investigation that would lead you to think so? A. No, I haven't.

Q. So that conditions so far as the hotels are concerned, have not materially changed under the present administration? A. I haven't been into them so that I could state.

Q. I don't know whether you have been asked, but some witnesses have testified to the reputation of places as being places where liquor is sold, and I think the President has ruled the evidence to be admissible. Whether any of the first class hotels in Portland have the reputation of maintaining liquor nuisances at the present time? A. I think the Congress Square and the Lafayette do not have the reputation.

Q. The Falmouth doesn't, does it? A. I don't know at the present time, but it used to have.

Q. I mean since Mr. Pooler has managed it. A. I don't know anything about it since Mr. Pooler has managed it. I don't think I have heard anything of that kind since Mr. Pooler has managed it.

Q. Or the Columbia? A. Nor the Columbia Hotel, no.

Q. Or the New Chase House? A. I haven't heard of any.

Q. And the West End? A. I think they have had the reputation of keeping a bar.

Q. At the present time? A. I won't say at the present time. I will say three months ago.

Q. Within the present administration? A. Yes.

Q. Did it have that reputation in years gone by? A. It has had that reputation in years gone by.

Q. So that there has been no change in that hotel. Now have you made any observations with regard to the drug trade in Portland so as to know whether the drug stores are being conducted as much in accordance with the law as formerly, or more so, or how they compare? A. I can only tell you from what I see on the outside in regard to druggists. I have seen men, three or four of them coming and going and divy up, and I have seen one man detailed and go into a certain drug store and I have watched that crowd and the man that went into the store would come out and go around with them and sometimes I have passed around quickly and seen them take a bottle and drink out of it.

Q. So that your observations would lead you to think that there is some business done in the drug stores? A. I think so.

Q. And did you find it impossible to deal with that when you were an officer? A. Yes, in a certain sense it was impossible to get at that.

Q. You spoke about seeing a large quantity of goods marked for the Ordiorne Bottling Company if I have the name right. A. Yes, sir.

Q. Was the Ordiorne Bottling Company doing business in Portland when you were there as a Sturgis deputy? A. They were.

Q. And was the Ordiorne Bottling Company doing business in Portland when you were a deputy sheriff under Pearson and Dunn? A. A small business.

Q. Have you really any data as to

the amount of business they do? A. Why yes, under the Pearson administration, they had it come in sugar barrels and jugs. In the administration of 1910 they had it in bulk barrels, fifty gallons to a barrel.

Q. Now do you know how it came in the Pearson administration? A. I have watched it and seen it come.

Q. And seized it? A. And seized it.

Q. You don't know how much they had come that you didn't get? A. No, I don't know how much they had come that I didn't get.

Q. Now, if they continued to do business during the two years of that administration they must necessarily have done it on goods that you didn't seize? A. They done business, of course I didn't seize it all.

Q. They couldn't do much business on what you had seized. You didn't have any way of telling how much business they did except that you seized certain liquors. Now is it true that the Odiorne Bottling Company has been doing business in Portland not only for the last 12 years, but for a longer period? A. They had been doing business as I stated, but in years gone by a small business.

Q. Were they doing a small business when you were a Sturgis deputy? A. They were doing what I considered a small business.

Q. Did you ever make a seizure there? A. Not in the building.

Q. Did your deputies make a seizure there? A. Not in the building proper.

Q. Were you ever in the building? A. Yes.

Q. Been through it? A. Been through it.

Q. When? A. When I was a Sturgis deputy.

Q. And they employ several men? A. A number of men.

Q. And they employed a number of men then? A. I don't know how many they had.

Q. Do you know how many they have got now? A. No.

Q. And you don't know that they have got any more now than they had then? A. I don't know, no, because I haven't been there and counted them up.

Q. But they did business enough so that they were a growing concern with a number of employes under the

Sturgis Deputies? A. Yes, they ran a bottling business beside the liquor traffic.

Q. And they still do? A. They do a larger business.

Q. I wish you would tell the convention how you know how much business the Odiorne Bottling Company are doing. A. The only way is what I see coming into depots and boats and what I see around and about the building as I watch them.

Q. How much have they had for the last three months? A. I haven't watched them very much but I have been there very early in the morning. The first Saturday in March at about 5 o'clock in the morning I was at that building and stood in the passage and saw them load several cases of beer on to the team and a few barrels of beer.

Q. That was lately? A. That was lately; that was in March.

Q. Now when you were a deputy Sturgis Commissioner, didn't you see the Odiorne Bottling Company loading beer and denvering beer right along in Portland, just as you recently saw them? A. Not from the building there. They kept it in storage in some other place.

Q. You saw them loading it on teams and delivering it? A. I never saw them loading it. I have caught the teams after it was on.

Q. Now do you know at one time they did their deliveries through the American Express? A. I don't know it, no.

Q. You wouldn't question it? A. No, I presume they might have done it.

Q. Can you tell this convention the name of any bar room in the city of Portland doing business now that was not doing business when you were a Sturgis deputy? A. Doing business now that was not doing business when I was a Sturgis deputy?

Q. Yes. A. Why, yes.

Q. Tell us one? A. Well, there is two on Indian street.

Q. Just tell us the proprietor of one? A. I couldn't tell you the proprietor's name, but perhaps I can give you the number of the street.

Q. What is the number? A. One of them is 66 and the other is 43, I think, India street; and I think you will find another on the corner of India and Fore

streets, on the northeast corner.

Q. Just tell me what you know. What was the business that these men were in, in 1910, that are running the places now at 66 and 43 India street? A. I couldn't tell you.

Q. You don't know but what they were in the rum business? A. I couldn't tell you what they were doing at that time.

Q. In 1910 the Falmouth Hotel was one of the places that had a reputation of keeping a bar room, wasn't it? A. I don't recall it now, as it was.

Q. You remember at one time the proprietor of that hotel was before the court and was sentenced for liquor selling? A. I understand that he was.

Q. I don't mean the present proprietor? A. I understand that.

Q. That was for an offence committed in another county, in York county, wasn't it? A. In York county, yes, sir.

Q. Did you look over the lists of places where liquor was said to have been sold in Portland that has been printed and put before the convention? A. No, sir.

Q. Do you know anything about the petition that was circulated in Portland for Sheriff Moulton's removal, and which has been printed and presented to the House? A. I don't; I didn't see it, no, sir.

Q. And you have been in Portland right along for some little time? A. I have been in Portland—I have lived in one house for 21 years.

Q. Keep yourself pretty well informed about what is going on there? A. Oh, I couldn't say; I hardly know anything only what I observe myself.

Q. Now just one or two other questions upon the same subject. From your observation of matters in Portland should you say that the conditions that have been described there were sufficiently notorious that they were generally known to the people of the city? A. Under this administration?

Q. Yes.

A. I want to say to this convention that I have lived in Portland in the neighborhood of 28 years and—

Q. I ask that you will answer my

question. A. I am going to answer your question.

Q. No, you are not. A. Yes, I am.

Q. I am perfectly willing for you to take the time to make the statement you want to. A. I have got through with the statement and I was just going to answer your question.

Q. Didn't you misunderstand me? A. I don't think so.

The SPEAKER: You had better answer the question. Counsel on the other side will permit you to explain later.

Mr. PATTANGALL: I will ask you this: If the conditions which you have described here were sufficiently notorious, that is, open bars and so forth that in your opinion they were fairly well known to the people of Portland? A. Why, yes; a man unless he was blind couldn't help seeing them.

Q. And they haven't changed much in the last six months, have they? A. If he wasn't deprived of his smell, he couldn't help smelling it.

Q. That doesn't answer the question, does it?

Mr. CLEAVES: He didn't finish his former answer; that was part of his former answer.

Mr. PATTANGALL: The conditions haven't materially changed in the last six or eight months, down to the middle of March? A. They haven't been any better the last three or four months than they were in the first part of the year.

Q. Have they materially changed in your opinion? A. They haven't changed up till last Monday.

Q. And do you think that last Monday was before the middle of March, or were you just anxious to put that in your answer? A. That was after the middle of March.

Q. I ask you if for the six months prior to the middle of March there had been any material change of conditions in Portland? A. Well, not for the better.

Q. Had there been any material change? That is the question. A. There had been for the worse.

Q. During the last six months? A. Yes, sir.

Q. So that six months ago conditions

there you think were better than they were in March? A. Slightly better.

Q. Had there been very much difference? A. No, I don't mean very much difference.

Q. No material change? A. No.

Q. Now last summer, take it back last summer, and were conditions about as they were in the latter part of the year? A. I guess they were somewhere in the neighborhood of the same, practically changing, might change a little at times.

Q. But nothing to speak of? A. No, nothing to speak of.

Q. And during the fall were these matters with which or about which you have testified called to the attention of the public at meetings and through the papers, I mean, during campaign? A. I think they were.

Q. Mr. Ed Emery, you know him, don't you? A. Yes.

Q. He campaigned the county, didn't he? A. Some parts of it.

Q. And other men, with the idea of letting the public know just what has been rehearsed here? A. They took up some of the evidence that was seen and found, that was in the county, and told it to the people.

Q. And with those conditions existing and the information that has been given this convention having been given to the people of Cumberland county on the stump and through the press, Mr. Moulton was elected sheriff again? A. He was.

MR. CLEAVES: With the consent of the presiding officers Mr. Doughty would like to be excused finally, and Mr. Skillings also would like to be excused finally.

MR. PATRANGALL: I may want to ask Mr. Skillings a few questions.

On motion by Mr. Putnam of Houlton a recess was taken for 10 minutes.

After Recess.

KING S. GRAHAM, being duly called and sworn, testified:

By Mr. CLEAVES:

Q. Your name? A. King S. Graham.

Q. You live in Westbrook? A. Yes, sir.

Q. You were the somewhat unsuccessful candidate for sheriff of Cumberland county last fall? A. I was one of the defeated candidates.

Q. During the last part of December last were there various searches and seizures made upon places in the city of Westbrook? A. The last of December?

Q. Yes. A. Yes, sir.

Q. Did Sheriff Moulton or either of his deputies initiate any of those proceedings? A. They did not.

Q. Do you know the Leo P. Cote place at 184 Main street? A. I do.

Q. Was that a bar room where intoxicating liquors were sold during the last part of December of last year? A. It wasn't a bar room; it was a gambling joint, and they sold liquor there.

Q. Do you know the place of Joseph L. Dow at No. 16 Fitch street? A. Yes, sir.

Q. What was the character of that place during the last part of December of last year? A. It was an open rum shop.

Q. Louis Fornier, 31 Bridge street, what was the character of that place at the same time? A. Mr. Fornier hadn't been in business long; the place had been run as a saloon for a long time off and on.

Q. The place itself was a saloon? A. Yes, sir.

Q. Anthony Garon, 16 Fitch street? A. That was over Dow's, upstairs.

Q. What kind of a place is it, what was it used for? A. Saloon.

Q. J. C. Gellett, 904 Main street? A. That building has been used for liquor selling; it was used at that time.

Q. In the place of Joseph Dow, 16 Fitch street, was there a seizure made the last part of December of last year which was begun by citizens of Westbrook? A. Yes, sir.

Q. What quantity of liquor was found and taken away by the officers? A. The place was full of liquor; there was a two-horse jigger load taken from that building, and the empties weren't touched; there was probably a jigger load of empties.

Q. At 31 Bridge street was there any seizure made at about the same time? A. Small load, I should say an one-horse load; I didn't see the liquor taken away.

Q. At No. 16 Fitch street was there any seizure made, upstairs, at No. 16 Fitch street? A. Yes, sir.

Q. At what other places were any

seizures of liquor made at about that time? A. At two other places on Fitch street, at the place run by Gerard and at the place run by Foster; I can't give you the numbers, I can't recollect the numbers just now, but both of them were on Fitch street, seizures made at both places.

Q. What portion of the year 1912 had all these places been run as open rum shops? A. Please repeat your question.

Q. During what period of 1912 had each of these places been run as an open rum shop? A. They had been run all the time as far as my knowledge goes.

Q. Had you been sufficiently in touch with the situation so that you had made observation from time to time during the year? A. I was back and forth by the places; I never entered.

Q. And had that condition of openness resulted in a great deal of public clamor? A. It had.

Q. And was the activity of the citizens of Westbrook the result of that, together with the failure of the sheriff to do anything? A. It was.

Cross-Examination.

By MR. PATTANGALL:

Q. Mr. Graham, you stated that you were a candidate for the office of sheriff of Cumberland county in the last fall campaign? A. Yes, sir.

Q. Now, did you go about the county during the campaign? A. I did.

Q. Make an active campaign? A. Well, I should judge so.

Q. And brought to the attention of the people of Cumberland county such facts as were in your possession with regard to Sheriff Moulton's administration? A. As well as I was able.

Q. Through yourself and your friends? A. Yes, sir.

Q. What was the condition—whatever the condition with regard to liquor selling obtained in the county at that time was made known to the people of the county by you and the men who were supporting you, wasn't it? A. As far as we could.

Q. In public meetings? A. Yes, sir.

Q. And through the press? A. Not very much through the press.

Q. I mean, through the public print. I don't mean the newspaper in Portland called The Press, but through the public

print. A. I understand what you mean.

Q. I mean, generally? A. I understand, but you remember that the press of Portland are Republican and Democratic sheets.

Q. The Evening Express wouldn't forbid you access to its columns to expose the bad conditions there, would it? A. I don't know; I wasn't refused; all I say, the reports of our public meetings were not printed very fully.

Q. Even in the Express? A. No.

Q. So that what talk you made or your friends made, what appeal you made to the public had to be largely by word of mouth? A. Yes, sir.

Q. Now, after that appeal had been made to the public and they had been as fully informed of the state of affairs as you saw them as you were able to inform them, do you recollect how much plurality Sheriff Moulton had in the election? A. No, I wouldn't say.

Q. It was somewhere around 3600, wasn't it? A. I haven't the figures.

Q. Somewhere between 3000 and 4000? A. What is the use to estimate, or saying somewhere near? I say, I don't know.

Q. I didn't know but what you might be able to place it within some limits in the way of an estimate? A. I don't recollect; I should be very glad to inform you if I knew.

Q. I know you would. Do you recollect whether you were second or third candidate on the list? A. I believe I was the third.

ATTORNEY GENERAL WILSON: I don't know as I quite see what the bearing of this last testimony is upon the question that is really before the convention. I know the matter is dragging out, and I don't want to object to anything that my brother feels has any legitimate bearing; but it does not seem to me that this can have any bearing upon the question of the enforcement or the non-enforcement of this law. If my brother will tell me what he is driving at, whether Mr. Moulton was elected—we will admit that, and that he was elected by a plurality vote, but to use up the time of the convention on this matter, I want to object to it unless my brother can show wherein it has a bearing.

THE SPEAKER: You say you do object?

ATTORNEY GENERAL WILSON: Yes, but I don't want to be captious.

MR. PATTANGALL: I will say to the Speaker that I had asked everything on that line that I was going to ask.

THE SPEAKER: You had not received an answer to that last question, had you?

MR. PATTANGALL: Yes, he said he didn't know.

THE SPEAKER: Then that matter seems to have been closed up?

MR. PATTANGALL: Yes.

ATTORNEY GENERAL WILSON: If my brother is all through on that line I will withdraw my objection.

MR. PATTANGALL: Yes, I am all through upon that.

Q. Now, Mr. Graham, at that time apparently because you had a personal interest in the matter you informed yourself quite fully with regard to the general conditions in the county? A. I took no more interest at that time than at other times; I have always been interested in this question.

Q. At any rate, you were then fairly well informed as to general conditions in the county? A. I was informed; yes, sir; I had been right along.

Q. And did you make any request of Sheriff Moulton to take any action in regard to any places in your city of Westbrook? A. I had no time to waste; I had no conference with the sheriff.

THE SPEAKER: You should answer the questions categorically, if you can, without inserting any suggestions of that kind.

MR. PATTANGALL: Will you kindly answer the question? A. Will you repeat it?

Q. I ask you if you made any complaint to Sheriff Moulton? A. I did not.

Q. Or with regard to any of the conditions that existed in your city of Westbrook? A. I made no complaint; no, sir.

Q. Did you cause any to be made? A. I did not.

Q. Did you make any to the county attorney? A. I did not.

Q. Or did you cause any to be made? A. No, sir.

Q. Have you a municipal court in the city of Westbrook? A. We have.

Q. Did you make any complaint to the judge of that court? A. I did not.

Q. Were you familiar with the conditions in Cumberland county prior to the meeting of the September grand jury? A. I was; yes, sir.

Q. Did you go before the grand jury? I had no direct evidence. I didn't; no, sir.

Q. Did you know when the grand jury met in September that there were several places in Westbrook running as open rum shops? A. I had never made any purchases; I had never been in those places. I knew that they existed as we know that grocery stores exist.

Q. You had never been informed? A. No.

Q. But as you said on direct examination, you have been by them? A. Yes, sir.

Q. And observed them? A. Yes, sir.

Q. And knew them to be open rum shops? A. From my observation.

Q. Did you attempt to get that information to the grand jury? A. I did not, I had no direct evidence.

Q. Hadn't you the same evidence that you have now? A. Oh, no, I have been in since then, yes, in December.

Q. But you said in answer to a question by Bro. Cleaves that they had been running them as open rum shops during the year 1912? A. They have been known as open rum shops, men went in and out of those places, drinking men, and men who appear intoxicated.

Q. You didn't have any doubt about those places? A. No, sir; none whatever.

Q. In your county criminal cases are tried before the superior court and not before the supreme court? A. Yes, sir.

Q. Are you acquainted with Judge Connolly? A. No, sir; not personally.

Q. You know of him? A. Yes, sir.

Q. You know that he had been county attorney of your county? A. Yes, sir.

Q. Did you convey that information to the court, to Judge Connolly? A. No, sir; I had no direct information, no evidence. When the evidence was obtained, if I may be allowed to say, it was presented to the county attorney and before the grand jury when we had evidence that we could hold in court.

Q. Then up to December, 1912, you hadn't any evidence of liquor selling that you could have properly presented to any officer? A. That is true. I had no direct knowledge.

Q. Either in Westbrook or any other part of Cumberland county? A. No, sir.

Q. And in the campaign had you not associated with you members of the Civic League? A. Mr. Ed. Emery.

Q. And did you not talk over those matters with him? A. I don't remember that I had much talk with him. I heard some of his statements on the stump.

Q. On the stump. Didn't you hear him describe the conditions in September as he describes them here? A. Yes, sir.

Q. You had the direct statement of Emery as far back as September that those conditions existed as you heard them described here? A. I heard Mr. Emery's statement.

Q. You had no question about those being true? A. No, sir.

Q. You heard him state that he bought liquor at those places just as he stated here? A. I don't think he had bought any at that time. I do not recollect that he stated he had bought liquor.

Q. But he saw it sold? A. Yes, sir.

Q. You have stated that the reason you did not convey that information to Sheriff Moulton was because you had no confidence in him. Is that the reason you did not convey it to the county attorney, Mr. Bates, Judge Connolly and the grand jury? A. As I understood the question you asked me, it was why I didn't present this matter to him, why I did not make complaint.

Q. You say that you made no complaint to Sheriff Moulton because you had no confidence in him. Was that the reason you made no complaint to the county attorney, to Judge Pride or to

the grand jury, or to Judge Connolly? A. I have confidence in Mr. Bates, the county attorney, but I do not understand that Mr. Bates swears out warrants and proceeds in searching these places.

Q. And the evidence you had that came from Mr. Emery and upon which you made your campaign required no swearing out of warrants? A. I didn't make my campaign on that evidence.

Q. You made your campaign on the proposition that liquor was being sold and if you were elected, you would stop it? A. I made my campaign on the proposition that the law was not enforced.

Q. Did you complain to the county attorney or Judge Connolly or to anyone so that the law could be enforced? A. No, sir.

Q. Why didn't you? A. I didn't consider that the county attorney would swear out warrants and proceed against those places unless the sheriff took action himself. I have no reflection to cast on County Attorney Bates. I have had dealings with him and have found him ready to do his duty.

Q. Have you had any dealings with Sheriff Moulton which indicated that he would not do his duty? A. No, sir. I have had no dealings with him.

Q. But you wish to cast reflections on him? A. Because of the conditions.

Q. You understand that the county attorney has certain duties to perform? A. Yes, sir.

Q. And if evidence is presented to him, it is his duty to present it to the grand jury? A. Yes, sir.

Q. And it was within your knowledge that such conditions existed, but you did not convey your information to the county attorney? A. I had evidence that those conditions existed, but I had no evidence of my own.

Q. Did you ever know, Mr. Graham, of Sheriff Moulton refusing to act on any information brought to him of liquor selling? A. I have had no dealings with him. I may have heard of other parties who have.

Q. Have you heard of other parties who went to him and did not get anything done? A. I think I have but I would not be positive.

Q. Who? A. I think some of the women in Westbrook made complaints.

Q. What women? A. Some of the Christian Temperance women.

Q. What one? A. I think the president.

Q. What is her name? A. Mrs. Knight.

Q. What is the first name, the full name, I want to find out. A. I don't know her full name, I could tell you her husband's name.

Q. What is the husband's name? A. Mrs. Walter V. Knight.

Q. You say that she told you that she went to Sheriff Moulton with a complaint about places and he would not take any action? A. No, sir; I didn't say that.

Q. What did you say? A. That I understood so.

Q. Who from? A. It has been reported around.

Q. What are you talking, just gossip? A. No.

Q. Have you heard it from anybody direct? A. If I have heard it at all, I certainly heard it from somebody.

Q. Who did you hear it from? A. I don't recollect now.

Q. Do you know Mrs. Knight? A. Yes, sir.

Q. Acquainted fairly well with her? A. Yes, it may have been from her.

Q. Was it? A. I am not positive.

Q. Do you think it was? A. I would not say.

Q. When was it? A. I don't remember.

Q. What place was it about? A. I don't remember.

Q. Do you remember that Mrs. Knight ever said one single thing about having complained to Sheriff Moulton and he paying no attention to her complaint? A. I don't remember that Mrs. Knight told me that.

Q. Do you remember that anybody told you that? A. I have the impression, yes.

Q. And about when did you first get that impression? A. I think some time during the summer.

Q. During the campaign? A. I think before the campaign.

Q. Do you know what places they were talking about? A. Oh, no.

Q. Were they in Westbrook or in Portland? A. In Westbrook.

Q. Now who swore out the warrants against those places in Westbrook? A. I swore out some.

Q. Who else? A. Mr. Curry. He is a citizen of Westbrook.

Q. He is not an officer? A. No, sir.

Q. And between you and him were all the warrants sworn out or was there someone else? A. I am not sure.

Q. You do not recall anybody else? A. No, sir.

Q. Against those six places? A. It seems to me there were eight, but I am not positive.

Q. I am not positive. Those places were searched? A. They were.

Q. Who did the searching if you know? A. The principal part of the searching was done by the city marshal and his officers.

Q. Were there any deputy sheriffs present? A. Yes, Mr. Leighton.

Q. And he had the warrant? A. I gave him a warrant for two places.

Q. And he showed no hesitation about using the warrant? A. He seemed to have other business of that time.

Q. Did he use the warrant? A. Yes. I urged him as it was necessary to move at once.

Q. And he got the goods? A. They were found, certainly. The place was full of it.

Q. You say that the goods were found? A. There were police officers there with him.

Q. He made two searches, did he? A. With the assistance of the police officer.

Q. How many searches did he participate in? A. I think two.

Q. And those cases went to the court and were taken care of by the court? A. Yes, sir; the parties pled guilty.

Q. Mr. Graham, were those places that we have spoken of in Westbrook run under the pretence of being clubs? A. Some of them.

Q. Is that true of how many of them? A. I think two, possibly three. I think two.

Q. And how many of those places have been maintained for a considerable length of time? A. Those buildings, some of them, were used off and on by different parties for some number of years.

Q. For liquor selling? A. Yes, sir, so far as my knowledge goes.

Q. And were all of them new proprietors? Or were some used by the same proprietor for a considerable length of time? A. I think Mr. Dow had used his place for some time.

Q. About how many years? A. I would not say how many years in that building. I think some number of years.

Q. In fact other seizures have been made there against him from time to time? A. Yes, sir.

Q. And after the seizures were made, he went into business again? A. It seems so.

Q. And he has kept that up for a series of years? A. Yes, sir.

Q. Running back maybe 10 or 12 years? A. Some little time, I would not say how long.

Q. This Mr. Curry, who swore out part of those warrants, what is his business? A. Superintendent in the cotton mill.

Q. And located in Westbrook? A. Yes, sir.

Q. And living there at the present time? A. Yes, sir.

Q. Do you know whether since that time or before or about that time he had been himself arrested on a criminal warrant? A. Since that time.

The ATTORNEY GENERAL: We have not Mr. Curry here. I only call attention to this matter to shorten the proceedings.

The SPEAKER: The Chair is very desirous of making the examinations as concise as possible. We do not wish to have any one's rights prejudiced. If it is possible to shorten the examinations, we hope it may be done.

Mr. PATTANGALL: Do you know anything with regard to the administration of the sheriff's office other than what you have related, of your own knowledge? A. What do you mean by that?

Q. I mean have you had anything further to do with the administration of the liquor law during Sheriff Moulton's administration other than what you have already stated, except those matters in Westbrook? A. I do not know as I understand.

Q. Have you had occasion to complain about other places outside of

Westbrook. A. I felt that a man's business was in his own town.

Q. As a matter of fact you have not complained of other places? A. No, sir.

Q. Nor have you made personal investigations? A. Nothing than passing through the street, and I have not been investigating.

Q. Your knowledge gained in passing through the street was not sufficient to act upon your own initiative? A. I have no evidence of course.

Q. So that as far as you know with the exception of the Westbrook matters, which have been closed up, there is nothing to complain of there? A. As far as I have been into places. Of course, I don't know—I should complain of the conditions.

Q. You should? A. Yes, I feel that the conditions are not as they should be.

Q. You say you should complain of them, but you have not complained to anybody entitled to assist there? A. No, sir, I do not mean it that way. I mean that I was not satisfied.

Q. I do not mean to sign a liquor complaint, but you have not complained, you have not made any complaint to anybody who is in a position to act, anybody with authority, have you, the judge, the grand jury or the sheriff? A. Except in these matters of seizures.

Q. Except in Westbrook? A. Yes, sir.

Q. That you have told about. You do not know anything about the circulation of a petition for Mr. Moulton's removal, do you? A. You mean at that time?

Q. Yes. A. I saw that in the paper, that a petition had been circulated. It was not presented to me.

Q. Then you knew nothing about its circulation until it was printed in the papers? A. No, sir. I didn't know about any petition.

Q. Since those cases up in Westbrook, has there been any trouble there, since December, with regard to enforcement? A. The conditions have been very good.

Q. So that you would have no complaint to make with regard to Westbrook since the first of the year? A. Our principal trouble has been from men going

to the city and coming back intoxicated.

Q. With regard to liquor selling in Westbrook, you have had no trouble since the first of the year? A. It has been very good.

Q. And so far as the city of Westbrook is concerned, you would find no fault with the work of Sheriff Moulton since the first of January? A. I do not recall that the sheriff has done any work there except to serve warrants when they were put into his hands.

Q. Since the first of January is there any occasion so far as you know to complain of Sheriff Moulton's work in Westbrook? A. No, sir. The conditions have been very good.

JUDGE CLEAVES: I will say, Mr. President, to you and through you to the convention that we have other Westbrook witnesses, but the attorney general feels that it would be a repetition and we shall cut them out to save time. The Westbrook witnesses may all be excused.

MR. PATTANGALL: If Mrs. Knight is here, I would like not to have her excused.

Mr. Feeney and Mr. Dyer, State's witnesses, sworn.

Mr. George F. Feeney, having been duly sworn, testified as follows:

Examination by Judge Cleaves.

Q. What is your full name? A. George F. Feeney.

Q. And your home is in Portland? A. Yes, sir.

Q. What is your occupation? A. I am chief clerk in the Eastern Steamship Corporation.

Q. And has the Eastern Steamship Corporation in its own office a record of shipments into Portland by the Eastern Steamship Company and the Maine Steamship Company? A. Yes, sir.

Q. Have you recently examined the invoices of shipments to Thomas A. Brownrig and Patrick A. Sullivan for either one of those lines during the six months beginning October 1st, 1912, and ending the last day of March, this year? A. I have caused the records to be examined from January 1st to March 31st, inclusive.

Q. Shipments of goods to either one of those men? A. Yes, sir.

Q. Will you, using any memoranda that you may have had prepared under your direction, state the shipments of goods to Mr. Brownrig during that time?

MR. PATTANGALL: I should suppose, Mr. Speaker, that this was not yet brought within the rules or evidence.

THE SPEAKER: Not technically, unless he can testify from knowledge of his own.

JUDGE CLEAVES: The attorney general can bring testimony of half a carload of liquors. We found when these matters were examined that it would necessitate the bringing down here of eight or nine books three feet long, eighteen inches wide and five or six inches thick, and then we would have to go through those books, one by one. It was thought that if we had a transcript from which the witness could state to us the correct amounts that this might be avoided and save some time. If it is desired that we should bring these books in, I suppose we are compelled to do it.

THE SPEAKER: Counsel can satisfy themselves as to the correctness of the books.

MR. PATTANGALL: I did not understand the witness to testify that even he had made the transcript.

JUDGE CLEAVES: Were they made under your direction? A. By a clerk employed by the corporation.

THE SPEAKER: If the clerks were here and would testify to the correctness of the transcript, would counsel still object?

MR. PATTANGALL: Except for this: If any part of the records were to be put in, we might want to put in all of them. I do not know what time the shipments cover or to what people the goods were shipped. I should prefer the records, of course.

THE SPEAKER: Of course, this particular line of testimony is not admissible, strictly.

JUDGE CLEAVES: Counsel understands that these are shipments to Brownrig only?

MR. PATTANGALL: Yes.

JUDGE CLEAVES: Mr. Feeney, you will have to return here tomorrow with the originals. A. Shall we bring them or send the clerks who made up the record?

Q. You may produce the original records yourself. Were they made from knowledge which you have of your own? A. Yes, I can tell from the way the sheets were made up.

Q. I mean the original books, were they made up under your direction and supervision? A. Yes, I supervised it; I told him how to get those records.

Q. I mean the books themselves from which you have taken these transcripts, were those books made up under your supervision? A. They are not written books. They are original invoices pasted in.

Q. You bring those; those are the original records, and Mr. Dyer, you can bring the originals, can you? A. (By Mr. Dyer) I can.

Judge CLEAVES: You will have to do it.

LINUS SEELEY, being first duly sworn, testified as follows:

Examination by Judge CLEAVES.

Q. Your name is Linus Seeley? A. Yes, sir.

Q. Where do you live? A. Portland.

Q. What is your occupation? A. Builder.

Q. For how many years have you lived in Portland? A. I first came to Portland in 1870, and I was away from Portland about 16 years.

Q. Now during the present year have you made any observations in Portland with reference to places where intoxicating liquors have been sold? A. Yes, sir.

Q. Will you state as briefly as you can, Mr. Seeley, those observations and investigations? Be as brief as you can. A. On the 17th of March I went into a barroom on the corner of Union and Fore streets, southwest corner. I went in and found seven men at the bar drinking, other men coming and going, and I asked for a half pint of good whiskey and the bartender who was behind the bar serving in a white jacket, set up four samples on the bar, different kinds of whiskey, put up in bottles. One was the Mt. Vernon, the other was the Honor Bright, and one was Monticel-

lo. The other I don't remember. I said the Monticello would do, and I paid forty cents for it and walked out.

Q. Now where next did you go? A. I went to the Preble House bar on Congress street.

Q. Preble House? A. Yes, sir.

Q. What did you do there? What did you see? A. I went into the bar room, there were three men drinking at the bar. And I asked the bartender for a half-pint of good whiskey. He said Green River Whiskey was good. I said that would do. And he filled the bottle and gave it to me and I paid him 40 cents. And another man came in while he was serving me, and he was serving him with a bottle and glass as I went out.

Q. Did you have any difficulty, Mr. Seeley, in getting into the bar room at the Preble House? A. No, sir. Men were coming out as I went in, and going in as I came out.

Q. Where next did you go? A. The next bar room I visited was down on India street.

Q. Where, in a definite way? A. It is almost opposite the Mason Dispensary, it is No. 66 or 68, I think 66.

Q. What did you do and observe there? A. I went in and there were three men drinking at the bar and two others standing around, and I inquired for a laborer that I was looking for—and I didn't ask for any whiskey—and walked out; and he advised me to go to a barber shop, an Italian barber shop.

Q. Did you see any evidence of traffic there? A. Oh, yes, there were three men at the bar with glasses drinking when I was there, and a bar fairly well stocked with liquor, bottles.

Q. Found it fairly well stocked with liquor? A. Yes.

Q. Where else did you go? A. I went to a barroom on the northeast corner of Fore and Franklin streets, and I went in and inquired for the same man, and there were 14 men in that place. Seven or them were lined up at the bar drinking. There were two of the men were colored. One of the men had a letter carrier's uniform on, and was drinking down his drink as I came in.

Q. Now did you see any stock of liquors there at that place? A. Yes,

sir, fairly good stock back of the bar, and the bartender had a white jacket on, as they all had.

Q. Now where next did you go and what did you do? A. That was all, I think.

Q. Upon that day—now did you make any investigation after that time? A. No, the first two that I visited, I should have said were on the 17th of March, and the other two places that I visited were on the 26th of March. That was about all the investigation that I made.

Q. Now did you see any watchers, or did you find any locked doors, or doors that were closed against you? A. No, sir, everything was all open and easy of access.

Q. Since the 26th, have you made any observations, that is, during the past week, with reference to these same places? A. No, I haven't.

Cross-Examination by Mr. Gulliver.

Q. How long have you been living in Portland, since your return from the West, Mr. Seeley? A. After I returned from the West, I lived about three months, then I went to Bangor, and I was down in that vicinity about two years, and last February— have been permanently a year ago last February.

Q. So since February, 1912, you have been living in Portland almost continuously? A. Yes, sir.

Q. Under whose instructions did you make these visits, on March 17th? A. I was not instructed by anybody.

Q. At whose request then? A. Well, I went—between three and four weeks ago, I wrote to Gov. Haines, complaining of the situation and asking him to use his power according to his promise in his inaugural address to abate the nuisances, and to give to those who are derelict in their official duty what they deserved; and others wrote the same. And I went for the purpose of furnishing evidence.

Q. You wrote to the Governor first? A. Yes.

Q. And after writing that letter you made these visits on March 17th? A. Yes, sir.

Q. Now at whose suggestion did you make the visits on March 17th? A. At

the suggestion of some man, a couple of my neighbors.

Q. Who were they? A. Mr. Martin Smart was one. Mr. Sturgis was the other.

Q. Which Mr. Sturgis? A. I think his name is Herbert H.

Q. Do you know whether he had any communication with Gov. Haines, or not? A. I think he had. I understood he had.

Q. He wrote also? A. I think he did.

Q. And was it your purpose and desire in collecting this evidence to secure the removal of Sheriff Moulton? A. My purpose was to furnish to Gov. Haines, or any convention which he might appoint, the evidence that he required, that he said he required.

Q. To remove Sheriff Moulton? A. Gov. Haines' answer was, that he could not act on hearsay or gossip, he wanted facts.

Q. I ask you if your purpose in collecting this evidence was to secure the removal of Sheriff Moulton? A. My purpose was to have the law enforced even if it required the removal of Sheriff Moulton.

Q. Did you, before you sought to have Sheriff Moulton removed, make any complaint to him in person? A. No, sir.

Q. Have you ever made a complaint to him in person? A. No, sir.

Q. Do you know anybody that has? A. No, sir, not personally; I have heard that complaints were made.

Q. Who have you heard of who ever made a complaint to Sheriff Moulton? A. I heard that Mr. Watson did.

Q. You heard that he did? A. Yes, sir.

Q. What is his name? A. William Watson.

Q. Who else? A. I don't remember now.

Q. Anybody? A. I don't remember at present.

Q. You can't recall anybody else? You understood from Mr. Watson that he went to Sheriff Moulton personally? A. I did.

Q. And made a complaint? A. I did understand it.

Q. Did he report to you whether any action was taken by the sheriff on that complaint? A. I understood there was none taken.

Q. Now before writing to Governor Haines, did you make complaint or request enforcement through any other sources? A. No, sir.

Q. D. Cumberland county? A. No, sir.

Q. Had you ever been refused assistance by the county attorney or any of the judges of the courts of Portland? A. If I had not made complaint I could not have been refused.

Q. Answer my question? A. No, I never had cause; I never made complaint.

Q. Did you have any reason to believe that the courts or county attorney would not listen to your complaint? A. I had no time to waste in making complaints, and I didn't make them.

Q. Would that be wasting time to call these single sales to the attention of County Attorney Bates? A. I never saw County Attorney Bates, and knew nothing of him.

Q. Answer my question, if that would be wasting time? A. I think it would.

Q. Why? Do you mean to say that you think he would pay no attention to your complaint? A. I don't know the man.

Q. Answer my question? A. I had no time to waste looking him up.

Q. Answer my question? A. What is it?

Q. Do you or not say that you think he would not have listened to your complaint? A. I don't say that I don't think he would.

Q. Then why do you not present it to him? A. I have told you, I think.

Q. How are you going to waste your time by presenting it to Mr. Bates? A. I had no time to do it. I am a busy man.

Q. How much time would it have taken? A. I don't know where he lives, or where his office is.

Q. Do you know where the County Building is? A. Yes.

Q. Do you know that he has an office there?

Attorney General WILSON: Just one moment.

The SPEAKER: The examination appears to be more or less futile. We do not desire to abridge any rights

of the defendant, if he is to be called a defendant, but we urge again that counsel restrict the scope of their examination.

Mr. GULLIVER: I will say again, Mr. President, that the purpose of the examination goes to the good faith of the witness.

Attorney General WILSON: It seems to me it has gone far enough.

The SPEAKER: It appears to be far from the issue. Notwithstanding that, we don't want to abridge any rights, and we admit the examination with the suggestion that it be abridged as much as possible.

Mr. GULLIVER: I will accept the suggestion.

Q. What did you do with the half pints of liquor which you purchased? A. I took them home.

Q. Where are they now? A. Here is one of them (showing bottle); here is the date. Here is the other one (showing bottle).

Q. Produce the other one? A. That is all.

Q. You never have exhibited these pints of whiskey to Mr. Bates, have you? A. No, sir.

Q. Or to the judge of the municipal court? A. No, sir.

Q. Was it your purpose, not to see the law enforced, and not to bring criminals to justice, but to prejudice the enforcement of Sheriff Moulton? A. No, sir. I considered it more effective to bring the evidence here, and here was where I brought it. I got it for this purpose.

Q. Do you think this Legislature can impose any penalty on the man who sold you that liquor? A. I am not a lawyer. I don't know anything about it.

Q. Answer that question? A. I don't know anything about it.

Q. You knew very well, did you not, that the judge of the municipal court could impose a penalty? A. He might, yes, and he might not.

Q. Did you ever know him not to? A. No. I am not acquainted with the history of law in Portland at all.

Q. And you have not sought to make yourself acquainted with it? A. No, sir.

Q. In all that you have learned, and all that you have testified here in respect to conditions in the city of Portland, you

have made no complaints except the evidence that you have submitted to Governor Haines? A. That is all.

ATTORNEY GENERAL WILSON: I will state, in order to be perfectly fair with counsel on the other side, I think that this side has concluded that we will only ask Mr. Dyer, who represents the Boston & Maine to return as far as we are concerned; because we find that in order to bring back the documentary evidence on the other side to make it admissible, it will cause much trouble and difficulty to bring it here, and we do not consider it worth while. So that so far as this side is concerned, we shall only ask Mr. Dyer to come tomorrow morning.

ISAAC H. JOHNSON, being first duly sworn, testified as follows:

Examination by JUDGE CLEAVES.

Q. Your name is Isaac H. Johnson? A. That is my name.

Q. You live in Portland? A. I do.

Q. On the 19th day of March, this year, did you visit a place at No. 1 Pleasant street? A. I did.

Q. Did you there make any purchase of intoxicating liquor? A. I did.

Q. What did you purchase? A. Half a pint of whiskey, what I called for.

Q. And did you find the place presided over by any bartender? A. It was.

Q. And was there any bar in it? A. There was a long bar. I should think it extended the whole length of the room.

Q. And what did you inquire for? A. I asked for a half pint of whiskey.

Q. Did you meet with any hesitancy in filling the order? A. He said, "What kind do you want, the twenty-five cent kind, or the thirty-five cent kind?" I said, "Well, your twenty-five cent kind is pretty good, isn't it?" "Oh, yes, yes," So I laid down the twenty-five cents and he reached right under the bar—he didn't have to step out of his tracks—he reached under the bar and took it out and handed it to me, and I come away.

Q. Now did you see anyone drinking in there? A. At the further end of the bar from where I went in—I entered on

Center street, at the back entrance, Center street side, there were several men. The one nearest to me was drinking out of a glass mug a dark-colored liquid, or chocolate-colored liquid, with at least a half inch of froth on top. What it was I don't know. I am not acquainted with the stuff myself.

Q. Now that same day, did you visit No. 238 Federal street? A. I did.

Q. And is there a bar in that place? A. As I went down Federal street, I saw a door and pushed it open, and I thought I smelled something of a foreign nature. I went up stairs. I saw it led up to the second story, and in the front room that opened from the landing, to be conservative, I should say that there was at least a horse load of empty half pint bottles, in the back room, there was a man peeling an apple with a paring machine. I said "I would like a half pint of whisky." He said "Right down stairs, the first door below." The first door below had a black sign beside it with letters and figures painted on it with yellow paint, and it read "236" and underneath "Oyster House"?

Q. Was there a bar in there? A. I entered it. There was a bar there, the other end.

Q. Bartender? A. Bartender.

Q. Did you make any request for any liquor there? A. I did.

Q. And did you obtain any? A. I did.

Q. What did you inquire for? A. Well, I simply laid down a quarter. He didn't ask me any questions or say anything one way or the other, only filled my order.

Q. You laid down a quarter, put it on the bar? A. And he handed me a half pint of whiskey. About middle way of the bar there were two men drinking from tall black bottles, round bottles, about three inches in diameter with a long neck.

Q. That is, two men were taking a drink that they had poured from a long-necker? A. Yes, sir.

Cross-Examination by Mr. Pattangall.

Q. Mr. Johnson, when was it you made these purchases? A. On Wednesday, March 19, 1913.

Q. And for what purpose did you make them? A. Well, I had an impression—I was in search of knowledge—I had an impression that one had to give some secret sign or cabalistic word to the bar tender in Portland in order to purchase intoxicating liquors, and the question I wanted settled was—does the prohibitory law prohibit me and others not initiated, and I thought if it did it was doing some good.

Q. Did you discover that it was doing any good? A. Well, no, I didn't.

Q. Mr. Johnson, do you live in Portland right along? A. I have lived in Portland since the city of Deering was changed to Portland.

Q. And in a general way you are well acquainted with the city, of course. A. I am quite well acquainted, have been doing business there for eighteen years.

Q. What business? A. I am a joiner and work on concrete cellars and sidewalks.

Q. That takes you of course into various parts of the city into different buildings and around different buildings? A. Around different buildings.

Q. You lived in Portland, did you, during all of the time of Sheriff Pearson's two years' administration? A. I built the house where I am living and have lived in it 35 years.

Q. During that particular two years you were living there all the time? A. Yes, sir.

Q. And were generally familiar with conditions about Portland, were you not? A. Generally.

Q. And up to March 19, from what you had observed in Portland, you believed that things were so conducted that the only way a man could get a drink was by giving some signs or cabalistic words? A. I had never had any use for it, so I didn't know.

Q. You really believed that? A. We seemed to have quite a stringent law, and I didn't see how—

Q. When you testified—and of course your testimony is being given

frankly and under oath—that you did believe that up to that time you had thought that the only way to get liquor was by signs and cabalistic words, you weren't jesting, you were telling what you believed? A. Yes, sir.

Q. And the only purpose you had in buying these two half pints was to find out whether that was so or not—is that right? A. Partly.

Q. That is the only purpose you have given us yet—what other purpose did you have? A. A friend of mine, knowing that I was a temperance man, said to me a few days before "Are you satisfied with the way that the prohibitory law is enforced in this county? I answered "I don't know much about how it is enforced, only by hearsay." "Well," he says, "why don't you find out?" I says, "I haven't got the time. I don't know how to find out."

Q. Who was this friends of yours? A. Freeman Lamb.

Q. So it was partly at his suggestion that you went about to find these two half pints? A. He informed me that Governor Haines was willing to see that the law was enforced if he had evidence that it wasn't enforced.

Q. Oh, I see. A. I told him I didn't have time to attend to it.

Q. Then it was at the suggestion— A. That was what started me, yes.

Q. It was at the suggestion of Freeman Lamb that the Governor would do something in Cumberland if he had the evidence that caused you to go and buy your two half pints of whiskey, was it? A. After I thought it over, why I began to think that I would like to know whether it was enforced or not, and I thought it would be quite an interesting trip.

Q. You have lived there right along, and you hadn't seen any occasion to go out and make any inquiries or investigations until you got word from the Governor that they wanted to be made—is that right? A. I saw the evidence around of men intoxicated; I don't know where they got it.

Q. When your friend first asked if you were satisfied with conditions in

Cumberland county, you answered that you didn't know much about it? A. I meant that I never had investigated it.

Q. Haven't you said that you didn't know much about it?

Judge CLEAVES: He said by hearsay was the condition he meant.

A. Of course I knew also that I had seen drunken men around, but where they got it I don't know.

Q. During the 35 years you lived in Portland, every year you saw some drunkenness around, without regard to who the sheriff was? A. Yes.

Q. And nothing that you have heard, no hearsay that had come to you prior to the 19th of March, caused you to either make any inquiries yourself, or to request the sheriff or county attorney or anybody else to make any, isn't that true? You didn't go to the sheriff or make any complaint at any time? A. No, I didn't know anything about what the law was. I didn't look into the matter enough to know.

Q. You never made any complaint of any kind to the sheriff, did you? A. I did not.

Q. Nor to the county attorney? A. I did not.

Q. Not to anybody else? A. No, I did not, I didn't suppose I had got to.

Q. Well, you didn't did you? A. No, I didn't.

Q. Until your friend came to you and asked you to make this investigation in order that Governor Haines might be supplied with some testimony, you hadn't done anything in the matter at all, had you? A. I hadn't.

Q. And then you went to two places to buy liquor. How did you happen to go to those two particular places? A. Well, I went down Center street. I knew there were saloons down that way. I went down on the right hand side and I didn't see any evidences of places being opened there until I got down to the corner. There was a tight board, sheathed up fence, with the door open where they go in, and I went in there.

Q. When you say you went down Center street, and didn't see any evi-

dences of places being open until you got to the corner, what corner do you mean? A. The corner of Center and Pleasant street.

Q. And from what point did you enter Center street? A. I entered the saloon from the back entrance.

Q. No, you misunderstand me. What street were you on previous to your going onto Center street? A. I came down from Congress street.

Q. Did you pass Free street; in going that way would you pass the corner of Center and Free? A. I did.

Q. Will you look at this diagram that is marked House Document No. 667. That is Free street at the top of the document. This (indicating) is Fore street, and Pleasant at the bottom. Now as I understand it, you came down Congress right by Free street and along on Center street until you got to the corner of Pleasant and Center—is that right? A. Yes, sir.

Q. And passed these places that are marked in black on the right hand side of Center street without seeing anything that would lead you to believe they were rum shops A. Those were on the left hand side; I came down on the right hand side.

Q. Did you see anything about those places that caused you to look at them or examine them or go into them? A. I didn't notice them at all.

Q. But you were looking for a bar room. A. I was looking for a bar room.

Q. You went by four of these places that have been marked black in the diagram looking for a bar room, and saw nothing at all about them, isn't that right? A. I didn't notice them at all. My son was with me and we were talking. When I was in the milk business I knew that there was a saloon there.

Q. What did you do with the two half pints of whiskey? A. They are in the city and I can produce them.

Q. I don't want them. You mean in the city of Augusta? A. I mean in the city of Portland.

Q. What means did you take to inform the Governor of Maine that you had succeeded in buying two half

pints of whiskey in Portland? A. I had three. I visited another place. I visited three places and had three samples.

Q. I want to know, after you got the three samples what means did you take to inform the Governor of Maine that you had succeeded in buying three half pints of whiskey in Portland? A. I went down to Lawyer Knowlton and I gave him the three half pints of whiskey, and labeled each one from the place that it came from and the day that I got it. I suppose he has it now.

Q. What means did you take to inform the Governor about it? A. Well I was informed that if I made an affidavit there, that that was all that was necessary, that he had that matter in charge.

Q. Representing the people who wanted the investigation? A. Yes.

Q. Mr. Knowlton has been for years the attorney for the Civic League in Portland? A. I don't know.

Q. Had you ever, previous to that time, been engaged in the work of a liquor 'spotter'? A. Never in my life. That was the first time I ever was in a saloon in the city of Portland.

Q. And you wouldn't have done that if your friend hadn't made the request of you that day? A. I suppose I shouldn't, but when I began to think it over, I didn't know but what it was my duty to do something if I could. I had heard considerable talk about the lax way that the law was enforced, and as I thought it over I thought perhaps it might be my duty.

Q. Mr. Johnson, do you know Sheriff Moulton by sight. A. I don't, never saw the man until I saw him here.

Q. Do you know County Attorney Bates by sight? Sam Bates? A. What is his initial, S. B?

Q. Samuel L. Bates, County Attorney. A. I think I supplied the man with milk when I was in the milk business. I had an S. L. Bates.

Q. Did you know Judge Connolly, Joseph E. F. Connolly? A. I did not.

Q. Don't you know who he is? A. I know who he is.

Q. Did you know the Judge of your Municipal Court, John F. A. Merrill?

A. I did not; I am not in the political business.

Q. I suppose your public officials are known to some of your citizens who are not in the political business. Did it ever occur to you that if it was your duty to do something to better conditions there that perhaps as much could be accomplished by speaking to County Attorney Bates about it as by going to saloons and buying three half pints of whiskey to make evidence for the Governor? A. I never inquired the course of procedure in such cases; I knew nothing about it.

Q. And you don't know anything about conditions in the city of Portland except in so far as you have related them and by hearsay? A. That is all.

Q. Were you familiar with conditions in Portland in 1910, when the Sturgis deputies were there? A. I lived there in Portland.

Q. And had you any knowledge of conditions then with regard to liquor sellers? A. Only what I saw in accounts in the papers of seizures and such as that.

Q. Your name is not among the petitioners for Sheriff Moulton's removal, is it? A. No, sir.

Q. And you have no knowledge about the circulating of that petition? A. No, I didn't happen to see it.

Q. You never saw it? A. No.

Q. You didn't know when it was circulated? A. No, sir.

THOMAS I. JORDAN, called for the prosecution, sworn, in answer to questions by Judge Cleaves, testified as follows:

Q. You live in Portland? A. I do.

Q. You are a member of the firm of Jordan and Kimball? A. I am.

Q. Engaged in what business? A. Fruit and produce.

Q. And formerly and until recently at 11 Exchange street? A. Yes, sir.

Q. Last fall did you observe that the place at No. 9 Exchange street was being fitted up for a bar room? A. I did.

Q. And without going into too much detail, what did you discover, what caused you to know that it was being fitted for a bar room? A. I

could see that the bar was being built there, and there was a partition put up across the room about half way back I should say ten feet from the front.

Q. One of those familiar partitions that screen in the front part of the building so that you can't see into the bar behind? A. Yes, sir.

Q. Did Jordan and Kimball complain to Sheriff Moulton in regard to it? A. They did.

Q. And sometime during the time it was being fitted up last fall? A. Yes, sir.

Q. Has ever any seizure or search or apparent effort to search or seize been made from the time you made your complaint until you went away from that neighborhood very recently? A. Not to my knowledge.

Q. During the time after it was fitted up and until you moved away, was it being occupied? A. Do you mean previous to the time it was fitted up?

Q. No, after it was fitted up. A. No, sir.

Q. No. 9 Exchange street hasn't been occupied during the fall and winter? A. Not after they began to fit it up until they went into it themselves.

Q. That is what I mean. After it was fitted up they went into it? A. Certainly.

Q. Who? A. Ross and Carey.

Q. What business did they carry on there? A. They carried on a rum business.

Q. And up to how recent a time have you observed them carrying on a rum business there? A. I think it was some time in December when they began, I couldn't tell exactly but I think so.

Q. And continued up to the time you moved away, within a short time? A. Yes, sir.

Q. How openly did they carry on that business? A. Anybody that wanted anything could go in and get it. There was no one at the door to prevent it, and the doors were open. I know of no restrictions whatever.

Q. And as you observed it, did they appear to be getting a fair share of the

trade? A. I think so, I was located so that I could see them going in the back door and the front door.

Cross-examination by Mr. Pattangall.

Q. Now can you tell when it was that you spoke to Sheriff Moulton about this? A. I couldn't tell the exact date, but I think it was along the first of December.

Q. Where did you see him? A. I didn't see him, I telephoned him.

Q. Called him on the telephone from your place of business? A. Yes, sir.

Q. And what did you say to him? A. We asked for Sheriff Moulton and asked him if he knew there was a place being fitted up at No. 9 Exchange street for a rum shop and he didn't allow that he knew it, but we informed him that that was the fact and that we would like to have him stop it, we didn't want it there.

Q. Any further conversation about it, or is that the substance of it? A. Simply that he said that if we didn't want it there we shouldn't have it there.

Q. Now at that time when you spoke to him nothing had been done that would have been a ground for complaint against these people? A. No, sir.

Q. And that was about the first of the month? A. About the first of December, I think.

Q. At any rate in the early part of the month. A. It was in the early part of the winter.

Q. Is that the place where there was formerly a bond office or insurance office? A. As near as I can recollect Hoyt's Express was there, followed by a man that had an agency for a filterer, and then I think Louis A. Goudy occupied it for a short time as an agency for an automobile concern.

Q. So far as the front has been concerned, that hasn't been changed? A. It hasn't been changed.

Q. The changes that were made in December were in the interior of the building? A. In the interior.

Q. Do you know who owns the building? A. James P. Baxter—I

won't say whether he owns it or whether it is Percival, his son.

Q. Either James P. Baxter or Percival P. Baxter owns the building? A. One of them I think owns the building. I made a complaint to Percival P. Baxter at about the same time, I think three or four days previous to that.

Q. You made a complaint to Percival P. Baxter before you complained to Mr. Moulton? A. Before I complained to Mr. Moulton.

Q. And what response did you get to that? A. Practically that it was none of our business what was done there.

Q. Did the Sheriff tell you that if anything of the sort started up there he would look after it? A. That was all.

Q. After they started in the liquor business, did you make any further complaint to anybody? A. I made no further complaint to anybody.

Q. As I understood you they started some time the latter part of December? A. I am quite positive that it was the latter part of December. If I am not very much mistaken the place was closed up over Christmas.

FRANKLIN K. BEEM, called by the prosecution, sworn, in answer to questions by Judge Cleaves, testified as follows:

Q. You are a clergyman in Portland? A. I am.

Q. On the 18th day of March did you make any purchase of intoxicating liquors in the city of Portland? A. I did.

Q. At what place? A. Guppy's drug store.

Q. What did you purchase? A. Half pint of whiskey.

Q. At any other places in the city of Portland during the month of March, did you make any purchases of liquor? A. At a place which I understood is either 102 or 104 Preble street.

Q. What did you purchase there? A. A half pint of whiskey.

Q. What did you inquire for? A. Half pint of whiskey.

Q. And did you meet with any resistance or refusal, or how were you served? A. I was served promptly. The

only question asked was 25 cents. I used the expression 25 cents in my request. I asked "Let me have a half pint of 25 cent whiskey," and the clerk didn't seem to quite catch that 25 cents, and he said "25 cents"? And that was the only word he said.

Q. Did you notice where he got the liquor from? A. He reached under the bar very near where he was standing, he didn't have to change his steps.

Q. Were there any people in there drinking at the time? A. I saw two men leaving the bar just as I went in, but I can't testify that they had been drinking.

Q. Did you visit any other places at that same time? A. No sir.

Q. Did you in the month of March? A. No sir.

Q. And have you during the present year? A. No sir.

Q. Have you made any observation with reference to any other places? A. Yes, sir, I have stood on the outside of places that have been said to be rum shops, or where rum is sold in some other way, whether there was a bar there or not, and have observed people going in and out in a way that seemed to indicate that they were getting something to drink. They were in there just about long enough and they would come out wiping their mouths with their handkerchiefs.

Q. Have you seen any people come out under the influence of liquor? A. Not in particular, sometimes a little talky, but not perhaps intoxicated.

Cross-Examination by Mr. Pattangall.

Q. Mr. Beem, your residence is in Portland? A. Yes sir.

Q. And you are a clergyman? A. Yes sir.

Q. What church do you have charge of there? A. I have no church in Portland at the present time. I have been sick and in the hospital, but at the present time I have no church. I settled in the town of Gorham a little over two years ago to have my daughter in school.

Q. How long has it been since you came out of the hospital? A. The 10th of April, two years next.

Q. 1911? A. 1911.

Q. What time in March was it that you made these two trips. A. March 18 and 19, two different days, the 18th at the Guppy drug store, and the 19th at the Hollywood.

Q. Were you acquainted at the Guppy drug store? A. I knew them by sight when I saw them, just knew that that was their place of business. I have no personal acquaintance with them.

Q. You haven't been in there to buy drugs? A. I have been in there occasionally, but I don't have occasion for that kind of trade much, and haven't been in their place hardly any.

Q. How did you happen to go in there? A. The suggestion was made.

Q. Who by? A. Martin Smart, my brother-in-law, and he in connection with this same Mr. Sturgis whose name has been mentioned were looking for such evidence.

Q. Mr. Herbert Sturgis? A. Yes, sir.

Q. And he requested you to assist in it? A. Mr. Smart did.

Q. So that you procured the two purchases of whiskey for the purpose of being able to testify in regard to it? A. Yes, sir.

Q. Now I take it that you have made no complaint to the city authorities with regard to liquor selling in Portland? A. No, sir.

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

Q. Nor to the court? A. No, sir.

Q. During the two years that you have lived there? A. No, sir.

Q. And you are interested, are you not, in temperance work? A. Yes, sir.

Q. And in having things in the city run as nearly right as possible? A. Correct.

Q. And of course not only as a citizen, but in connection with your church work? A. Sure.

Q. Are you acquainted with Sheriff Moulton? A. No, sir.

Q. Or with the county attorney, Mr. Bates? A. Not personally with either of them.

Q. You know them both by sight? A. I don't think I would know the attorney, I mean to say Mr. Bates, unless there was something more to place him. If I saw him entirely away from his place of business or out of the city I don't think I would know him.

Q. There wasn't anything about Guppy's drug store that would lead anybody in going by it or into it to have any idea that it was a place where liquor was sold, is there? It looks like any drug store? A. It looks like any drug store.

Q. A good, well furnished drug store? A. O yes, no sign up with regard to liquors or anything of that kind.

Q. Did anybody suggest to you what places you should go to? A. Yes, sir.

Q. Who? A. Mr. Smart.

Q. Told you to go to Guppy's? A. Yes, sir.

Q. And down to the Hollywood? A. Yes, sir.

Q. You don't know anything about a petition being circulated to have Sheriff Moulton removed? A. I understood afterward that such a petition had been circulated. I didn't know at the time.

Q. You knew nothing about it at the time it was circulated? A. No.

On motion of Mr. Wheeler of South Paris, a recess was taken until 8 P. M.

After Recess.

The PRESIDENT: The secretary of the convention will call the roll of the convention.

PRESENT—Sen. Allan of Washington, Sen. Allen, of Kennebec, Allen of Machias, Austin, Sen. Bailey, Bass, Benn, Benton, Boland, Boman, Bowler, Sen. Boynton, Bragdon of Sullivan, Bragdon of York, Brennan, Bucklin, Sen. Burleigh, Butler, Chadbourne, Sen. Chase, Chick, Churchill, Clark of Portland, Clark of N. Portland, Cochran, Sen. Colby, Sen. Cole, Cook, Crowell, Currier, Cyr, Descoteaux, Doherty, Dresser, Dunbar, Dunton, Durgin, Sen. Dutton, Eaton, Eldridge, Elliott, Emerson, Farnham, Farrar, Sen. Flaherty, Folsom, Franck, Gallagher, Goodwin, Gordon, Greenleaf of Auburn, Greenleaf of Otisfield, Hancock, Harman, Harper, Harriman, Haskell, Sen. Hastings, Sen. Hersey, Higgins, Hogan, Hutchins, Irving, Jenkins, Sen. Jillson, Johnson, Jones, Kehoe, Kelleher of Portland, Kimball, Leader, Leary, LeBel, Libby, Sen. Mansfield, Marston, Mason, Mathieson, Sen. Maxwell of Sagadahoc, Maxwell of Boothbay Harbor, Maybury, McBride, McFadden, Merrill, Metcalf, Mildon, Sen. Milliken, Mitchell of Kittery, Mitchell of Newport, Mooers, Sen. Morey, Morgan, Morrison, Morse, Sen. Murphy, Nute, O'Connell, Sen. Packard of Knox, Packard of Newburg, Sen. Patten of Hancock, Peacock, Peaks, Pendleton, Peters, Peterson, Pitcher, Putnam, Quinn, Sen. Reynolds of Kennebec, Reynolds of Lewiston, Sen. Richardson of Penobscot, Richardson of Canton, Ricker, Roberts, Robinson, Rousseau, Sanborn, Sanderson, Sargent, Scates, Skelton, Skillin, Sen. Smith of Penobscot, Smith of Auburn, Smith of Patten, Smith of Presque Isle, Snow, Spencer, Sprague, Sen. Stearns, Stevens, Stuart, Sturgis, Swift, Taylor, Thombs, Tobey, Tryon, Twombly, Umphrey, Violette, Sen. Walker, Washburn, Waterhouse, Wheeler, Winchenbaugh, Sen. Wing, Wise.

ABSENT—Bither, Brown, Sen. Clark of York, Sen. Conant, Connors, Davis, Donovan, Eastman, Sen. Emery, Estes, Gamache, Gardner, Sen. Hagerthy, Haines, Hodsdon, Jennings, Kelleher of Waterville, Lawry, Leveille, Morneau, Sen. Moulton, Newbert, Plummer, Price, Ramsay, Rolfe, Sherman, Smith of Pittsfield, Stanley, Stetson, Swett, Thompson, Trimble, Yeaton.

The PRESIDENT: A call of the roll reveals the presence of 145 members of the convention.

HARRY A. KRAMER, called and sworn, testified:

By Mr. CLEAVES:

Q. What is your name? A. Harry A. Kramer.

Q. Where are you employed? A. At the Grand Trunk Railway, Portland.

Q. Where do you live? A. No. 341 Congress street, Portland.

Q. And during the present year have you been employed at the Grand Trunk? A. For the last eight months.

Q. Confining yourself to the present year, have you been to the Preble House bar? A. I have, sir.

Q. How many times? A. Well, about three times.

Q. Upon those occasions what have you observed with regard to the sale of intoxicating liquors over that bar? A. Well, there was quite a number of men in there drinking.

Q. What kind of liquor? A. Beer and whiskey.

Q. Beer and whiskey both? A. Yes, sir.

Q. Have you been into the Temple Hotel? A. I will take that back. It was beer; I didn't see any whiskey.

Q. Didn't see any whiskey at the Preble House? A. No, sir; no whiskey at the Preble House.

Q. Have you been into the Temple Hotel this year? A. Yes, sir.

Q. How many times? A. I should say half a dozen times.

Q. How many bar tenders have they got? A. Two of them.

Q. And have you known of both beer and whiskey being purchased and drank there? A. Yes, sir.

Q. Upon each of those occasions? A. On each, yes.

Q. Now, at the corner of Fore and India streets, have you been into that place? A. Yes, sir.

How many times since the first of January? A. Two or three times.

And upon any or all of those occasions have you seen intoxicating liquors sold and drank? A. Yes, sir.

Q. Now, have you been into the Hollywood on Preble street since the first of January? A. I couldn't tell you the name; I have been on one; I wouldn't know it by that name; I can give you the location of it if that is the place.

Q. On Preble street about No. 102 or No. 104, place pretty well fixed up? A. Oh, on Preble street?

Q. Yes, on Preble street. A. No.

Q. Haven't been at the Hollywood? A. No, I have not.

Q. Have you been at the New Adams House? A. I have, sir.

Q. Where is that located? A. Directly across from the Temple Hotel.

Q. And at that place how many times have you been in there? A. Four or five times.

Q. And upon each of those occasions have you seen intoxicating liquors sold and drank upon the premises? A. I have.

Q. Have you been into Pat Sullivan's place, or at the Sullivan place on the corner of Center and Free streets? A. I wouldn't say for sure; I am rather inclined to think I have been, but I wouldn't say.

Q. Perhaps it might have been before the first of January? A. I think it was; it has been a long time.

Q. How long should you say? A. Well, I wouldn't say about that.

Q. Prior to the first of January, say, for three months before the first of January, have all these places that you have spoken of been used as places where intoxicating liquors were sold? A. Yes, sir.

Cross-Examination.

By Mr. PATTANGALL:

Q. What is your business, Harry? A. Railroading.

Q. What doing in the railroad? A. Checking, switch checking.

Q. At the Grand Trunk? A. Yes, sir.

Q. And you live in Portland right along? A. Yes, sir.

Q. How long have you lived there? A. About two years.

Q. You are not an officer of the civic league, are you? A. Sir?

Q. Are you connected with the civic league? A. No, sir.

Q. You didn't make these trips that you have spoken of at the request of the Governor, did you? A. No, sir.

Q. And didn't preserve the samples that you took at the different bars? A. No, sir.

Q. Just went in to buy a drink, did you? A. Yes, sir.

Q. Are you acquainted with Mr. Seeley? A. No, sir.

Q. The man who testified here? A. No, sir.

Q. Not acquainted with Mr. Seeley at all? A. Only just met him at this convention; outside of that I haven't known him.

Q. When were you in the Preble House last? A. I couldn't give you any

exact date for the simple reason that I didn't go there with the intention of collecting any evidence for any particular case; therefore I wouldn't make note of it, and I couldn't tell you the date when I have been there.

Q. Will you give me pretty nearly the date? A. Well, it was the last or around the first of the year.

Q. Either the last of last year or the first of this year? A. Yes, sir; around that time.

Q. When you were in there last? A. Yes, sir.

Q. And you have been there you say three times? A. Two or three times.

Q. Two or three times and the other times of course were back of that? A. Yes, sir.

Q. In the fall? A. Yes, sometime in the fall.

Q. Are you acquainted with Sheriff Moulton? A. No, sir.

Q. Never have met him? A. No, sir; never have met him.

Q. I take it that you didn't make any complaint to him about these conditions that you found at the places you went to? A. No, sir.

Q. Or to anybody else? A. No, sir.

Q. When did you first communicate the fact to any official that you had drank beer at the Temple House, at the Preble House, at Eagan's place and the Adams House? A. I never did.

Q. Not until you just testified? A. Until—well, I was called over the phone.

Q. Who by? A. By a lawyer.

Q. Who was it? A. It was the constable I think.

Q. What? A. It was the constable.

Q. The constable? A. I didn't know who it was really, at first.

Q. At first? Well, did you find out afterwards who it was? A. I went up into the building to his office.

Q. Who was it? Whose office did you go up into the building to? Whose office was it you were called up into? A. Wallace—I think the name is Wallace; that is as near as I can tell you.

What is his business? A. Well, underneath it is written constable, I think.

Q. Constable where? A. Portland.

Q. Constable in the city of Portland—A. Yes, sir.

Q. What is his first name, do you know? A. Frank, I think.

Q. You are not acquainted with him at all? A. No, sir.

Q. Or he with you? A. No, sir.

Q. When was it he called you up and asked you to come to his office? A. I don't know if he called me up or not; I shouldn't say that he did.

Q. When was it that somebody called you up and in response to the call you went to his office? A. The man that called me up?

Q. Oh, no. I will try to make myself audible. When was it that somebody called you up? A. Oh, when it was.

Q. And in response to the call you went to Frank Wallace's office? A. Friday.

Q. Last Friday? A. Yes, last Friday.

Q. And was there anybody there except this constable? A. There was.

Q. Who was it? A. A couple of gentlemen there.

Q. What were their names? A. I couldn't tell you.

Q. Strangers to you? A. Yes, sir.

Q. And Frank Wallace was a stranger to you? A. He was; yes, sir.

Q. And there you told those three strangers where you had been to buy beer, did you? A. They asked me if I had been to these places, that was all.

Q. What places? A. In these different places.

Q. Tell me, what places did they ask you if you had been in? Did they ask you if you had been in the Preble House? A. Yes, sir.

Q. And into Eagan's place? A. Well, by the name I couldn't tell you.

Q. They asked you the street probably? A. I couldn't tell you the street numbers of the places.

Q. Did they ask you if you had been in the Temple Hotel? A. Yes, sir.

Q. And you told them yes? A. Yes, sir.

Q. And did they ask you if you had been in the place at the corner of Fore and India streets? A. I think they did.

Q. And you told them yes, and then they asked you if you had been in the New Adams House? A. I think—no, not the Adams House; I don't think so.

Q. Didn't ask you about that? A. Not to my recollection.

Q. Did they ask you if you had been

in any other places? A. Some other places; yes, sir.

Q. And you told them you had? A. Yes sir.

Q. And every place they asked you they struck a place you had been in, did they? A. Well, no; they didn't.

Q. What place did they ask you about that you hadn't been in? A. Well, there was some places I couldn't tell you anything about; they spoke of names and numbers, and I couldn't tell them anything about it because I didn't go into those places or pay any attention to the numbers; it was of no interest to me.

Q. And you say that up to that time those men were entire strangers to you? A. Yes, sir; I never met them.

Q. They didn't know you and you didn't know them? A. They must have known something about me.

Q. They didn't know you—that is I mean to say that you didn't know that they knew you? A. No, I didn't know that they knew me.

Q. This Frank Wallace was a deputy sheriff under Trefetnan, wasn't he, two years ago? A. That is more than I could tell you.

Q. You didn't know anything about it? A. I don't know anything about it; No, sir.

Q. He didn't have any trouble in questioning you and naming the different bars where you had been to get a drink, did he? A. No trouble whatsoever.

Q. And about every time he named a bar he struck a place where you had been to buy a drink? A. Not every time; no, sir.

Q. Do you know how they got your name, how those people did? A. Well, if you will tell me.

Q. If I knew I would tell you. I am asking if you know? A. No, sir.

Q. You haven't any idea? A. No, sir; I have been trying to figure it out.

Q. And you can't? A. Not exactly, no.

Q. Can you at all? A. Well, I wouldn't say.

Q. Why not? A. Not now.

Q. Why not? A. Because I am not sure.

Q. What do you surmise in regard to

it? A. I wouldn't say unless I was sure, as I have said about everything else.

Q. I would like to have you tell me what your best judgment is upon that point? A. I don't know as I want to say.

Attorney General WILSON: It doesn't seem to me it is worth while to go into his guesses.

Mr. PATTANGALL: That might be proper.

The SPEAKER: It seems rather futile to pursue that line of inquiry.

Mr. PATTANGALL: Down at the corner of Fore and India streets, do you say you have been in there since the first of January? Yes, sir.

Q. When were you in there? A. Well, some few weeks ago.

Q. You are sure this was Frank Wallace you went to see? A. I have got nothing but the name; that is the name that was given to me.

Q. Who gave it to you? A. Well, it was on the paper that they served.

Q. It was on a paper they served on you? A. Yes, sir.

Mr. CLEAVES: It was on the subpoena.

Mr. PATTANGALL: They served a summons on you with Frank Wallace's name on it? A. Yes, sir.

Q. And this man Wallace served it? A. That's the man I received it from.

Q. Was his name on the subpoena, on the summons? A. Yes, sir.

Q. When did he serve that subpoena on you? A. Late Friday.

Q. What time do you think you were in his office Friday when he asked you these questions? A. I should say it was about four o'clock.

Q. And was it before you were in his office or after that he served the subpoena? A. He served it right then and there.

Q. While you were in the office? A. Yes, sir.

Q. As soon as you got there? A. Yes, sir.

Q. Before he asked you any questions? A. He asked me about what I knew about the case first.

Q. And then you told him A. And as soon as I told him, why, he served it.

Q. But he asked you what you knew about the case, did he? A. Yes, sir.

Q. And he told you what the case was? A. No, sir; I didn't know what the case was until I read the subpoena.

Q. Do you quite mean that? Did he ask you what you knew about the case and you told him before you read the subpoena. You don't mean that, do you? A. I mean, he asked me if I knew the conditions, the liquor conditions in the city and if I had ever been in any of the places and how many, and then he served the papers, and then I knew what the case was.

Q. And he made the papers out while you were right there? A. Yes, sir.

Mr. PATTANGALL: I should like to ask that Mr. Seeley remain here if he is here at present.

Mr. CLEAVES: He is present.

Mr. PATTANGALL: There is a matter we would like to take up with him after you have finished your case, but we would not care to interrupt the order of proceedings.

Mr. CLEAVES: Mr. Seeley will remain for a time, as Mr. Pattangall may wish to ask him a few questions.

Mr. James W. Brown, having been duly sworn, testified as follows:

Examination by Judge Cleaves.

Q. What is your full name? A. James W. Brown.

Q. You live in Portland? A. Yes, sir.

Q. What is your business? A. Driving a coal team and in the yard.

Q. On March 19th, did you visit a place down at 108 Preble street? A. I didn't get the number but I visited the lower saloon on Preble street, near the foot of Preble street.

Q. Is that the place they call the Hollywood? A. No, sir; that is 102.

Q. Did you make any request of the bar keeper for whiskey or liquor of any sort. A. Yes, sir.

Q. What did you ask for? A. Whiskey.

Q. What talk did you have with him about what kind of goods you wanted? A. I asked him if he had some whiskey, and he said yes, and wanted to know what I wanted and I told him half a pint of whiskey; he wanted to know whether I wanted 25c. or 35c. whiskey. I told him the 25c. would do and he passed me out the bottle and I gave him a quarter.

Q. Where did he get the bottle from?
A. Off the shelf back of the bar.

Q. Did you see other quantities of whiskey on that same shelf back of the bar? A. Yes, sir.

Q. Upon the same morning did you go to a place at the northwest corner of Free and Centre streets? A. Yes, sir.

Q. What took place there? A. I went in and asked for half a pint of whiskey and he passed it to me and I paid him and went out.

Q. Were there any people in there? A. Fourteen men.

Q. What were they doing? Some or all of them? A. Some were drinking, some were talking with their glasses in their hands.

Q. Did you notice any stock of liquors on or about the bar? A. There was some on the shelves, back of the bar.

Q. In your plain sight? A. Yes, sir.

Q. On the afternoon of the same day, did you go down to the Hollywood? A. Yes, sir.

Q. What took place there? A. Well, I went in and asked if I could get some Montreal malt. He said he didn't have but a little of that but had some Canada malt and that was just as good if not better and he passed that bottle out, and the first one was about half full, a long necker, and the Canada malt he called it, was a bottle full.

Q. Did you buy any? A. I bought half a pint.

Q. What did he charge you for it? A. Forty-five cents.

Q. Montreal malt. That place was fixed up pretty well, wasn't it, bouquets behind the counter? A. Yes, sir.

Q. But he didn't give you any bouquet? Just took you money and gave you half a pint? A. Yes, sir.

Q. Did he say anything to you about having a drink of any sort? A. Yes, he asked me to have some beer.

Q. Did you upon that same day visit another place on the corner of Fore and Centre streets? A. The Jim Welch place, so called.

Q. Did you have any dealings or transaction with the bar keeper there? A. Yes, sir.

Q. State it. A. I went in and asked for a half pint of whiskey. He passed it out and I paid him.

Q. Did you notice any persons there

drinking? A. There were three or four persons there. Some were drinking.

Q. What kind of receptacles did they drink from? A. Some looked like whiskey and some like beer glasses.

Q. Were they drinking some out of small whiskey glasses? A. Yes, sir.

Q. Did you visit a place on the northwest corner of Centre and Franklin streets that same day? A. Yes, sir.

Q. What took place there? A. I went in the back door and asked for a half pint of whiskey and he passed out and I paid him for it.

Q. Were there any people in that place drinking? A. Four or five persons.

Q. Who kept the place? A. Where I went?

Q. Yes. A. The fifth place?

Q. Yes. A. I don't know who kept it.

Q. Where was it? A. It was the corner of Franklin and Commercial streets.

Q. Now at any of those places did you find any watchers? A. None at all.

Q. Any hesitancy upon the part of the bar keeper about selling to you? A. Not a particle.

Q. Did any of them know you or were you a stranger to them? A. I was a stranger to them.

Q. An absolute stranger to all of them? A. Yes, sir.

Cross-Examination.

By Mr. PATTANGALL:

Q. What is your business? A. I have been in the yard, wood yard most of the time for six or eight years.

Q. For what concern. A. For A. D. Morris & Company, and afterwards Jose & Company.

Q. Are you in the employ of either of these concerns now? A. No, sir.

Q. Whose employ are you in now? A. None at all. I have been sick for ten or eleven weeks.

Q. When you went out on the 19th of March on this trip, somebody requested you to go? A. Yes, sir.

Q. Who did? Rev. Mr. Arters?

Q. Was it on that day that he asked you to go out and buy this liquor? A. Yes, sir. On that day the 19th?

Q. Yes. A. No, it wasn't that day.

Q. How long before was it? A. I don't remember exactly. Probably three or

four days before that, as near as I can remember.

Q. Where were you when he asked you to go out and buy liquor? A. At home.

Q. He came to your house? A. Yes, sir.

Q. And made that request? A. Yes, sir.

Q. And came there alone? A. Yes, sir.

Q. Who furnished you the money to buy it with? A. He gave me the money.

Q. How much did he give you? A. Five dollars.

Q. I suppose that after paying for these matters, you gave him back the rest? A. Some of it.

Q. Didn't you give him back the whole of it? A. No, sir.

Q. What did you do with what you did not spend for rum and didn't give back to him? A. I wanted a little for myself.

Q. How much did you get for yourself? A. A couple of dollars.

Q. I see. For your services. Did Mr. Arters tell you what places to go to? A. No, sir.

Q. No idea? A. No, sir.

Q. Nothing in regard to streets? A. No, sir.

Q. You are not yourself a drinking man? A. No, sir.

Q. And are not in the habit of visiting saloons in Portland or anywhere else? A. No, sir.

Q. When you started out, what time was it? In the morning? A. Yes, sir.

Q. Did you go directly to this place on Preble street? A. No, I went down where I worked to Bruns and Johnson's, coal dealers.

Q. Did you go to the place 108 Preble street without making any inquiries of anybody as to where to go? A. Yes, sir.

Q. You have lived in Portland some time? A. Yes, sir.

Q. You have lived there all through the sheriff's administration? A. What sheriff?

Q. Sheriff Moulton. A. I suppose so, yes, sir.

Q. How long have you lived there? A. In Portland.

Q. Yes. A. Ever since the reunion of the soldiers.

Q. That is so indefinite that I will have

to ask you to give the date. A. I haven't got it.

Q. What year? A. I couldn't tell you; I don't remember.

Q. Have you lived there ten years? A. Yes, and more too.

Q. And have you been in a general way aware during the past and a quarter years that there were places along there where liquor was sold? A. Where?

Q. In Portland? A. Yes.

Q. Until you were paid to do it, did it ever occur to you to get any evidence on that point to submit to any court or official? A. I have thought of it a great many times.

Q. You never did it? A. No, sir.

Q. In going to those different places, as I recall your testimony, you simply asked for half a pint of whiskey and paid for it and went out? A. Yes, sir.

Q. When you went down to the Hollywood, you varied your request and asked for Montreal malt? A. Yes, sir.

Q. Why did you do that? A. Because the teamster told me, I had been with once in awhile, he told me he could get Montreal malt and that was the best he could get and that he got it there.

Judge CLEAVES: Mr. President, before we call our last witness, I want to say that we reserve the right to put on Mr. Dyer, the Boston and Maine railroad man, who will be back in the morning; and also Mr. Colby of Brunswick, summoned to be here, and chief of police at Brunswick. The attorney general learned this morning that his daughter has undergone a very critical operation and is at the point of death so that he could not be asked to come up here under those circumstances. Unless Mr. Colby is enabled to testify the other Brunswick witness we omit. We wanted the two or none.

Mr. PATTANGALL: If it comes so that Mr. Colby can come in later, we will not object to his testifying.

Judge CLEAVES: We should be very glad to avail ourselves of that privilege.

Mr. JOHN M. ARTERS, having been duly sworn, testified as follows:

Examination by Judge CLEAVES:

Q. What is your full name? A. John M. Arters.

Q. You live in Portland? Yes, sir, I do.

Q. And you are a minister, presiding over what church? A. Congress street Methodist church.

Q. For how many years. A. For two years.

Q. During the last three months of the present year have you been more or less observant of the conditions in regard to the sale of intoxicating liquors in Portland? A. Yes, sir.

Q. And have made quite an investigation? A. I have, sir.

Q. Now if at all were you at the northwest corner of Free and Center streets? A. I have been there three times within the present year.

Q. Will you state your experience briefly upon each of those occasions. A. The first occasion was sometime in the month of February, early in February, between the 5th and the 10th, I walked in at the Free street door and stood there for perhaps five minutes within the bar room listening and observing conditions. I found as many as a half dozen men there some of whom were ordering beer and whiskey, so that I heard them order and I noted the general condition of the place and then left. The next time I was there was sometime about March 5th or 6th. The only change in conditions was perhaps in the number of men which was increased to eight or ten, and in the absence of liquors displayed and about the bar. The final visit there was on last Saturday week, about four o'clock in the afternoon. I stood at the stove at the bar room and counted thirty-four men drinking at the bar or about the bar, standing somewhere within the confines of the bar room, heard them order and saw them served by two bartenders, and stayed long enough to see the conditions.

Q. Did anyone pay any attention to you while you were there? A. No, sir.

Q. Have you visited Thomas A.

Brownrig's place, corner of Franklin and Commercial streets? A. I have visited the place at Franklin and Commercial streets. I have no notice that it is Brownrig's place except by hearsay.

Q. What was your experience there? A. On my first visit, sometime about March 5th or 6th, I found only one or two men in and about the place. They were drinking about the bar. They were in an intoxicated condition. At the last visit I made, last Saturday week, there were two men present drinking at the bar. I heard nobody order. I stayed long enough to observe conditions, bought two cigars, thinking my presence without buying anything would be noticed, and departed.

Q. Have you been to 127 Commercial street? A. Yes, sir.

Q. State your experience and observation there? A. I was at 127 Commercial street sometime about March 5th or 6th, within that week. I there observed a considerable number of soldiers among others, there being eight or ten drinking at the bar. I heard them order beer and whiskey, stayed long enough to observe the general places of the place and left.

Q. Were you there later? A. I tried to get there last Saturday week, but found the door locked.

Q. Was it that place where you saw anything in referenc to throwing out some drunken men and breaking glass? A. I have seen the account in the papers. But I did not see it.

Q. Now on Commercial street, next or near the Railroad Young Men's Christian Association? A. I visited that place once sometime early in February, at about the time that I made my first visit to Free and Centre streets, and found only two or three men there drinking; heard no ordering, but saw what appeared to be beer and whiskey in glasses, observed the condition of the place, a considerable amount of bottled goods that I took to be whiskey about the place, without any particular arrangement as though used in serving; listened to the conversation of the men and then left.

Q. Did you visit 102 Preble street, the Hollywood place? A. Yes, sir. I was there in early March.

Q. Were you present when someone gave a description of the bar room here? A. Yes, sir.

Q. Does your recollection coincide with that description so that you would adopt it? A. Yes, sir.

Q. State your experience and observation there. A. I was particularly impressed upon entering with the excellence of the furnishings which reminded me of the way licensed bars were fitted up in licensed territory, which gave me the impression of what we know as the "gilded saloon." The floor was referred to here as mosaic. I suppose it is inlaid tile. And the bar is of highly polished wood resembling mahogany, and there were mirrors back of the bar tastefully arranged and a display of wine glasses pyramided on shelves, and as I recall, napkins arranged about, and a considerable display of liquors, more than I had seen in any other place.

Q. How openly were they displayed? A. They were located, as I recall it, on a shelf back of the bar, perhaps about the height of this desk or a little lower.

Q. Any of them labelled? A. Yes, some of them.

Q. And what liquors do you recall? A. I do not recall the names. I saw the work "whiskey" on one or two labels.

Q. Did you see any drinking? A. There were perhaps half a dozen men drinking at the bar.

Q. From the 2nd to March 19th were you at the Preble House? A. Yes, sir.

Q. Where is the bar located in the Preble House? A. It is in the basement. It was at that time.

Q. What else is in the basement? A. There is a toilet room and a baggage room and the pool room.

Q. And the bar room is on the same floor? A. Yes, sir.

Q. And where is the baggage room located? A. In order to get to the bar room, you go into the basement from the street, you pass through the baggage room and enter the door at the extreme right of the bar room. In order to see the bar, you must enter that door? It is

not plainly visible from the baggage room. You pass from the bar room into the pool room. You can go about the other way from the baggage room into the pool room.

Q. Did you notice any drinking there? A. On my first visit, March 19th, there was one man drinking at the bar.

Q. What happened on your second visit? A. The date was last Saturday week, and there were fifteen men in that place drinking about the bar or standing about the place smoking.

Q. On either of those occasions did you make any purchases? A. On the first visit I did. I asked the bar tender for half a pint of good whiskey, and he produced a long necked bottle from under the bar and filled a flask from the same location, put a stopper into it, and I asked the price and he said 40 cents. I paid him and carried the whiskey out.

Q. Was there any door which led into that bar room that was closed? A. They were all open if there were any doors there. I am not positive there were doors. The openings were not obstructed.

Q. At the corner of Fore and Union streets did you make a visit and a purchase? A. 454 Fore street, on the corner of Fore and Union, I went in there and found the front door leading from the street into the bar room open and a part of the bar visible from the street, the far end of the bar. I walked in and found three men drinking at the bar. I asked the bar tender for a half pint of 25 cent whiskey. He asked if I had any particular brand in mind, and I said no. He produced a bottle already filled, turned around and got it from a shelf in the rear.

Q. Were there other liquors on the same shelf? A. Yes, sir.

Q. What quantity? A. Several bottles full similar to the one he sold to me, and others more highly decorated, a few that they had been serving from.

Q. What was the character of the furnishings of that place? A. They were more nearly like the Hollywood than those in any other I had seen, not so lavishly furnished, but better than the ordinary bar.

Q. No. 9 Exchange street, the place which Mr. Gordon testified about. Did you visit that place and make a purchase? A. I did.

Q. When was it? A. The 19th of March. I went in there and went through what looked to be an office in the front, through a swinging door leading to the bar. Walked up to the bar at which three or four men were standing drinking and asked for half a pint of whiskey? The bartender said, "Would you like 35 cent or 40 cent whiskey." I said I guessed the 35 cent was good enough for me. He produced a long necked bottle and filled a flask, corked it and gave it to me, and I paid him 35 cents.

Q. This place 9 Exchange street, did you observe much about it? A. I did.

Q. From about what time? A. From sometime early in January, my attention was first called to it.

Q. Up to about what period? A. I observed it within the last ten days.

Q. Now up to the last ten days, from the time you first observed it in January, was your observation such that you could say that it was or was not open all the time apparently and in the same business that you found when you first went there? A. I have never known any change of the general surroundings of the place since my attention was first called to it.

Q. Has it apparently been open all that time? A. So far as I know.

Q. And was it doing the same business? A. Yes, sir.

Q. Now this past fall, say the last three months of the last year, did you observe these same places in regard to which you have given testimony. A. Very many of them I did, perhaps with one exception, the place near the railroad Y. M. C. A.

Q. Those places with that exception, from your observation, what was the character of the business they were then conducting? A. The same business they are now conducting, they were conducting March 19th. The surroundings perhaps are the same, except that at 3 Center street.

Q. What difference did you notice there? A. The difference, as I noticed it, was that it was not so open.

Q. When? A. Last Fall.

Q. As it has been since the first of January. A. Yes, sir.

Cross-Examination.

By Mr. PATTANGALL:

Q. How long have you lived in Portland, Mr. Arters? A. Two years.

Q. And have you noticed more or less the conditions that have been described here during these two years? A. More or less.

Q. Your attention was more especially directed to them last Fall, then at a prior date, was it? A. I think not.

Q. So that these places that you describe as having seen last Fall you would say had been going along about that way during the past two years? A. There have been considerable differences that I would have noticed. They have been rum shops for the past two years.

Q. And so known to you? A. Yes, sir.

Q. During that time, have you made any complaint in the matter to any of the public officials? A. I have not.

Q. You have had several Grand Juries meet in the mean time have you? A. I suppose so, I cannot say definitely.

Q. Are you not aware that the Grand Jury meets in Portland three times a year—three or four times a year? A. Following the custom of other communities, I suppose that is so, but I am not positive of it by any direct information.

Q. I take it, living in Portland, you read the daily papers? A. Yhy, I do most of the time, yes, sir.

Q. And that you know that the Superior Court meets from time to time. A. I have been in the sessions of the Superior Court from time to time.

Q. And heard criminal cases tried? A. Yes, sir.

Q. Did you ever present any evidence with regard to these matters to the Grand Jury? A. I did not.

Q. Or request anybody else to do so? A. I have not.

Q. Now up to March of this year, during those two years had you gathered any direct evidence in regard to the matter? A. I have from time to time during those two years.

Q. Somewhat in the same way in which you have described gathering this evidence? A. Under very much greater difficulty.

Q. Would that apply to the whole

of the two years? A. That would apply to at least sixteen months of the two years.

Q. Say up to last summer? A. Sometime prior to last September.

Q. So that up to somewhere near last September, it was somewhat difficult, was it, to purchase liquor in Portland? A. I have had difficulties in making similar investigations.

Q. Up to that time? A. Yes, sir.

Q. Still you did succeed in making them, buying liquor? A. I did not buy any liquor, prior to the time stated here.

Q. Well, did you succeed in getting into the bar and seeing liquor sold and drunk? A. Once or twice, but I have been refused admission more times than I succeeded in getting in.

Q. And the times you succeeded in getting and getting some first hand information, you have already said you did not at such times, convey any information to the public officials? A. I did not.

Q. Not until this March, do I understand you, did you make any purchases yourself? A. I did not.

Q. And on March 19 you went to several places and purchased liquor? A. I made three purchases on that day.

Q. Now at whose instance was that done? A. At my own.

Q. And did it at your own expense? A. Certainly.

Q. You furnished the money to Mr. Brown, also? A. I gave Mr. Brown \$5 as he has testified.

Q. And did you employ any other men to make purchases? A. I did not.

Q. You were only concerned in the matter, in the investigation made by yourself and Mr. Brown? A. That is all.

Q. Do you know the County Attorney, Mr. Bates? A. I know Mr. Bates as a County Attorney, yes, sir.

Q. Do you know Judge Merrill of the Municipal Court? A. I do, as Judge of the Municipal Court.

Q. Do you know Judge Connolly of the Superior Court? A. I do, in that capacity.

Q. I don't perhaps quite grasp that. Are you acquainted with them personally? A. I am acquainted with him as an official only.

Q. With Judge Connolly? A. Yes.

Q. That is also true— A. of Judge Merrill and of County Attorney Bates?

Q. You don't mean that you only know them by reputation? A. I know them as officials, I have not met them personally, but I have seen them in the discharge of their duties. I would know them if I saw them here.

Q. And you have seen Sheriff Moulton in that same way I suppose? A. Well, I have met Sheriff Moulton, personally.

Q. Personally? A. Yes, sir.

Q. Have you made any investigation of conditions in Cumberland County outside of the City of Portland? A. I have not.

Q. Your observations have been entirely confined to Portland? A. Yes, sir.

Q. Mr. Arters, were you aware that there was a petition to the Governor circulated in Portland, with regard to conditions there? A. Was I aware?

Q. Yes? A. Not until its publication in the newspapers.

Q. You knew nothing of the circulation? A. I did not.

Judge CLEAVES: Now Mr. President, we used a sketch here for illustrative purposes, and I apprehend there will be no objection to using it, for that same purpose during the argument in connection with a similar sketch in House Document 667, merely for illustrative purposes.

Mr. SEELEY, recalled.

Examination by Mr. Pattangali.

Q. Mr. Seeley, you signed a petition for the Governor in regard to conditions in Cumberland county, did you not? A. Yes, sir.

Q. Now, who presented the petition to you for signature? A. Martin M. Smart.

Q. And what official position has Martin M. Smart occupied there? A. No official position that I am aware of.

Q. Not at present, but hasn't he been an officer of some kind? A. I think not. Not to my knowledge.

Q. He also signed the petition? A. I am not aware of that—don't know that he did.

Q. You only saw it as you signed it yourself? A. Saw the petition?

Q. Yes. A. Yes, sir.

Q. Now can you tell when it was that you signed that petition? A. No, I should think it must be about three or

four weeks, but I am not sure of that, I am not positive, I remember distinctly signing.

Q. Was it before or after the 19th of March? A. Before, I think.

Q. How long before? A. It could not have been more than four or five days, anyway I think.

Q. And you were the second man who signed, weren't you? A. Yes, sir.

Q. Some four or five days before the 19th of March? A. I think so.

Q. Now how soon after you signed that petition did you hear from the Governor? A. I think it was the 16th of March.

Q. And you signed the petition either the 14th or 15th? A. Well, I am not sure, it might have been a day or two earlier than that.

Q. Well, how far back will you put it at the extreme? A. At the extreme?

Q. Yes. A. I won't put it any farther than that—I couldn't put it anywhere positively, but it was a few days before I heard from the Governor.

Q. And in the meantime had you personally written the Governor, besides signing the petition? A. Yes, sir, I think—I don't know but I wrote the Governor before the petition was signed, I am not sure about that.

Q. Somewhere near that time? A. Yes, sir.

Q. And received a reply from him on the 16th? A. I didn't receive a reply personally, but others who had written similar letters, and the letter was brought to me and I read it.

Q. You didn't have any letter from him? A. No, someone who wrote in the same manner about the conditions at Portland, and I wrote, and that was a very good answer to my letter, to the thing that—the subject that I wrote about.

Q. The letter was read to you? A. Yes, sir.

Q. Or you were permitted to read it? A. I read it.

Q. You say Mr. Smart handed you this petition? A. Yes, sir.

Q. Do you know Walter H. Dresser of Portland? A. Slightly.

Q. What is his business? A. I have met him. He is, what is it? chief of police do they call him? he is the head of the police department, I believe.

Q. Chief of police of Portland. And do you know Neal D. Winslow of Portland? A. Neal D. Winslow—I am not aware that I do. I know some men by the name of Winslow, but I don't know whether I know Neal D. or not.

Q. 90 Preble St.? A. 90 Preble, yes, I don't think I know him.

Q. Do you know Lewis Goudy. A. Oh yes, I have met him.

Q. He is a fairly well known man? A. Oh, yes, fairly well known man, he ran for mayor.

Q. A man of prominence? A. I think so.

Q. Do you know Charles A. Maxwell of Portland? A. No, I think not.

Q. State detective? A. No.

Q. Do you know William E. Watson? A. Yes, sir.

Q. Is he here today? A. He was.

Q. He testified here, did he not? A. Oh yes, he is here now.

Q. Mr. Dresser hasn't been here, has he? A. I think not, haven't seen him.

Q. Nor Mr. Goudy? A. Nor Mr. Goudy.

Q. Do you know Wilbur F. Berry of Waterville? A. I have met him a few times.

Q. Has he been here today? A. Yes, sir.

Q. To whom was the letter addressed by the Governor, the Governor's letter that you read? A. Well, I am not positive whether it was addressed to Mr. Smart or Mr. Sturgis.

Q. By Mr. Sturgis, you mean Herbert Sturgis? A. Herbert Sturgis, ex-Senator Sturgis.

Q. Who showed it to you? A. Mr. Smart and Mr. Sturgis came to my house and I don't remember whether Mr. Sturgis handed me the letter or Mr. Smart.

Q. That is immaterial. They were together? A. They were together and I read it.

Q. And were they together when the petition was handed you to sign? A. No, sir.

Q. I find on the petition the name of H. H. Sturgis, you don't know of but one there do you of that name? A. I know two. There is an Alderman Sturgis that I have recently got acquainted with.

Q. That is Guy Sturgis, isn't it? A.

Guy.

Q. H. H. Sturgis, the only one that you are acquainted with there, is the Ex-Senator? A. That is the only one.

Q. Mr. Seeley, in your investigations there to which you have testified, in purchasing liquor about the 19th of March—
A. 17th.

Q. 17th was it? On the 17th of March, who if anybody, furnished you the money to buy the liquor with?
A. I earned the money.

Q. And paid it out of your own pocket A. Yes, sir.

Q. And worked without recompense? A. Without recompense.

Judge CLEAVES: The Attorney General rests. I will state our witnesses, summoned by the Attorney General are finally excused, subject to telephone call, of course, if we need you.

Mr. PATTANGALL: If you please Mr. President and Mr. Speaker, we have no desire to do anything that could in the slightest degree delay the proceedings. Bro. Gulliver and I believe we could materially shorten the defence if we had from now until midnight to go over the matter with our witnesses. The President, of course, will be cognizant of the fact that we have had no opportunity to do that, to abbreviate our testimony, until tonight, and Bro. Gulliver, who will open the case, prefers very much not to open it until morning, until we can weed out our testimony, and see how little we can use; that is, our purpose is to use as little as we possibly can.

The SPEAKER: How long will it take to open?

Mr. PATTANGALL: That would be a little hard for me to say. Bro. Gulliver is going to open it, but I should not anticipate he would make a very long opening. We want to get an opportunity to get together and see how many people we will put on. We thought we could eliminate some. Some facts have been testified to. And Bro. Vernon, who is in the case with us, has taken the minutes of the testimony, while we have been working in

the case, and it makes it very difficult to open the case.

The SPEAKER: How long will it take you to put in your case?

Mr. PATTANGALL: I haven't any question but what we can put it all in tomorrow, of course it depends a little on the cross examination.

The SPEAKER: That is the two sessions in the day tomorrow without going into the evening.

Mr. PATTANGALL: Oh, I think so. I don't see how we could use up any more than the day tomorrow, and of course we are perfectly willing to argue in the evening. I has been a fairly long day today.

There is another matter which I want to speak of, but I brought this up first.

The SPEAKER: You may speak of it now.

Mr. PATTANGALL: I find myself situated so that I want to bring another matter to the attention of the Attorney General. This morning we had a little talk in regard to the order of cases. Of course I know the order that the committee laid out. I heard indirectly that there was some sickness in connection with Sheriff Tolman's family yesterday, but my telephone was working so badly that I could not get at the thing definitely. I spoke to Bro. Wilson about it to see if he could transpose the Penobscot and Knox cases. That seemed to him to be difficult, and we were talking it over when we came into session this morning. I see by tonight's paper that the jail—and Sheriff Tolman's family live at the jail, have been quarantined by the State Board of Health. That condition may not last more than a couple of days perhaps, but it precludes his coming here. I am of counsel, not alone but with local counsel. I should want a little time for preparation. If there could be any arrangement made by which some case—the order could be changed—that of course is a matter wholly within the power of the convention. If that couldn't be done, I should fancy that day after tomorrow would be too soon for me to possibly get Sheriff

Tolman here. I take it the convention would not want to proceed without his presence, unless there was some very good reason for it, and I want to bring it to the attention of the convention and Bro. Wilson tonight, so you may take what action you think wise.

ATTORNEY GENERAL WILSON: I will say Mr. President, I was apprised of the fact that Sheriff Tolman was quarantined. Perhaps I ought to say that he is not under quarantine by the State Board of Health but by a local board of health. Dr. Young who has been in touch with the situation down there and been in communication with the local board of health today, says he sees no reason—that would be his opinion if he were asked to give it—why Mr. Tolman would not be as safe to come here as any other citizen of Knox county. He does not think that the exposure to which he has been subjected would render him in the slightest degree dangerous to anyone coming up here to Augusta; all the other members of the court and jury down there have been subjected to the same exposure that he has.

The **SPEAKER:** Perhaps the matter will clarify itself by tomorrow morning.

Mr. **PATTANGALL:** I should say that I should want a little more than Dr. Young's affidavit, before sitting a couple of days at the table with Sheriff Tolman. The rest of the convention can do as it likes, but I should shy the smallpox. I think the best way to do would be for us perhaps, to have some physician down there, that we could both agree on as a man of reputation to look into the matter and let us know about it.

The **SPEAKER:** That probably will work itself out all right by tomorrow morning.

The **PRESIDENT:** The Chair will state that when the recess is had the Senate will pass into its own room and the House will remain here. Both the Senate and House will have to have a short session after the recess of the convention begins.

The witnesses for tomorrow are

warned to be here and in their seats by half past nine, because the session goes into convention at that time, and they will be expected to be in attendance at half past nine, promptly.

On motion by Mr. **MAXWELL** of Sagadahoc the convention took a recess until 9.30 o'clock tomorrow morning.

IN THE HOUSE.

Papers from the Senate disposed of in concurrence.

From the Senate: Resolve in favor of Fred F. Lawrence for services as stenographer to the sub-committee on public utilities.

In the Senate this resolve received its two readings and was passed to be engrossed under a suspension of the rules.

On motion by Mr. Mitchell of Kittery the rules were suspended and the resolve received its two readings and was passed to be engrossed in concurrence.

From the Senate: An Act to amend section 50 of chapter 51, of the Revised Statutes, as amended by chapter 165 of the Public Laws of 1911, relating to duties of railroad commissioners.

In the House this bill was passed to be engrossed, and came from the Senate amended by **Senate Amendment A**.

On motion by Mr. Nute of Wiscasset the vote was reconsidered under a suspension of the rules whereby this bill was passed to be engrossed, and on further motion by the same gentleman **Senate Amendment A** was adopted in concurrence.

The bill was then passed to be engrossed, as amended by **Senate Amendment A**.

On motion by Mr. Putnam of Houlton, under a suspension of the rules the vote was reconsidered whereby the House voted to receive and concur with the Senate in the indefinite postponement of bill, An Act relating to the Houlton Municipal Court.

On further motion by Mr. Putnam the House voted to insist upon its action in the passage of the bill to be engrossed and ask for a committee of conference.

The Speaker thereupon appointed as such committee of conference on the part

of the House, Messrs. Putnam of Houlton, Mooers of Ashland and Smith of Presque Isle.

Passed to Be Enacted.

An Act to revise, collate, arrange and consolidate the inland fish and game laws of the State, both general and public and private and special, and the rules and regulations of the commissioners of inland fisheries and game now in force;

An Act to amend chapter one hundred and twenty of the Private and Special Laws of eighteen hundred and ninety-nine relating to the establishment of a municipal court in the town of East Livermore;

An Act to amend the Act which constitutes the police court for the city of Rockland;

An Act to amend chapter one hundred and ninety-three of the Public Laws of nineteen hundred and nine, creating the Maine Forestry District and providing for protection against forest fires therein;

An Act to amend sections two, three, four, five, six and nine of chapter seventeen of the Public Laws of nineteen hundred and five, as amended, regulating the practices of veterinary surgery, medicine and dentistry;

An Act to amend sections two, nine and twelve of chapter one hundred and eleven in relation to the control of contagious diseases among cattle, sheep and swine

An Act to supply the town of Winthrop with pure water;

An Act providing temporary clerk hire for the clerk of courts in Cumberland county;

An Act authorizing the Secretary of State to prepare and publish a list of corporations delinquent in payment of their franchise taxes, and providing for the expense of such publication;

An Act to provide for the preservation of highways and bridges;

An Act in relation to the safety and improvement of highways;

An Act to amend section sixty-seven of chapter fifty-two of the Revised Statutes relating to accidents on railroads;

An Act providing temporary clerk hire for the municipal court of the city of Lewiston;

An Act to amend Section 2 of chapter two hundred fifty of the Public Laws of one thousand nine hundred and nine, relating to the payment of fees accruing to State institutions and departments;

An Act to establish a neutral automobile zone with adjacent states;

An Act to amend section eighty-eight of chapter fifteen of the Revised Statutes, as amended by chapter forty-eight of the Public Laws of nineteen hundred five, as amended by chapter forty-eight of the public laws of nineteen hundred seven, as amended by chapter one hundred ninety of the Public Laws of nineteen hundred nine, as amended by chapter twenty-three of the Public Laws of nineteen hundred eleven, relating to school holidays;

An Act providing temporary clerk hire for the clerk of courts in Aroostook county;

An Act to regulate the business of dealing in securities;

An Act providing temporary clerk hire for the register of probate in Piscataquis county;

An Act providing temporary clerk hire for the register of probate in Penobscot county;

An Act to amend section sixty-nine of chapter twenty-nine of the Revised Statutes, as amended by chapter forty-one of the Public Laws of nineteen hundred five, relating to non-feasance of duty by sheriffs, deputy sheriffs, and county attorneys;

Finally Passed.

Resolve, in favor of the Appointment of Three Commissioners by the Governor to Act with the Commissioners from Certain Other States in Proposing and Recommending a Uniform Code of Laws for Motor Vehicles to be Adopted by the Legislatures of said States.

Resolve, in favor of Mary H. Perkins for Services as Stenographer to the President of the Senate and Speaker of the House and for Clerical Assistance in the Office of the Secretary of State.

Resolve, Making an Appropriation for the Purpose of Obtaining Information in Regard to Wild Lands for the Purposes of Taxation.

Resolve, in Favor of Steward and Blunt for Extra Labor and Materials

Used in the Reconstruction of the State House.

Resolve, in Favor of Benj. F. Sturgis for the Committee on State Prison.

Resolve, in Favor of Cassie K. Turner for Services as Stenographer to the Sub-committee on the Public Utilities Commission.

Resolve, in Favor of the Clerk, Stenographer and Messenger to the Legal Affairs Committee.

Resolve, in Favor of T. W. Prince for Services Rendered as Clerk of the Senate Committee on Bills in the Second Reading.

Resolve, in Favor of the Clerk, Stenographer and Messenger to the Committee on Appropriations and Financial Affairs.

Resolve, in Favor of Louis O. Haskell, Clerk of the Committee on Agriculture, for Certain Committee Expenses.

Resolve, In Favor of Thomas J. Lyons for Services as Clerk and Stenographer of the Committee on Labor.

Resolve, in Favor of Helen Gaffney.

Resolve, in Favor of James W. Harvey, Document Clerk for Preparing Weekly Printed Index.

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, Messenger and Stenographer to the Committee on Interior Waters.

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

Resolve, in Favor of the Commissioners of Pharmacy for the Liquidation of Certain Deficiencies.

Resolve, in Favor of C. A. Gage for

Services, Clerk and Stenographer to the Committee on Towns.

Resolve, in Favor of M. S. Hill for Services as Clerk, Stenographer and Messenger to the Committee on Taxation.

Resolve, in Favor of Louis O. Haskell for Services as Clerk, Typewriter and Messenger to the Committee on Agriculture.

Resolve, in Favor of Thomas J. Lyons for Services as Clerk, Stenographer and Typewriter of the Committee on Sea and Shore Fisheries.

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.

Resolve, in Favor of Louis O. Haskell for Services as Clerk and Typewriter to the Committee on Education.

Resolve, in Favor of the Maine Insane Hospital to Liquidate a Deficiency in Certain Accounts.

Resolve, in Favor of Charles R. Kingsbury for Services as Clerk and Messenger to the Committee on Salaries and Fees.

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 the Children's Hospital for Maintenance.

Resolve, in Favor of the Re-construction of the Easterly Span of the Old Town-Milford Bridge.

Resolve, Waiving a Forfeiture of the Public Lots in the North Half of Township Number Twenty-seven in Washington County, Eastern Division.

On motion by Mr. Sargent of Portland,

Adjourned until tomorrow morning, at 9 o'clock.