

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

IN THE HOUSE.

Tuesday, April 8, 1913.

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

Prayer by the Rev. Mr. Boothby of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

Reports of Committees.

Report of the committee on conference on the disagreeing action of the two branches of the Legislature on bill, An Act to establish the Lincoln Municipal Court, reporting that the bill should have a passage in the same form as reported from the committee on legal affairs.

Mr. THOMBS of Lincoln: Mr. Speaker, the committee that was appointed in this matter, somewhat to their surprise when they got together, found that there was no disagreement between the committee on the part of the House and the committee on the part of the Senate. An inquiry immediately revealed the fact that through some misapprehension parties had been appointed on the part of the House who did not represent action opposed to that of the Senate; and I feel that in justice to the Speaker and to the members of the House, I should move that this committee be discharged, and I would suggest the appointment of a new committee.

The SPEAKER: The Chair will state that the gentleman from Lincoln, Mr. Thombs, has stated the facts in regard to the appointment of the committee, which grew out of a misapprehension on the part of the Chair as to the prevailing vote. The committee was appointed immediately upon making a motion that such a committee be appointed, and the Chair on taking information obtained a wrong idea in regard to the vote of the House and appointed a committee representing the minority instead of the majority of the House. Of course in justice to the majority of the House the committee should be discharged and a further committee appointed.

The question being on the motion that the committee be discharged from further duty in connection with this matter.

The motion was agreed to.

On further motion by Mr. Thombs, the Speaker appointed as a new committee of conference on the part of the House Messrs. Cochran of Edgecomb, Jones of China and Wheeler of Paris.

Report of the committee of conference on the disagreeing action of the two branches of the Legislature on bill, An Act relating to the assistant assessors of the city of Portland, reporting that the committee has been unable to agree, report signed by Messrs. Murphy, Cole and Maxwell on the part of the Senate, and Messrs. Kehoe, Thombs and Clark on the part of the House.

On motion by Mr. Kehoe of Portland the report was accepted.

The papers and documents in connection with bill, An Act for the better protection of automobile garage keepers and owners having been returned to the House in pursuance of an order passed by the House, yesterday.

In the Senate this bill was passed to be engrossed, and in the House it was indefinitely postponed.

On motion by Mr. Thombs of Lincoln the House voted to recede from its action in the indefinite postponement of the bill, and on further motion by Mr. Thombs the bill received its third reading and was passed to be engrossed in concurrence with the Senate.

On motion by Mr. Boman of Vinalhaven the rules were suspended and that gentleman was permitted to introduce out of order resolve amending Chapter 235 of the Private and Special Laws of 1913, being a resolve for the laying of county taxes.

On further motion by Mr. Boman the rules were suspended and the resolve received its two readings at the present time and was passed to be engrossed without reference to a committee in concurrence with the Senate.

On motion by Mr. Smith of Presque

Isle the House at this point took a recess until 9.25 o'clock A. M.

After Recess.

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

In Convention.

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

The PRESIDENT: The secretary 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. Burlleigh, Butler, Chadbourne, Sen. Chase, Chick, Churchill, Clark of Portland, Clark of New Portland, Cochran, Sen. Colby, Sen. Cole, Sen. Conant, Connors, Cook, Crowell, Currier, Cyr, Davis, Descoteaux, Doherty, Dresser, Dunbar, Dutton, Durgin, Sen. Dutton, Eaton, Eldridge, Elliott, Emerson, Farnham, Farrar, Sen. Flaherty, Folsom, Franck, Gallagher, Gamache, Goodwin, Gordon, Greenleaf of Auburn, Greenleaf of Otisfield, Sen. Hagerthy, Haines, Hancock, Harman, Harper, Hariman, Haskell, Sen. Hastings, Sen. Hersey, Higgins, Hogan, Hutchins, Irving, Jenkins, Sen. Jillson, Johnson, Jones, Kehoe, Kelleher of Portland, Kelleher of Waterville, Kimball, 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. Moulton, Sen. Murphy, Newbert, Nute, O'Connell, Packard of Newburg, Sen. Patten of Hancock, Peacock, Peaks, Pendleton, Peters, Peterson, Pitcher, Plummer, Putnam, Quinn, Sen. Reynolds of Kennebec, Reynolds of Lewiston, Sen. Richardson of Penobscot, Richardson of Canton, Ricker, Roberts, Robinson, Rolfe, Rousseau, Sanborn, Sargent, Seates, Sherman, Skelton, Skillin, Sen. Smith of Penobscot, Smith of Auburn, Smith of Upton, Smith of Presque Isle, Snow, Spencer, Sprague, Sen. Stearns, Stetson, Stevens, Stuart, Sturgis, Swett, Swift, Taylor, Thombs, Thompson, Tobey, Trimble, Tryon, Twombly, Umphrey, Violette, Sen. Walker, Washburn, Waterhouse, Wheeler, Winchenbaugh, Sen. Wing, Wise.

ABSENT:—Bither, Brown, Sen. Clark of York, Donovan, Eastman, Sen. Emery, Estes, Gardner, Hodsdon, Jennings, Lawry, Leader, Leveille, Morneau, Sen. Packard of Knox, Price, Ramsay, Smith of Pittsfield, Stanley, Yeaton.

The PRESIDENT: A call of the roll discloses the presence of 160 members of the convention.

Mr. CLEAVES: Mr. President, as I remember it, when we left the matter,

last evening, Mr. Dyer of Portland was to bring back certain records, and perhaps it would be better to put that testimony in at this time.

WILLIAM F. DYER, recalled, testified as follows:

By Mr. CLEAVES:

Q. Your name is William F. Dyer?

A. Yes, sir.

Q. And you live in Portland?

A. Yes, sir.

Q. Are you connected with the Boston & Maine Railroad in any way?

A. As a clerk for the Portland Terminal Co.

Q. Have you the original records of the shipment of goods, wares and merchandise to Thomas A. Brownrig and Patrick A. Sullivan during the present year? A. Yes, sir.

Q. Now, will you produce those original records and read first with reference to shipments to Thomas A. Brownrig? A. January 3rd, from Portsmouth, Thomas A. Brownrig, 20 quarter barrels.

Mr. CLEAVES: I am informed by the attorney general that upon the same sheets as you go over them if you find also any shipments to Patrick A. Sullivan you may read them, and it will save going over them twice, so that if you will read also shipments for Patrick A. Sullivan from each sheet as you take them up. A. January 4th from Portsmouth, P. A. Sullivan, 50 barrels of beer, 14 half barrels; P. A. Sullivan, January 8th, from Portsmouth, 48 barrels, 10 half barrels, 10 barrels and 10 quarter barrels.

Q. Barrels of what? Does your invoice show? A. Yes, ale and lager; I neglected to state that.

Q. Just state it so that the convention can hear it. You say, ale and lager? A. Yes, ale and lager.

Q. And is the same true with reference to the first sheet, on January 3rd? A. Yes, 20 quarter barrels of ale to Thomas A. Brownrig on January 3rd; P. A. Sullivan on January 4th, 50 barrels of beer and 14 half barrels of beer; January 8th, P. A. Sullivan 48 barrels—it doesn't state the commodity—10 half barrels of ale, 10 half barrels of lager, and 10 quarter barrels of lager; on January 10th—you understand these are all from Portsmouth—P. A. Sullivan, 46 barrels of ale, 16 half barrels of ale, 10

half barrels of lager, 50 cases of bottled ale; January 13th, P. A. Sullivan, 45 barrels—it doesn't state the commodity—17 half barrels of ale, 10 half barrels of lager; January 15th, P. A. Sullivan, 50 barrels of ale, 10 half barrels—it doesn't state the commodity—7 half barrels of lager, 7 quarter barrels of lager; P. A. Sullivan, January 16th, 45 barrels and 21 half barrels—it doesn't state the commodity—5 half barrels of lager, 5 quarter barrels of lager, 50 cases of bottled ale; January 20th, P. A. Sullivan, 50 barrels of ale, 17 half barrels of ale, 25 cases of bottled ale; P. A. Sullivan, January 21, 45 barrels—it doesn't state the commodity—12 half barrels of ale, 10 half barrels of lager, 5 quarter barrels of lager; P. S. Sullivan, January 24, 40 barrels of ale, 14 half barrels of ale, 15 half barrels of lager, 10 quarter barrels of lager, 25 cases of bottled ale; January 25th, P. A. Sullivan, 43 barrels of ale, 9 half barrels of ale, 20 half barrels of Bock, 10 quarter barrels of Bock; P. A. Sullivan, January 27, 40 barrels of ale, 17 half barrels of ale, 10 half barrels of lager, 15 quarter barrels of lager, 30 cases of bottled ale; P. A. Sullivan, January 28, 40 barrels, commodity not stated, 10 half barrels of ale, 20 half barrels of Bock, 40 cases of bottled ale; Thomas A. Brownrig, January 29th, 10 half barrels of ale, one quarter barrel of ale; same date, P. A. Sullivan, 10 half barrels of ale, 10 quarter barrels of ale; Thomas A. Brownrig, January 27th, 12 quarter barrels of ale; Thomas A. Brownrig, January 25th, 20 quarter barrels of ale; Thomas A. Brownrig, January 17th, 20 quarter barrels of ale; Thomas A. Brownrig, January 9th, 20 quarter barrels of ale; P. A. Sullivan, January 2nd, 50 barrels of ale, 10 half barrels of ale, 50 cases of bottled ale; Thomas A. Brownrig, January 3rd, one quarter barrel of ale; P. A. Sullivan, January 1st, 40 barrels of ale, 9 half barrels of ale, 20 half barrels of lager, 15 quarter barrels of lager, 25 cases of bottled ale; P. A. Sullivan, February 3rd, 48 barrels and 15 half barrels, commodity not stated, 15 quarter barrels of ale; P. A. Sullivan, February 5th, 45 barrels and 15 half barrels, commodity not given, 10 quarter barrels of ale, 50 cases of bottled ale; Thomas A. Brownrig, February 5th, 30 quarter barrels of ale; P. A. Sullivan, February 8th, 40 barrels of ale, 20 half barrels of ale, 15 half barrels of lager, 5 quarter barrels of lager, 25 cases of bottled ale; P. A. Sullivan, February 11th, 60 barrels of ale; Thomas A. Brownrig, February 13th, 25 quarter barrels of ale; P. A. Sullivan, February 14th, 40 barrels and 10 half barrels, commodity not stated, 10 quarter barrels of beer, 25 cases of bottled ale; P. A. Sullivan, February 18th, 10 cases of bottled ale; P. A. Sullivan, February 19th, 45 barrels of ale, 2 half barrels of ale, 15 half barrels of beer, 15 quarter barrels of beer, 30 cases of ale; P. A. Sullivan, February 21, 40 barrels, commodity not stated, 15 half barrels of ale, 20 half barrels, commodity not stated, 5 quarter barrels of beer, 25 cases of bottled ale; P. A. Sullivan, Feb. 24, 53 barrels, commodity not stated, 2 half barrels of ale, 10 half barrels of beer; Thomas A. Brownrig, Feb. 25th, 25 quarter barrels of ale; P. A. Sullivan, Feb. 26th, 55 barrels of ale, 35 cases of bottled ale; Thomas A. Brownrig, Feb. 27th, one quarter barrel of ale; P. A. Sullivan, five half barrels of ale; P. A. Sullivan, March 1st, 40 barrels of ale, 12 half barrels of ale, 15 half barrels of Bock, 10 quarter barrels of Bock, 25 cases of bottle beer; P. A. Sullivan, March 3rd, 51 barrels, commodity not stated, 5 half barrels of ale, 10 half barrels of beer, 5 quarter barrels of beer; P. A. Sullivan, March 5th, 45 barrels of ale, 15 half barrels of Bock, 15 quarter barrels of Bock; P. A. Sullivan, March 7th, 45 barrels, commodity not stated, 17 half barrels of ale, 10 half barrels of Bock, 10 quarter barrels of beer; P. A. Sullivan, March 18th, 45 barrels, commodity not stated, 12 half barrels of ale, 15 half barrels of lager, 25 cases of bottled ale; P. A. Sullivan, March 12th, 50 barrels, commodity not stated, 11 half barrels of ale, 5 half barrels, commodity not stated, 12 quarter barrels of lager; P. A. Sullivan, March 14th, 35 cases of bottled ale; P. A. Sullivan, March 15th, 45 barrels, 14 half barrels and 11 half barrels, commodity not stated, 25 quarter barrels of Bock, 25 cases of bottled ale; P. A. Sullivan, March 17th, 51 barrels, commodity not stated, 7 half barrels of ale, 10 half

size, commodity not stated, 5 quarter barrels of Bock; P. A. Sullivan, March 18th, 48 barrels, commodity not stated, 15 half barrels of ale, 10 half barrels of lager, 5 quarter barrels—I can't say whether that is ale or lager—25 cases of bottled ale; P. A. Sullivan, March 20th, 45 barrels of ale, 20 half barrels of ale, 5 half barrels of beer, 5 quarter barrels of beer, 50 cases of beer; P. A. Sullivan, March 22d, 45 barrels of ale, 14 half barrels of ale, 10 quarter barrels of beer, 5 quarter barrels of beer, 30 cases of bottled beer; P. A. Sullivan, March 24th, 51 barrels of ale, 5 half barrels of ale, 10 half barrels of beer, 5 quarter barrels of beer; Thomas A. Brownrig, March 13th, 25 quarter barrels of ale; P. A. Sullivan, March 21st, 15 half barrels of beer, 10 quarter barrels of beer, 5 cases of beer; Thomas A. Brownrig, 25 quarter barrels of beer; Thomas A. Brownrig, March 25th, 30 quarter barrels of ale; P. A. Sullivan, March 27th, 53 barrels of ale, 5 half barrels of ale, 5 quarter barrels of ale, 25 cases of bottled ale.

Q. Mr. Dyer, your records which you have produced do not show any shipments from Boston or New York to either of these men, but as I understand all the shipments that you have read are from Portsmouth, N. H.? A. Yes, sir.

Cross-examination by Mr. Pattangell.

Q. How long have you been in a position to observe the shipments of liquor over the Maine Central Railroad into Portland? A. For a period of two years.

Q. And during practically all of that time the present law has been enforced that compelled the packages to be marked? A. If I remember rightly, it has.

Q. Back of that the packages were not marked? A. Not necessarily.

Q. In many cases not? A. Yes.

Q. And back of that you had no way of knowing anything about the business? A. No, I wasn't at work for the Maine Central at that time.

Judge CLEAVES: I assume, Mr. President, that the original records would hardly—the railroad would hard-

ly want them to go out of their possession.

Mr. PATTANGALL: There is no need of keeping them; it has all gone into the evidence.

The SPEAKER: They have all been read.

Mr. PATTANGALL: Mr. President, Mr. Speaker and Gentlemen of the Convention: At this point in the proceedings Mr. Moulton's counsel desire to offer the following motion:

In re Proceedings against Lewis W. Moulton, Sheriff of Cumberland county.

And now comes the said Lewis W. Moulton, defendant in the above entitled action and says that he should not be called upon to proceed with any defense on his own behalf for the following reasons:

FIRST: That the charges that are set out in House Resolve No. 665 are generally vague, indefinite, uncertain, ambiguous and contradictory and to which charges the defendant has seasonally objected and asked for specifications of said charges, which objections were overruled, and from which ruling the defendant was denied the right of appeal.

SECOND: That the rules as adopted by the joint convention of the 76th Maine Legislature for the trial of this action are repugnant to a fair and impartial trial and to which rules the defendant has seasonally objected, which objections were overruled and from which ruling the defendant was denied the right of appeal.

THIRD: That there has been a complete surrender, on the part of the members of the joint convention, to the presiding officers of the said convention, of certain powers which the said convention was without right to so surrender or delegate and to which the defendant has seasonally objected, which objections were overruled and from which ruling the defendant was denied the right of appeal.

Fourth: That a large number of members of the joint convention has been absent for a long space of time from the convention during the taking of evidence on behalf of the prosecution and that those members who have been absent as aforesaid, will, in substance, vote

on the guilt or innocence of the defendant although defendant has seasonably objected to members of the convention being absent from the convention during the progress of the trial of this action.

Fifth: That the proceedings in this action have been arbitrary, summary, and generally unfair and partial in that defendant has on many instances been denied the right of appeal, as is more specifically shown on the records of the convention.

Sixth: That Section 5, Article IX of the Constitution of Maine which provides as follows:

"Every person holding any civil office under this State, may be removed by impeachment, for misdemeanor in office; and every person holding any office, may be removed by the Governor, with the advice of the Council, on the address of both branches of the Legislature. But before such address shall pass either house, THE CAUSES OF REMOVAL SHALL BE STATED and entered on the journal of the house in which it originated and a copy thereof served on the person in office, that he may be admitted to a hearing in his defence,"

does not describe or set forth the offense upon which this action is based and that for the want thereof this convention is without jurisdiction to proceed with the trial of said action and further that the said convention has not caused "the causes of removal" to be stated "and entered on the journal of the house."

Seventh: That for all of the above reasons, specifically set forth, defendant has been deprived of a fair and impartial trial either by a jury of his peers or by the law of the land in accordance with the established principles of common law and in accordance with the rights guaranteed to him under the Constitution of the State of Maine and the Constitution of the United States and that therefore his rights as aforesaid have been violated and that he is liable to be deprived of his rights or privileges **contrary** to the provisions of the said several Constitutions.

Wherefore the defendant moves that the proceedings under House Resolve Number 665 be forthwith dismissed and

that he be not called upon to say or answer further in his own behalf.

LEWIS W. MOULTON,

By

WM. R. PATTANGALL,
WILLIAM H. GULLIVER,
IRVING E. VERNON.

And I would respectfully pray that the motion be entered upon the records and be granted.

THE PRESIDENT: The Secretary will enter the motion upon the records. The motion is overruled.

MR. PATTANGALL: And from the overruling of the motion we ask that an appeal be taken to the convention.

THE PRESIDENT: That appeal the presiding officers are obliged to decline, under the rules of the convention.

MR. PATTANGALL: And the matter of the appeal being taken will be entered on the record.

THE PRESIDENT: The appeal will be entered by the Secretary.

Opening of the Defence.

Opening for the Defense by William H. Gulliver, Esq., of counsel for the respondent.

Mr. President, Mr. Speaker, and Gentlemen of the Convention:

It perhaps may not be amiss in opening the case for the respondent to trace very briefly the history of the law under which he is being tried. Prohibition, as I recall it, was made a part of the fundamental law of this State somewhere along in 1885, and shortly thereafter statutory enactments were made defining the various offences under the constitutional amendment, which statutory enactments from time to time have been multiplied, qualified and in some instances repealed.

The law, as you all know, has been enforced or unenforced with various degrees of completeness, and I think it unnecessary to remind you at this time of the treatment which the law has received by officers duly appointed to enforce it and by judges appointed to impose penalties, up to some six years ago, when the so-called Sturgis bill was passed. The apparent purpose of that measure was to compel a strict enforcement, or, as it is sometimes called, a "ramrod" enforcement, in such large cities of the State where strict enforcement had been found impossible.

The Sturgis bill, so called, and the officers appointed under it had an existence of four years. I think every member of this House is familiar with the results of attempted enforcement under that law. After four years of Sturgis law and Sturgis deputies, the people of this State determined, indirectly it is true, at an election, that they wanted no more of it, and two years ago the law was repealed and the deputies dismissed. Since that time the law has been enforced by the regular liquor deputies and the police department.

We have to deal with now in this resolve practically one of this questions which this Legislature had to deal with when they originally passed the Sturgis law, and strange as it may seem, the proposer and author of the Sturgis law, while not before us in person to advance his reasons, is the front and vanguard of this present proceeding.

Now the contention of the defence here is that Sheriff Moulton—in fact all sheriffs of this State of Maine—are obliged to enforce this law with discretion. The judges of the courts are compelled to administer the law with discretion. Now let us see whether it is the intention of the Legislature, and has been the intention of the Legislature, as evidenced in their own enactments, as to whether this law should be administered with discretion, having in mind practical conditions and not theoretical doctrine.

Previous to 1895 the law in relation to penalties for infraction of the prohibitory law was mandatory. In other words the judge had no discretion, jail sentences must be imposed. Thereafter the Legislature, the law-makers of this State, provided that wherever the word "and" appeared in any law imposing a penalty, that the word "or" should be read in, so that the court in imposing the sentence could either fine and imprison or could fine or imprison. Since that time one Legislature voted to repeal that law and Governor Fernald vetoed the Hastings bill, which sought to take away from the judgment of the court the right of discretion in imposing penalties for violation of the liquor law. Since that veto and before every Legislature since, an attempt has been made to remove that discretion,

and each Legislature has regularly refused to do so, including this body, showing that this body itself has recognized that the enforcement of the law—and gentlemen, you cannot say that the penalty imposed for infraction of the law is not a part of its enforcement—showing that this body has recognized in sheriffs, police court judges, and in judges and all administrative officers from the sheriff up to the final court of last resort, a discretion.

Such we claim is the situation now, and has been the practical situation in this State of Maine ever since this law was enacted.

Is it only in respect to the rum law that the sheriff has no discretion? We can see that he has discretion as to the enforcement of the so-called "blue laws," otherwise he would stop every wheel and every park in the State of Maine on Sunday; otherwise your trolley lines, your automobiles and everything else would stop. Of course we recognize a distinction in respect to the enforcements of some laws, but if our very earnest but somewhat insincere friends, who are more interested in appearances than in actual conditions, would have their way, there would be only one thing which the sheriff of the county or any other officer had to perform and that would be what? Not to prevent the sale of liquor, because they all admit that that is impossible because they all admit that it does not reduce intoxication; but that appearances should be bettered.

Now the sheriff of this county in taking office was met with a practical situation. He was a practical man. He had to deal with conditions as they existed, and not as he would like to have them exist. He came to a city of 60,000 people, with the most cosmopolitan population of any city in the State of Maine. He came to a city which in the summer time has a traveling and transient population of over 100,000 people, made up of all kinds and classes from the four corners of the world. Finding that condition he had to make up his mind as to what was a proper way to deal with it. He knew the history of the

attempted enforcement by the Sturgis Deputies. He recalled distinctly the effects of two years of so-called "ramrod" enforcement by Sheriff Pennell. He remembered well the results which obtained from ramrod enforcement under the late Samuel F. Pearson, and he came to this conclusion: It is better for this community in general that liquor selling on Sundays in kitchen bar rooms, by pocket peddlers soliciting trade on the street, by young boys and girls, by being carried on in the home, among women and young girls, who had been—and the records of the courts of Portland show it,—morally contaminated by the men who resorted to these places. He said, to himself with reason: "It is impossible with anything less than the State Militia to enforce this law; I am going to enforce it as best I can; I am not going to permit women, Italian women or any other women to sell liquor; I am not going to permit it to be sold on Sunday; I am going to go after these places first and have a cleaning up and then I am going after the more open places."

That was his position; that has been his performance. If the members of this convention say to Sheriff Moulton: "We expect you to do the impossible; we expect that which no other officer has ever done," then gentlemen of the convention, we are guilty. If on the other hand, the members of this convention say to Sheriff Moulton, "We expect you to do the best you can with the force at your command, having in mind conditions and not theories," then we say we are entitled to your vote of apprehension.

Now it may be well perhaps for the gentlemen of this convention to consider this phase of the question. I think it is generally conceded that Maine does not enjoy among the sister states of this union the highest places, especially so far as hypocrisy is concerned. I am not going to ask you gentlemen whether under this resolve—and I want to call to your attention the provisions of it—it alleges that this sheriff "wilfully or corruptly" has refused and neglected to per-

form his duties. In Cumberland county, at least, and particularly in the city of Portland, the Board of Trade and the Merchants generally have been sending broadcast through this country advertising matter advertising Portland and the State of Maine as a good place to live in, as a good place to play in, and as a good place to work in. We have spent thousands of dollars. I believe that other sections of the State have done the same. Are you going to say to the country at large "We have in the State of Maine five or six sheriffs in our largest cities, and one county attorney, who are corruptly—and that is what they are going to believe—who are corrupt in their office."

That is one thing for you to consider. That one thing I trust will cause the members of this convention to give this subject serious thought. And we are satisfied that if you will give our evidence and our position serious thought, I question not but what you will give us honest judgment.

Now I said before that our position is that this is a matter of discretion, for the exercise, not of an unreasonable discretion, but the exercise of a wise discretion. And I have reminded you that the Legislature of this State has so recognized it. I want to say to you, gentlemen, that it has been recognized by every judge who has ever held office in the State of Maine. In what way? By the imposition by such judges of fines almost invariably. We find judges of the court recognizing the conditions. We find that in the small counties, like Somerset and Franklin, and in numerous other small counties, that judges of the supreme court almost invariably impose jail sentences. When they go into other counties where there are large cities and where the conditions are different, they recognize those conditions by the sentences they impose.

I do not speak of that as a criticism of the supreme court of this State. I bow to no man in my respect for that court. The fact that those men who recognize the different conditions is the highest praise that you can impose or give to them.

Now it is plain why the State in its opening,—and I think they will not take

that position now, however, in their argument, that in respect to certain places, and the attorney for the State facetiously called one of the women Angelina April—that the high sheriff of Cumberland county not only permitted intoxicants to be sold, but that he protected the open places. That was their position, and if that is their position now, we propose to meet it, not only by testimony but by records. We propose to show by records, some that have already gone in, and others which are open and will be put in by us, that the reason why these places were selected was because previous thereto there had been a wave of crime among certain races in Portland, and that being called to the attention of the sheriff by no less a judicial official than Judge Connolly, who requested him—and Judge Connolly takes the responsibility of it—to give special attention to such places, and to kitchen bar rooms. That accounts for the fact that women have been brought in first rather than the open places.

For the purposes of comparison, we have prepared and propose to show to you the record of jail sentences imposed from the time of Mr. Pierson down to the present time. In 1901 and 1902, which are the so-called Pierson and Dunn administrations, the total number of jail sentences imposed was seven. Five in one year and two in the next. During the following years, which were Mr. Pennell's administration, jail sentences were imposed as follows:

1903, 4; 1904, 3; 1905, 8; 1906, 5; 1907, 3; 1908, 2.

During the Trefethen administration, and during which time the Sturgis deputies were in Portland, jail sentences were imposed as follows: 1909, committed for non-payment of fines, 6; straight jail sentences, 4. 1910, committed for non-payment of fines, 18; straight jail sentences, 11. 1911, under Moulton's administration, committed for non-payment of fines, 23; straight jail sentences, 4. 1912, committed for non-payment of fines, 21; straight jail sentences, 7. 1913, committed for non-payment and straight jail sentences, one. A favorable comparison at least of the years included.

Now it would seem from the evidence which has already gone in that all the sheriff had to do in the county and his four deputies was to go out and search for rum. That is not true. We have in Cumberland county three terms of the superior court, each year. Those terms are in session I think for an average of between 25 and 30 days. It is equivalent to almost three months, each year. The sheriff of the county almost invariably is present during the grand jury work and during the trial of cases. We have three terms of the supreme court. I am speaking of the criminal work. Then we have three terms of the supreme court, where the sheriff is supposed to open court and almost invariably does. These last from three to four weeks. We have altogether nine terms of the superior court, including the civil business, where the sheriff is obliged to be present almost daily.

Now what of the duties of the so-called liquor deputies? The so-called liquor deputies for the past two years and three months have not only policed the liquor situation in Portland but have been obliged by direction of the county commissioners to police practically every section of the county in so far as crimes of violence are involved. They are obliged to go all through the county.

Those four men, gentlemen of the convention, receive a regular per diem, and the county commissioners, wisely and economically or otherwise, insist on those four deputies doing this so-called criminal work out in the country, and will not authorize the sheriff to employ and send out there other deputies.

It has been brought out in testimony, and we will show you other instances, where an Italian riot was going on at the moment, a telephone message was received and a demand for an automobile so that those officers might quickly go there and uphold the laws of the State. The automobile was refused by those county commissioners.

We are going to say this to you: That the statement of Mr. McDonald when he said: "We will give you 100 officers if you wish them," was buncombe, and not stated seriously, but in a joking or facetious manner. It would have broken Jim McDonald's heart to have given them one more officer, and he re-

fused to give them one more, as he admitted himself.

During the term of the superior court the rum deputies are obliged to transport prisoners back and forth to jail, and they are obliged to attend the grand jury and attend court. It takes practically the time of one to keep the records of seizures made and to make out warrants, because in each case warrants must be made out.

We propose to show to you, gentlemen, some records of enforcement. I hold in my hand and after it has been identified by proof, a printed record of seizures made by the deputies of Sheriff Moulton during the years 1912 and 1913 taken from the sheriff's record. This record shows what the record produced by the State did not show, namely, the places where liquor was found. The lawyers of this convention very well know that when an indictment for a nuisance is found, it does not describe the place, but says that John Jones on and between certain days did maintain a liquor nuisance at Portland. The records of the superior court do not show the persons indicted for nuisance. Perhaps it may be well to explain another thing, namely, this: That recognizing the danger of being sent to jail in the cases of persistent violators of the law, this law which we are working under has this beautiful effect: It means that new men come in as bartenders every three months, for after awhile the bartender becomes known and for the first offense it is usually \$200, and then it may be \$300, until sometimes they come up to \$1000. So that the keepers of saloons find it necessary to change the personnel of their men, and any attorney in this body, any man who has ever served as county attorney knows it is much easier to secure convictions against men whom they find in the place selling liquor than it is against the so-called reputed proprietor.

And for that reason the names which appear opposite numbers will not include in very many instances the old-timers, so called, although we will show to you that while the old-timers change, yet Holloran, who escaped during all the years without going to court, was convicted and sentenced to nine months in the county jail under the administration

of Sheriff Moulton. We will show you that Oakley C. Curtis, now mayor of Portland, and treasurer I believe of the great Randall & McAllister concern, during Mr. Pierson's administration endeavored to have that place closed. Why? Because the lightning rod stuff being sold there was being drunk by his drivers and stevedores, by sailors from the vessels, and they carried it in half pint bottles and deposited it on the wharves where the dregs of it were being drunk by young boys. Mr. Skillings, who testified here, and I submit that Mr. Skillings is an honest witness and one whose observations are pretty near correct, Mr. Curtis said to him, "Why can't Holloran's place be closed?" And he said, "I do not know; I am doing the best I can."

I am reminded that from January 1, 1912, to March 23, 1913, there have been brought by Sheriff Moulton 385 separate and distinct prosecutions of the liquor law in the city of Portland and the county of Cumberland, most of them being in the city of Portland, which, gentlemen, you will perceive represents at least one seizure per day for every working day during that whole year and three months.

Now we contend that the sheriff of Cumberland county has other duties to perform. He has the important duty of seeing that his civil deputies perform their duties; that writs are promptly served. I suppose if the record of important suits and writs which were required to be served in Cumberland county was compared with any other two counties in the State that it would exceed any of the two large counties. The sheriff is responsible for the conditions at the county jail. He is living in Standish, and I presume that you will concede to him the right to go to his home over Saturday and Sunday. We will show you that the arrests for drunkenness all this time have maintained the same general average that they have for 10 years past. We will show you that there have been less crimes of violence in Portland and throughout the county during this administration than in the administration of any sheriff yet holding office heretofore.

We will show you that kitchen places

in Portland, pocket peddling and Sunday selling are unknown. We will show you by the records of the municipal court the number of cases brought there. We will show you that from 1909 to the January term of 1912, there were many cases of violence brought in the court. We will show you that in January, 1913, the last term of the superior court, there was not one crime of violence committed by Italians. And why I speak about Italians is this: Because the State brought it out. I do not wish to be understood as reflecting on that race more than any other, except to say this: That the Italians unfortunately still hold to the custom of carrying about their persons weapons. That is the custom that came from the old country. His sons and his grandsons will not do that, but people do not change all at once because they change their place of residence, and when those men drink liquors to excess, in the heat of their blood, being armed, they commit deeds of violence which they would not do under other conditions. We say and repeat that the sheriff has given special attention to those things, believing that the preservation of human life in the community was of more importance than the appearance of saloons on the street.

We will show you that at the May term of 112 there were 15 appealed cases against Italians for violations of the liquor law, and five indictments. At the September term there were 16 appealed cases, and at the January term, 1913, 16 appealed cases and two indictments, corroborating our assertion that we have given special attention to those cases, and I have already explained to you the reason which requires such special attention.

I want to give you now a resume of the sheriff's administration and this same class. This shows the following: Appeals entered at the May term, 1911, 86, and I will say now so that I need not repeat it each time that these are all records of liquor cases—indictments found, 16. September term, 1911, appeals, 65; indictments, 27. January term, 1912, appeals, 38; indictments, 15. May term, 1912, appeals, 63; indictments, 21.

Fines were collected at the January term, 1911, \$7103. May term, \$5600. Sep-

tember term, \$8518. January term, 1912, \$3804. May term, 1912, \$3049. September term, \$2198. January term, 1913, \$6610.

Now you gentlemen may perhaps be interested in knowing why we discuss this, and why fines are not imposed with greater regularity or why they do not average up better. If you will compare the terms of court where a small amount of money has been collected, you will find that at those particular terms there were a large number of men committed. In other words, they were committed rather than being fined.

Just one other thing along the line of discussion, and I will close. If a sheriff has some discretion in the enforcement of the law, he is entitled to rely to some extent and receive advice from time to time from people, individuals and the populace at large in whom he has confidence.

After two years of Sheriff Moulton's administration, after this matter had been threshed out in temperance meetings, on the stump and in the public press, after the public in Portland were fully informed as to the true conditions—and if conditions are as described by the witnesses here the public must know about it—the following was the verdict of the people as to the sheriff's discretion:

Moulton in 1912,	9,519
Trefethen,	6,224
Norcross,	286
Graham,	4,381

The vote in Portland, where they should have known more about this discretion than any other place in the State, was as follows:

Moulton,	5,228
Trefethen,	3,299
Graham,	1,946

On motion by the senator from Piscataquis, a recess was taken for 20 minutes.

After Recess.

Convention called to order by the President.

Mr. GULLIVER: The defense offers records of commitments for non-payment of fines, and on account of jail sentences imposed in liquor cases at the county jail in Portland, for 1909 inclusive to 1913 inclusive.

I understand from conversation with the attorney general that the facts stated in this record are admitted to be true, but that he does not assent to the materiality of the evidence.

ATTORNEY GENERAL WILSON: Back of Sheriff Moulton's administration. We do not object to the introduction of the evidence relating to the commitments during his three months, or his two years, if the defense so desire, but it does not seem to us that evidence of commitments during previous administrations has any bearing upon the question that is now before the convention.

The **SPEAKER:** The Chair understands that the inquiry had been limited to the condition of facts existing during the two years before the first of January. Is there any other reason advanced by counsel as to why this is admissible?

Mr. PATTANGALL: The point in that evidence, Mr. Speaker, would be this: In order for the convention to fairly determine whether Sheriff Moulton had properly enforced the law in his administration, it seems to us it would be necessary for them to have some evidence directly bearing upon the situation in that county. It has already been shown in testimony by the State that from 1901 to 1913 there have been periods recognized by the State, by the prosecution's witnesses, when as rigid enforcement prevailed in Cumberland as was possible. Now of course a record showing that in Sheriff Moulton's administration there had been a certain number of jail sentences imposed in Cumberland county would mean nothing, or very little if compared in the mind of the convention with the number of jail sentences in some other locality—population, conditions and all that differing, but if statistics could be put in, showing that on the various matters which tend to prove enforcement, Sheriff Moulton's administration compared favorably with the periods when it is admitted that enforcement was in vogue in Cumberland county, we think it would have a great deal of evidential value. That would not be true, of course, of all matters, but of certain matters. Go a little farther. The number of convictions, the number of searches and

seizures taken for Portland alone might seem large or small, as the case might be, as compared in the convention's mind with the situation in Bangor or Lewiston, but to compare Portland under what was agreed to be rigid enforcement would seem to us to be able to aid the convention in reaching a reasonable conclusion, and that is the purpose for which we offer it.

ATTORNEY GENERAL WILSON: In reply to that, Mr. President, of course it is perfectly obvious, it has been already brought in here, that there have been changes in the court officials and it is admitted that they have discretionary power, so far as the commitment of criminals of all classes, as to what sentence they will impose. Now it seems to me perfectly obvious, for that reason if for no other, that the introduction of evidence of this kind would have the very slightest weight, if any at all, as determining whether Sheriff Moulton has been properly enforcing the law. In addition to that the evidence which my brother refers to was not introduced by us but was introduced by him in cross-examination and at that time he undertook to accept it as a standard enforcement. I understood my brother in the opening of his case that they had abandoned that standard and were now setting up a new one of which they claim Sheriff Moulton is the exponent, and it does not seem to me on that ground that they ought to put in evidence relating to enforcement which they claim is not a wise or a just enforcement of law.

Mr. PATTANGALL: I entirely agree with the Attorney General that the weight of such evidence would not be great, aside from the question of admissibility. We simply offer it to the convention for what it is worth, in getting at the question of whether the law has been enforced there as well as it can be, or has been enforced in the County of Cumberland.

The **SPEAKER:** The question before the assembly, of course, is as to whether or not the sheriff has been derelict in the performance of his duty during the period from January first to now. Investigation has been had into the conditions for two years preceding January 1st, for another

purpose, being, as the Chair understands it, for the purpose of showing a possible, or a probable, or a necessary knowledge on the part of the sheriff of conditions, which conditions if shown to continue down to the present time would have a bearing upon his attitude of mind as to being wilful or otherwise in the neglect of the performance of a duty. Comparative analysis as to whether or not the sheriff is now performing his duty less or more vigorously than it was performed by previous sheriffs, on the face of it, would not appear to be of sufficient value as evidence to make it proper in this case; and for the present at least, unless something new appears or some further reason is apparent, the Chair feels that the evidence of this character should be confined to the two years preceding January first, with the understanding that if any reason develops in the course of the examination why this should be admitted, of course the Chair will very cheerfully permit it to be done. But for the present the Chair rules that the evidence must be confined to the two years preceding January 1st, and that evidence as to comparative degree of vigilance in the enforcement of the law between two administrations would not be permitted.

Mr. PATTANGALL: And the Chair will note, in order to save any rights that we may have that we ask for an appeal to the Convention.

The SPEAKER: The secretary will make a note that attorneys representing the sheriff appeal from this ruling, and that the Chair declines to entertain appeal for the reason that the two bodies of this Legislature have made it mandatory upon the Chair to so decline.

Mr. GULLIVER: We make a formal offer and ask to have the exhibit marked.

(Exhibit marked "Moulton Exhibit One")

Mr. GULLIVER: We understand that it already appears of record that no objection appears to the form of the offer.

Attorney General WILSON: I do not think that that is true. No ob-

jection is made to the substance contained in the evidence which he offers so far as the two years and three months are concerned.

Mr. GULLIVER: Or as to the manner of showing it.

Attorney General WILSON: We agree that they may introduce the evidence which my brother has collected with reference to the two years and three months, and I think it ought to be read rather than by putting in the piece of paper.

Mr. GULLIVER: I intend to read it, but I desire the paper to be offered.

The SPEAKER: That paper of course, will be objectionable on other grounds unless it is agreed to.

Mr. GULLIVER: I understand it is agreed to. (To the Attorney General) Will you make your statement?

Attorney General WILSON: We will admit the evidence, or we will agree that such is the fact for the two years and three months, and have my Brother Gulliver read the record.

The SPEAKER: Why don't you allow him to read and if you are satisfied that these facts are facts, you will admit that they are true.

Mr. GULLIVER: Don't you also admit that the facts are true during the whole period, but you object to the admissibility?

The SPEAKER: He is not called upon to make any admission where evidence has not been admitted. He makes admission for two years preceding January 1st.

Mr. PATTANGALL: The only point is to have the exclusion. Of course we could offer it in a formal way to cover the substance.

The SPEAKER: They desire, of course, to offer this evidence in a way unobjectionable as to its form, so that the ruling of the Chair in the matter of substance can be appealed from.

Attorney General WILSON: I understand, and I want to do it. How would you like to do it as a matter of fact? Do you want to present this paper?

The SPEAKER: The paper is objectionable on other grounds.

Mr. PATTANGALL: One way in

which we could do it would be to put our witness on and ask him the questions. That would take a great deal of time.

The SPEAKER: Why don't you have a record made that that evidence has been excluded?

Mr. PATTANGALL: May I suggest this—that the record be made that evidence has been offered to show the commitments in default of payment of fines and the jail sentences imposed in the County of Cumberland from the year 1901 to 1913 inclusive, and that so much of it as relates to the years 1911-1912-1913 has been admitted, and the rest excluded, subject to the objection of attorneys for Mr. Moulton, and that to the ruling of the Chair in that respect an appeal has been requested and refused. Would that cover the record?

The SPEAKER: That seems to be a complete statement and the Secretary will make a record accordingly if that is satisfactory.

Attorney General WILSON: We will accept that.

Mr. GULLIVER: Then as we understand it, the unobjectionable part may be read now.

The SPEAKER: I do not see why it should not be.

Mr. GULLIVER: (reading) 1913, from January 1st, up to present time, 3 committed for non-payment of fine, one straight jail sentence. During the whole of 1912, 21 committed for non-payment of fines, 7 straight jail sentences. 1911, 23 committed for non-payment of fines, 4 straight jail sentences.

Now, as I understand it, Mr. Gulliver may be excused and he may take back with him the record.

Mr. PATTANGALL: I will read the deposition of Edward B. Winslow taken at Augusta, Monday, April 7th, 1913, by agreement of counsel in the matter of proceedings pending before the 76th Legislature in the matter of Resolve for proposal of an address to the Governor for the removal of Lewis W. Moulton, sheriff of Cumberland County. Deponent duly sworn by Benjamin F. Cleaves, Justice of the Peace.

Appearances: Scott Wilson, attorney

general; Benjamin F. Cleaves, Esq., for the prosecution; Hon. William R. Pattangall and William H. Gulliver, Esq., for the respondent.

Deponent, being sworn, testified as follows:

By Mr. GULLIVER:

Q. Please state your name? A. Edward B. Winslow.

Q. And your residence? A. Portland.

Q. How long have you lived there?

A. In what is now Portland, all my life time.

Q. And your business is what? A. Manufacturer.

Q. Formerly a member of the Governor's Council of this State? A. Yes, sir.

Q. And where is your place of business? A. On Forest avenue, Portland.

Q. How many men do you employ on the average? A. About 250.

Q. And state what you know about the mixed nationalities of the men you employ? A. At the present time they are largely Armenians and Italians. Of course we have them from all nations, but the majority of them are Armenians and Italians.

Q. At the present time are you having any trouble with your men relative to drunkenness? A. No, we are not. Our conditions at the present time are very satisfactory.

Q. Whether or not for the past three months there has been a large number of men at work at your plant in the construction of a building? A. Yes. One of our factories was burned last October, and we have been busy since that time rebuilding a new factory, and the new factory is very near completion, and we have had a very large number of workmen there under the contractor; and we have had an opportunity to observe their manner of work.

Q. Perhaps there will be an average of 50 or 60 on an average for the last two months in addition to your own men? A. Yes, sir.

Q. And is your observation in respect to drunkenness among those men same as in respect to your own men? A. Well, we haven't seen a single case since the contractor came onto the work to build it where there has been any occasion to notice any amount of drinking.

Q. What has been your general impression as to drunkenness on the streets of

Portland within the past year and three months? A. I think it is as favorable as I have ever seen it. I haven't noticed it—if anything, I think it has been less.

Q. What have you to say as to any difficulty you have had as to drinking or drunkenness among your men during the so-called strict enforcement times of Sheriff Pearson?

Mr. WILSON: I think we will enter an objection to that.

The SPEAKER: I think that should be excluded.

ATTORNEY GENERAL WILSON: It is a little difficult to tell how all our objections come in. I think the objection should have been noted to the previous question, it does not seem to appear there.

Mr. PATTANGALL: The immediately preceding question is: "What has been your general impression as to drunkenness on the streets of Portland within the past year and three months?"

The SPEAKER: That seems to be unobjectionable.

ATTORNEY GENERAL WILSON: He offers an answer to make it apply by comparison. In the question itself it does not appear.

Mr. PATTANGALL (reading): "What have you to say as to any difficulty you have had as to drinking or drunkenness among your men during the so-called strict enforcement times of Sheriff Pearson?"

Objected to, and the objection is sustained, and from that ruling of the Chair we ask an appeal to the convention.

The SPEAKER: And the Chair declines to entertain the appeal for the same reason previously given—it has no powers under the orders passed by the Legislature to do so.

Mr. PATTANGALL: All of which, of course, is made a part of the record. I omit the answer, and I suppose, Bro. Wilson, you don't care to have me read the ground of your objection as it has been ruled on?

ATTORNEY GENERAL WILSON: No. I think I objected to each question although it does not appear.

Mr. PATTANGALL: There are two questions following, if the Chair please, and at the last of the second one the attorney general said "My objection goes

to all these questions for the same reason," and I cannot read them without going beyond the point where I should go; but there is practically the same point.

The SPEAKER: As we have already discussed?

Mr. PATTANGALL: Yes.

The SPEAKER: Well then the Chair will sustain the objection, and counsel will govern themselves accordingly in reading questions and answers, if possible.

Mr. PATTANGALL: I said two; I will have to enlarge that number. I begin now on page five. The question which appears next as unobjected to is:

"Q. State whether or not you are around about the city more or less every day? A. I am.

Q. You may answer the question whether or not you are about the city more or less every day? A. Yes, I spend a good deal of time around the business section of the city.

Q. And you have occasion to talk with and do business with a great many of the leading business men of Portland and the bank men? A. Yes, that is my business.

Q. Whether or not, within the last two years and three months there has come to your attention any general complaint of dissatisfaction with the administration at Sheriff Moulton's office?"—

Mr. PATTANGALL: And the attorney general objects. Did I make the question clear?

The SPEAKER: Do you insist upon your objections?

ATTORNEY GENERAL WILSON: Yes, Your Honor, I think so. The question simply calls for the feeling—the chief point was it didn't relate to the liquor traffic particularly, it asked for the general opinion. It seems to me objectionable on that ground.

Mr. PATTANGALL: It seemed to me that that was admissible on perhaps several grounds. One matter in particular I would call the Chair's attention to. There appears as part of the record of the House and Senate, which jointly makes up this convention a petition from certain citizens in Cumberland

county in which they practically request that the convention take such action as you are now considering. It would seem to be proper for the attorneys representing Mr. Moulton, and for Mr. Moulton to counteract that proposition by evidence such as this offered here. Mr. Winslow is a man who, as he testified, is about Portland and meets a great many people, does business there, and he amplifies that further on, and that he has heard of no complaint with regard to Sheriff Moulton's conduct at his office. Of course that question was partly preliminary.

ATTORNEY GENERAL WILSON: In reference to that, of course, we have not made this petition a part of the evidence that has been presented in any way; have not relied on it.

The SPEAKER: Of course the opinion of other persons as to the enforcement or otherwise of the law by the sheriff would not be proper. That is, the convention must make up its own opinion from facts adduced and to be adduced, and its opinion is the only opinion that is of any consequence. The opinions of other persons may be interesting and valuable, but not legally valuable. This question, however, seems to shade a little bit on the proposition as to whether or not conditions were so bad or otherwise as to be the cause of complaint, and it may be that there is an element of value in that testimony, Mr. Attorney General.

ATTORNEY GENERAL WILSON: I will admit that the question itself, at first, on the face of it suggests that proposition. But I do not think the answers do.

The SPEAKER: That point of view, the Chair desires shall be used to give the defendant, so called, every opportunity that there may be, to justify his position.

ATTORNEY GENERAL WILSON: The language of the question itself intimates that there may be something of that sort in it, but the replies do not go along that line. That was the reason.

The SPEAKER: Will there be much more evidence of that kind?

Mr. PATTANGALL: I think so—perhaps rather more carefully defined than Mr. Winslow's. The question was not

stated with regard to liquor conditions, but I think the answer shows that Mr. Winslow understood that to be the point.

The SPEAKER: The Chair is quite firm in the opinion that the opinion as such of any one, as to whether or not the law has been enforced, or whether or not the sheriff has done his duty—that those opinions as such, should not be admitted nor are they admissible. On the other hand, some evidence or complaints by citizens of Portland in regard to condition of the liquor traffic, might be admissible. This question appears to be between those two extremes. Let me hear that question again.

“Mr. GULLIVER: You may answer the question, whether or not you are about the city more or less, every day?”

A. Yes, I spend a good deal of time around the business section of the city.

Q. And you have occasion to talk with and do business with a great many of the leading business men of Portland, and the bank men? A. Yes, that is my business.

Q. Whether or not within the last two years and three months there has come to your attention any general complaint of dissatisfaction with the administration of Sheriff Moulton's office?

Mr. WILSON: The face as to a complaint being made?

Mr. GULLIVER: I say, general complaint.

Mr. WILSON: I think I will object to the question because it will involve a lot of matter which is not admissible, and it has no bearing upon the question.

The SPEAKER: There is another possible objection. That there might have been complaints that did not come to his attention, and he might not have been in position to know about them. This particular question as to whether or not there has been manifestations of a general dissatisfaction or otherwise with conditions—that is this question?

Mr. PATTANGALL: Yes.

The SPEAKER: I think that should be excluded.

ATTORNEY GENERAL WILSON: I would be very glad to have the

presiding officers see the answer.

The SPEAKER: If the witness were here he could be inquired of in another way which would make it admissible; the witness not being here so he can be inquired of in any way to make it admissible, would it not be proper to have that admitted with the understanding that it shall not be used as a precedent in the testimony of an oral nature.

ATTORNEY GENERAL WILSON: I don't think the testimony that is in here could be admitted in any form. They might have pressed that question in another form and obtained some evidence that would be admissible, but the evidence which they did obtain, I do not think admissible.

The SPEAKER: In order to close the door and make a distinct ruling, the Chair sees nothing to do but to sustain the objection, from which ruling as the Chair understands the usual entry of appeal is to be made.

Mr. PATTANGALL: I want to get the matter clear in my own mind. Would the Chair give me information to guide me in connection with our other witnesses—does the Chair take the position that if a business man of Portland who was about the city every day meeting the people of Portland, could be debarred from saying that he had heard no complaints or dissatisfaction with the administration of the sheriff during the two years and three months?

The SPEAKER: Yes, because any persons who have knowledge which leads to satisfaction or dissatisfaction should come here and state the facts so that the convention could determine whether or not the charges here should be sustained.

Mr. PATTANGALL: And the usual entry will be made.

The SPEAKER: Certainly.

WITNESS: "I haven't heard any complaint in regard to Sheriff Moulton's office. I have heard compliments from people who have gone to his office to transact business, and they spoke very highly of him as a gentleman and a man who was very pleasant to do business with. That has been my experience from people

whom I have heard express opinions."

Mr. PATTANGALL: This question was asked and objected to:

"Mr. GULLIVER: And from your observation what have you to say as to the general conditions in Portland, as to the use of liquors?"

The SPEAKER: That seems to be a question of fact which is admissible.

ATTORNEY GENERAL WILSON: That is pretty broad perhaps; I don't see that it has anything to do with the enforcement or non-enforcement of the law.

Mr. PATTANGALL: The prosecution put in a large amount of evidence as to drunkenness.

The SPEAKER: The Chair is inclined to rule that that question is admissible.

ATTORNEY GENERAL WILSON: We won't object to that.

Mr. Pattangall then read the answer as follows:

"A. From my own personal observation I don't see any difference from what it has always been; I don't notice any difference."

Mr. PATTANGALL: This question is asked and objected to:

"Q. Mr. Winslow, whether or not in your opinion as a business man, as an employer of labor and a tax payer, of conditions in Portland and Cumberland county, whether they would be benefitted by the removal of Sheriff Moulton?"

The SPEAKER: That is excluded.

Mr. PATTANGALL: And the secretary will note on the record an appeal to the convention and the refusal to grant the appeal.

The SPEAKER: Certainly.

Mr. PATTANGALL: And the question is repeated in another form, as follows:

"Q. And what do you say as to whether his removal in your opinion would improve conditions in Portland and in Cumberland County?"

MR. PATTANGALL: And I suppose the same ruling will be made in respect to that question.

THE SPEAKER: The same objection

and the same ruling and the same reason for such ruling.

MR. PATTANGALL: Might I upon that point make this suggestion to the Speaker? There has been presented, as I have already stated, to the Legislature in the Governor's message a petition concerning the matter which you are considering, and it seems to me that this question and answer might be admissible here just as a remonstrance might have been admitted had a written remonstrance been prepared as the petition was prepared. That is to say, that that testimony would have the same effect as though there were filed in this convention written remonstrances against the removal, offsetting so far as it ought or could the petition, which is a part of the record of this Legislature, and on that ground I thought that question and answer might be admitted.

THE SPEAKER: If the remonstrance came in in the form of a petition or a remonstrance, of course no Legislature would refuse to receive it and do something with it but in this form it comes in as evidence on a question, which question is to be decided under certain rules; and on account of the way the matter presents itself to the Legislature, and on account of the form of the proposition we still feel that it should be excluded.

MR. PATTANGALL: Of course it is apparent that the petition is before this convention, although not as evidence.

THE SPEAKER: The Chair does not know whether it is part of the records of this House.

MR. PATTANGALL: It is in House Document No. 665.

THE SPEAKER: It was part of the legislative proceedings upon which this proceeding was begun, but the Chair excludes the evidence.

MR. PATTANGALL: And I believe I have noted my objection.

THE SPEAKER: Certainly.

Cross-Examination.

By MR. WILSON:

Q. Mr. Winslow, your business transactions are where, to what part of the city do they take you mostly? A. Of course our factory work—you are perfectly familiar with that, and as I have stated, our factory is in the rear of Forest avenue and my other duties take me

largely to the First National Bank where I am a director, to the Union Safe Deposit and Trust Company where I am a director, to the Union Mutual Life Insurance Company where I am a director and a member of the finance committee, to the Casco Bay and Harpswell Line of Steamboats, of which I am president of the company, and it takes me down in that part of the city a good deal; and I am trustee of quite a number of institutions, including the school for the deaf and dumb, and my duties, Mr. Wilson, take me all over the city.

Q. As a matter of fact the most of your time would be either spent at your factory or at the banks which you have mentioned and possibly at the Casco Bay Line? A. It would ordinarily, but I am very fond of riding in an automobile, and I drive my own machine, consequently I am all over the city.

Q. But you don't drive your machine for pleasure rides particularly down in the neighborhood of Fore street and Center street— A. No, but my business calls me up Center street, and going to the Casco Bay Line I would have to go down that way, or would go that way.

Q. Would you go the length of Fore street or would you go down Exchange and Moulton streets? A. When you are going in an automobile there will be some conditions that will take you through Fore street. No, I wouldn't seek to go through Fore street, but perhaps I might have someone with me that wanted to go that way.

Q. But your route wouldn't be along Fore street ordinarily? A. No, it would not.

Q. And your business ordinarily wouldn't call you down Center or along Fore streets? A. No, not regularly, not every day.

Q. That is what I mean. A. No, of course not. Of course in the summer time I go to the Casco Bay and Harpswell Lines generally every day.

Q. But the direct route to that wouldn't be along Fore street but would be down across Fore street? A. Down Exchange and perhaps through Fore street, or down Moulton or Exchange, down that way. I go to the railroad offices, and there is something all the time and it keeps me going; I am moving most of the time, as you know, with-

out my stating it; but as far as going through the streets for any observation or anything of that kind, I don't know.

Q. You don't do that. A. No, I don't do that; I don't know very much about the conditions down there.

Q. The conditions around the city as far as your observation has gone—you never have taken account of it? A. No, I haven't taken much count of that.

MR. GULLIVER: Just one question. You spoke of the Casco Bay & Harpswell Line. Do you recall now how many people the Casco Bay & Harpswell Line hauled last summer? A. It was some—upwards of a million. I don't know exactly the number.

Q. And are you familiar with the conditions of travel aboard those boats? A. Yes, in a way.

Q. What do you say as to intoxication aboard those boats? Or what do you say about the occasion to have arrests made aboard those boats for intoxication? A. It is very seldom.

Q. It is true, isn't it, that at Peaks Island you have a large theater? A. Yes, sir.

Q. Where the average attendance at night is between 500 and 1000? A. Yes, sir.

Q. And a great many people from all over the United States come there? A. Yes, we go down to Bailey's Island and Orr's Island and cover the whole bay.

Q. And isn't it the fact that you make a practice of going to Riverton and down to the Islands and to the Cape, and other places of amusement about Portland in the summer time? A. Yes, sir.

Q. And what have you observed about those places of amusement as to conditions? A. Why, it is excellent; we have always prided ourselves on the conditions at Riverton. I don't know that I can state real facts, but I have always heard it said and I have noticed in my own observation at Riverton that we never felt it was necessary to have an officer there.

MR. WILSON: And you do make special provisions on that account? A. I am not in any way connected with Riverton.

Q. But you understand that special provisions are made in the way of offi-

cers? A. Oh, I imagine so; I never examined into it. There was an officer there, but I presume they had men there that would take care of families, because people are so fond of Riverton as we all know, that they send their families there without any head of the family going along.

Q. That is a place where they cater specially to women and children? A. Yes, sir, I think so.

MR. GULLIVER: Do the Casco Bay and Harpswell Line have occasion to employ special officers to keep intoxicated people off of the boats? A. No, those islands are policed by the city police.

Q. And isn't it a fact that a Peaks Island particularly the sale of intoxicating liquors has been practically unknown? A. That part of it I haven't followed very much. I go down there to the theater occasionally, but I don't go to the island enough to know what the conditions are. I haven't heard any general complaint about it; we haven't had any complaints on our steamers about it.

MR. PATTANGALL I wish now to read the deposition of Dr. S. C. Gordon: "Deposition of Seth C. Gordon, M. D., taken at Augusta, Monday, April 7th, 1913, by agreement of counsel, in the matter of proceedings pending before the 76th Legislature in the matter of resolve for proposal of address to the Governor for the removal of Lewis W. Moulton, sheriff of Cumberland county. Deponent duly sworn by Benjamin F. Cleaves, justice of the peace.

Appearances:

Scott Wilson, attorney general.

Benjamin F. Cleaves, Esq.

For the Prosecution.

Hon. William R. Pattangall,

William H. Gulliver, Esq.,

For the Respondent.

Deponent, being duly sworn, testified as follows:

By MR. GULLIVER:

Q. What is your name? A. Seth C. Gordon.

Q. And your age, Doctor? A. 82 last August.

Q. And you have been a practising physician in the city of Portland for how many years? A. 48 years it will be, next June.

Q. And you are still in active practice? A. I am.

Q. What institutions are you connected with as either a director or officer in Portland? A. Well, most everything in Portland, you might say. I am a director in the Mercantile Trust Company, and I am connected with several institutions in various ways there, so that it takes me all over the city more or less.

Q. And it takes you over the city more or less each day? A. Each day, yes.

Q. And whether or not in your opinion you are fairly familiar with the general conditions in Portland? A. I think so.

Q. What do you say as to the general conditions in Portland at the present time in so far as this so-called prohibitory law is concerned?

Mr. WILSON: I would like to have an objection noted because the answer to that question may involve the expression of an opinion. I have no objection to the Doctor testifying to the facts that he has noted, anything that has come within his observation? A. I shouldn't give anything else.

Mr. GULLIVER: From what you have observed what is the situation? A. That is all I should give. Of course, I have been all over the city.

Mr. WILSON: What time is this?

Mr. GULLIVER: Within the last two years and three months. A. Well, in that time my observation has been that things are not essentially different from any time.

Mr. WILSON: That is what I object to.

Mr. GULLIVER: Let it go in for what it is worth.

Mr. WILSON: I wish to have my objection noted.

The SPEAKER: The presiding officers feel that that should be excluded as immaterial.

Mr. PATTANGALL: And the secretary will note the same objection upon the record.

The SPEAKER: Yes, certainly, in all cases.

Q. Do you have any recollection as to the conditions in Portland during the so-called strict enforcement period, having

special reference to Mr. Pearson's administration?

Mr. WILSON: I object to that question. This may not be strictly objectionable, but what will follow will certainly be objectionable.

The SPEAKER: If the answer goes on and gives conditions it should be excluded under the same ruling.

Mr. PATTANGALL: And that is true in regard to the next three questions, and I think we all understand that Mr. Wilson's objections covered the same point, and I presume the same ruling will be made.

The SPEAKER: The same ruling will be made.

The part of the deposition referred to is as follows:

Mr. GULLIVER: What observations have you made with respect to those times? A. Not anything specially.

Q. What observations if any have you made during those times as to the prevalence of empty whiskey bottles about the streets and yards, etc.? (Objected to.) A. Well, I can't say that I ever saw any bottles around my own premises. Of course I haven't seen them about other places, but I haven't seen any about my own place.

Q. You have seen them about other places? A. I have not; no. I have had—two or three times I have had one or two bottles in my own yard, but that was all, but I didn't put them there though.

Mr. PATTANGALL: The deposition then continues as follows:

Q. Are you aware of any general complaint among the people of Portland or Cumberland county?

Mr. WILSON: I think objection should be made to that, and I will make the same objection.

The SPEAKER: The same objection will be sustained.

Mr. PATTANGALL: And we will have the same ruling?

The SPEAKER: Yes, the same ruling will be made.

Mr. PATTANGALL: Before the answer was completed the question was added to by asking this: "As to the present conditions under Sheriff Moulton?" Then the objection was made, and it was really all one question, and

that the Chair has ruled upon and the entry will show that we have asked for an appeal which was not allowed.

The SPEAKER: The entry may be made.

Q. Would conditions in Portland as they exist at the present time be improved by the removal of Sheriff Moulton?

(Objected to; excluded; same ruling by the Speaker.)

Q. And the appointment of another man?

(Objected to; excluded; same ruling by the Speaker.)

Q. Do you think this removal would meet with the approval of the people generally in Cumberland county?

(Objected to; excluded; same ruling by the Speaker.)

Q. What would be their attitude in respect to this?

(Objected to; excluded; same ruling by the Speaker.)

On motion by Senator Burleigh of Aroostook, the convention took a recess until 2.30 o'clock P. M.

After Recess.

Convention called to order by the President.

The PRESIDENT: The secretary will call the roll.

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 New Portland, Cochran, Sen. Colby, Sen. Cole, Sen. Conant, Connors, Cook, Crowell, Currier, Cyr, Davis, Descoteaux, Doherty, Dresser, Dunton, Durgin, Sen. Dutton, Eastman, Eaton, Eldridge, Elliott, Emerson, Estes, Farnham, Farrar, Sen. Flaherty, Folsom, Franck, Gallagher, Gamache, Goodwin, Gordon, Greenleaf of Auburn, Greenleaf of Otisfield, Sen. Hagerthy, Haines, Hancock, Harman, Harper, Harriman, Haskell, Sen. Hastings, Sen. Hersey, Higgins, Hogan, Hutchins, Irving, Jenkins, Sen. Jillson, Johnson, Jones, Kehoe, Kelleher of Portland, Kelleher of Waterville, Kimball, Lawry, 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, Morneau, Morrison, Morse, Sen. Moulton, Sen. Murphy, Newbert, Nute, O'Connell, Sen. Packard of Knox, Packard of Newburg, Sen. Patten of Hancock, Peacock, Peaks, Pendleton, Peters, Peterson, Pitcher, Plummer, Price, Putnam, Quinn, Sen. Reynolds of Kennebec, Reynolds of Lewiston, Sen. Richardson of Penobscot, Richardson of Canton, Ricker, Roberts, Robinson, Rolfe, Rousseau, Sanborn, Sanderson, Sargent, Scates, Skelton, Skillin, Sen. Smith of Penobscot, Smith of Auburn, Smith of Patten, Smith of Pittsfield, Smith of Presque Isle, Snow, Spencer, Sprague, Sen. Stearns, Stetson, Stevens, Stuart, Sturgis, Swett, Swift, Taylor, Thombs, Thompson, Tobey, Trimble, Tryon, Twombly, Umphrey, Violette, Sen. Walker, Washburn, Waterhouse, Wheeler, Winchenbaugh, Sen. Wing, Wise, Yeaton.

ABSENT:—Bither, Brown, Sen. Clark of York, Donovan, Dunbar, Sen. Emery, Gardner, Hodsdon, Jennings, Leveille, Ramsay, Sherman, Stanley.

THE PRESIDENT: The roll call discloses the presence of 169 members of the convention.

Mr. PATTANGALL: Mr. President, the matter in regard to the order of cases which are to follow this one, which counsel have discussed at some length with the presiding officers, and which I think has not been called to the attention of the convention—at your suggestion that this was the proper time to speak about that, I will bring it up now.

Brother Maher and myself, who appear as counsel for Mr. Tolman, find ourselves confronted by this situation. He will be unable to be here at any time tomorrow, and probably the next day. Further than that of course we cannot look, because of conditions that have arisen. His house is at present under quarantine. The Board of Health are considering the lifting of the quarantine but the chairman or health officer, who under statute has control of that matter, declined to lift it at the present time, and in talking with Brother Maher he said that if Mr. Tolman left the house he should order him under arrest and returned until he made a more complete investigation.

Now under those circumstances we are placed where the trial in his case would either have to proceed in his absence, which I know would not be agreeable to anybody, or that some other arrangement of the cases be made, and I think the Chair would be of the opinion that any change in the order of arrangement, that arrangements having been made by

a concurrent order of the House and Senate, would have to be made by the Legislature and not by the convention or the presiding officers.

In talking with Brother Wilson it is fair for me to say that his suggestion was that he could take up the Androscoggin county cases next. I am in those cases with Androscoggin counsel. I have not even met counsel and could not possibly be prepared to go on with those cases, tomorrow, assuming that I remain in this case and completed my work in it. I realize that the same hardship falls upon the attorney general, with the possible exception that he has counsel associated with him in the Androscoggin case who has been in the case for some length of time, hence that case, I assume from his conversation, he could go on with; I can't.

The only thing I could do in fairness to my client, subject of course to the orders of the convention, would be to ask that the trial in the Knox county case be delayed, and that the Androscoggin cases be not made to immediately follow this one. I submit the matter in that form to the convention or the presiding officers, the Speaker and the President.

ATTORNEY GENERAL WILSON: I would state briefly what I understand to be the situation in Knox county. It seems that there have been several cases of smallpox within the county, and one of the deputy sheriffs had the temerity to go into one of those houses and take out, as I understand it, a child there, and take it into a home or something of that kind, and then he was after that quarantined, and he deliberately broke quarantine and came down to court, and on that account the secretary of the board, who is the health officer, not the chairman of the board, but the secretary of the board, who is the so-called health officer, quarantined the sheriff and the whole family, but took no steps to quarantine any one else. Now Dr. Young of the State Board of Health was notified and has been in touch with the situation, and we have also been in communication with Dr. Junkins, the only practicing physician on the board, and they both have assured me that they saw no reason why the quarantine could not be lifted so far as the sheriff was

concerned and he be allowed to come here without danger to any one, taking the ordinary precautions by way of fumigation.

However, it is reported this noon that the secretary has assumed to continue the quarantine for 12 days longer, and I don't know but what he also threatens to arrest the sheriff if he makes his escape.

With reference to the situation as to the other cases, contemplating a possibility of readjustment, I want to say this. We are now ready to go on with the Knox county case, and understood that would be the next case in order. The Penobscot case, which we had prepared to follow the Knox county case—unfortunately the counsel whom I had engaged in that work to follow up the local situation was, yesterday, taken down with a severe attack of the mumps and he is under quarantine, and we have had to employ other counsel in that case who has taken it up. It would be impossible for me to take up the Penobscot case under those circumstances before Thursday afternoon at the earliest, and I simply suggested to Brother Pattangall that we would undertake to take up the Androscoggin cases, tomorrow noon, or at such time as the convention desires, provided the Knox county case wasn't taken up. It certainly imposes just as much hardship on me to take up the Androscoggin cases, tomorrow, as it would be upon him to take up the Knox county case.

I think those are the conditions that have a bearing upon the situation.

Mr. PATTANGALL: I would only say that I would not undertake to make any statement of fact with regard to the real condition of things in Knox county, other than the matter in which the Attorney General and I agreed, namely, that at present the sheriff is under quarantine and hence of course he couldn't be present. I realize that the convention can try the case in his absence, but wouldn't try to do so unless it was obliged to.

In regard to Androscoggin, I will simply say this. It isn't putting any hardship upon me to try the Androscoggin cases. The hardship would fall entirely upon the parties involved, because I am as unfamiliar with the

Androscoggin cases as any member of this convention can be. I know absolutely nothing about them, and I am not even sure who my associate counsel will be. Mr. Lowe stated that he intended to employ Judge Wing, but I have had no conversation with him. Under those circumstances of course I should not attempt to go into the case if it should come on. I think nobody would be justified. My parties whom I represent are in the hands of the convention.

Mr. MAHER: If I may amplify just a bit the Attorney General's statement in regard to the Knox County situation, concerning which I alone am interested, not caring what the disposition of the cases or the arrangement of them is, other than as they affect that. I might say that tonight at seven o'clock the train leaving there at one o'clock, will bring us something that will show the exact condition, affidavits from this health officer that the sheriff is under quarantine. This would seem to be of some force. The condition is not exactly confined to the lines on which the Attorney General has been informed. It is true that Deputy Sheriff Titus did break quarantine and go down to court and was there arrested and returned to quarantine, but the janitor of the court house, who was in the closest association with the sheriff and with Deputy Sheriff Titus was taken sick immediately after Titus was sent back, having been exposed at some place or other and is now in the house and under quarantine, and further than that the family living directly opposite the court house, as the Attorney General will bear me out in, a family by the name of Stevens, the woman has a well developed case of smallpox and her son was going in and out of the court house, a boy who was selling papers at the court house and was at the sheriff's house and was with the sheriff and sold papers to the sheriff, and as a result of that the health officer did quarantine the sheriff. Of course in that situation the convention and the presiding officers ought not to proceed except with the utmost fairness, as this is a proceeding

looking to the upholding of law and would be a hardship if one arm of the State, in this matter of quarantine, where undoubtedly this man was acting in the best of faith, should be ruthlessly disregarded, and further than that it would seem to us that this man should have a right to be present. He got into the whole difficulty acting in the best of faith. The sheriff of Knox county came up to Augusta and was in Augusta when the deputy sheriff had gone down to Rockland to serve papers upon him. I know that that is the fact because the deputy went down on the train with me and the sheriff went back and had these papers served on him at that time and became exposed and two days later was locked in the house.

ATTORNEY GENERAL: Perhaps it would be fair to state that the physician who was called is not certain that the janitor is afflicted with smallpox. He is in the house and taking precautions, but it is not a developed case so that the physicians have a decided opinion that it is smallpox. The other case which my brother speaks of I did not mention, inadvertently and the physician on the Board of Health was cognizant of this condition when he stated that the quarantine might be safely removed.

Mr. MAHER: But that is a well-developed case of smallpox.

ATTORNEY GENERAL WILSON: I think so.

The PRESIDENT: Do counsel know what time witnesses might leave Rockland?

Mr. MAHER: Five o'clock.

The PRESIDENT: The Chair will state that the convention already understand, probably, that under the resolves under which we are proceeding, and the orders passed by both branches of the Legislature in concurrence, neither the presiding officers themselves nor the convention as such have any authority to change the order in which these cases are to be heard, the arrangement being, as the presiding officers have understood, that they should come on the days scheduled, as in the cases assigned in court, that is each succeeding case would come on immediately af-

ter the earlier case had been disposed of. The order of procedure may only be changed, in the opinion of the presiding officers by taking a recess, with the understanding that during the recess the Senate and House of Representatives, sitting as the Legislature, shall consider whether any change shall be made in the order of procedure. Under the rules the only motion that can be entertained here is a motion to take a recess. If the convention desire to take a recess for that purpose, it may accomplish it by a motion, provided a majority of the convention vote so to do.

The PRESIDENT: Do counsel know what time witnesses must leave Rockland?

Mr. MAHER: Five o'clock.

The PRESIDENT: The Chair will state and the convention already understands that under the resolve we are proceeding under, and the orders passed by both branches of the Legislature in concurrence, that neither the presiding officers themselves nor the convention have any authority to change the order in which these cases will be heard, the arrangement being that they shall come on the day scheduled unless the preceding case holds over, in which case, as is the case in court, the succeeding case would come after the preceding case was disposed of.

If members of the convention wish to change the order of procedure, it may only be done in the opinion of the presiding officers by taking a recess with the understanding that the Senate and the House of Representatives sitting as a Legislature shall consider whether any change in the order of procedure shall be made.

Under the rules, the only motion that can be considered is the motion to take a recess. If the convention wishes to take a recess for that purpose, it may be accomplished by motion provided a majority of the convention votes so to do.

Mr. SMITH of Patten: Mr. President, this arrangement and the order was made in the knowledge of everybody, and it seems to me that to take a recess and to undertake to undo the order would result in confusion and great delay. I do not believe that the members of this convention are prepared for any unne-

sary delay, and it seems to me that after the statement of the chairman of the State Board of Health, and that opinion being concurred in by the chairman of the Board of Health of the local town, with the opinion of the physician, that any change of the program is entirely unnecessary and unreasonable. I hope this convention will not take a recess for any such purpose.

The PRESIDENT: The Chair will state that debate cannot be entertained upon this motion or upon any other motion except by unanimous consent. If any member wishes to make a motion to take a recess, he may do so, and the convention will vote upon it.

Mr. DESCOTEAUX of Biddeford: Mr. President, I move that we take a recess.

The PRESIDENT: Does the gentleman desire to assign the length of time? In the opinion of the Chair it would be advisable.

Mr. DESCOTEAUX: Mr. President, I move that the convention take a recess of 20 minutes for the purpose of assembling in the Senate and House of Representatives and discussing a possible change in the order of procedure.

A viva voce vote being taken, the motion was lost.

Mr. PATANGALL: I think it only fair, Mr. President, to notify the convention and to notify the attorneys for the prosecution, so that they may gauge their time accordingly, that Sheriff Tolman being quarantined, if his case comes on tomorrow it will be necessarily tried in his absence. If this convention desires to try Sheriff Tolman in his absence while in quarantine by State officials, that the defence will—and I speak of this so that attorneys may regulate their actions—that the defence will be for their attorneys to appear, have the facts appear, enter their protest in the record, and let the proceedings go on.

The PRESIDENT: Proceed with this case, Mr. Attorney General.

Mr. JACOB H. BEARMAN, having been duly sworn, testified as follows:

Examination by Mr. Gulliver.

Q. State your name, age and occupation. A. Jacob H. Bearman, 29, lawyer.

Q. Have you made any observations as to the present conditions in the city of Portland as to the enforcement of the prohibitory law and in reference to drunkenness? A. I have.

Q. Will you state them to the convention?

The ATTORNEY GENERAL: Mr. President, before the witness answers that question, I wish that witnesses might be instructed in regard to their answers as to observation, that they might not make statements that would involve comparison. We are willing that they should state their own observations, but as to their opinions of the administration of the sheriff, I want to avoid just such answers as appeared in the depositions that involved a comparison with other administrations.

The SPEAKER: Were you here this morning? A. I was.

Q. You heard the ruling of the presiding officer in regard to the admissibility of certain testimony? A. I understand that matters of opinion are not admissible.

Q. On the issue of whether or not the law is enforced? A. I understand that fully.

Q. Your opinion is not admissible. A. I understand.

Q. Comparisons of the present enforcement of the law with the enforcements of previous administrations are not admissible. A. I understand fully.

Mr. GULLIVER: You may answer the question. A. There is very little drunkenness in Portland, today.

Q. When you say today, how long a period do you cover? A. I cover a period of three months and longer.

Q. Whether or not in the course of your professional duties you have appeared in criminal cases in the law and superior courts in Portland? A. Quite numerously.

Q. Whether or not in connection with those cases you have had any talk with Sheriff Moulton? A. I have several.

Q. Confining your observations to the last two years and three months, will you state to the convention what talks you have had with Sheriff Moulton with respect to the disposition of liquor cases? A. My talks with the sheriff and his deputies in reference to the conduct of liquor cases, so-called, he has told me repeatedly that he could do nothing for me, that my

people must go out of the business.

Q. In how many cases have you appeared in the last two year and three months? A. How many liquor cases?

Q. Yes. A. I should say in the neighborhood of 18 or 20.

Q. And what has been the disposition made by the sheriff's officers and the county attorney of the court in respect to such cases? A. In a great many, the great number of my cases I have been fortunate in securing a verdict of not guilty. In cases found guilty or where they pled guilty, invariably a jail sentence was imposed, sentence suspended on condition that they go out of business.

Q. What have you to say as to whether those persons did go out of business?

A. To my knowledge no less than eight or 10 did go out of business.

Q. Calling your attention to specific cases, do you recall the case of Peter Shuluc? A. I do.

Q. At the January term, 1913? A. Yes, sir.

Q. State the circumstances in respect to that case. A. The sheriff's deputies made a seizure at the place of business of Peter Shuluc, at the corner of Clark and Summer streets. I saw Mr. Moulton in reference to that and he said he could do nothing for me. I saw his deputies and they said this man must go out of business, as he has told me repeatedly. We pled guilty, it was placed on the special docket on the condition that he went out of business, and he has gone out of business.

Q. What about the case of Israel Davis? A. The same situation. Mr. Davis was given a jail sentence, 60 days, sentence suspended on condition that he go out of the business. He was placed in charge of the probation officer, and the probation officer has informed me that he has gone out of the business.

Q. What do you know about his previous record for selling liquor? A. I have tried cases for Israel Davis and know that he has been convicted several times previous to this.

Q. Davis has stopped selling? A. He has, in my own knowledge.

Q. Was he what you would term a persistent violator of the law? A. He

was previous to the middle of 1912 or the last part of 1912.

Q. State the circumstances in relation to the case of Mary Folippl. A. She was tried twice. The first time I got a verdict of not guilty. She was again arrested and that time got a jail sentence of 60 days, and was placed on probation for one year that she go out of the business. The probation officer has told me that she has gone out of business.

Q. What about the case of Leah Wise? A. That is on Fore street, and is one of the places named in the papers where liquor was being sold. They took her into court and she pled guilty. She was given 60 days in jail, placed on probation for a period of one year under the condition that she go out of business. The probation officer has informed me several times that she has gone out of business.

Q. What about the case of Jennie Steins? A. A search was made in February this year. She was given a straight jail sentence of 60 days and placed on probation.

Q. What sort of a place did she run? A. A store on Salem street.

Q. A grocery store? A. I should say so.

Q. What about Bridget Flaherty's case? A. She is a persistent offender, runs a place on Cotton street. She was placed on the special docket on two cases. I understand she is now out of the business.

Q. Whether or not there are other cases that you recall? A. There are.

Q. Can you specify any other places? A. There is a place on Forest avenue. I don't know the number; it was put out of business on the same set of facts.

Q. In the cases where you got a verdict of not guilty, what if anything did Sheriff Moulton say to you as to what he would do in case those people were found selling? A. Not the sheriff, but his deputies.

Q. What did they say to you? A. In two places that appeared in the list of names that have been selling in Portland. I secured a verdict of not guilty. I was informed by the deputy that although I received a verdict of not guilty, if that man persisted in selling, they would keep after him until he was driven out of the business.

Q. Who was that man? A. Antonio Obano.

Q. What do you say as to similar conversations in cases where you have been permitted to pay fines? A. I was told through the sheriff's office, that although a fine was paid, the next time it would be a straight jail sentence if they kept in the business.

Q. How long have you lived in Portland? A. I was born in Portland.

Q. Lived there all your life? A. In Portland and Lewiston.

Q. You have practised law in Portland? A. Yes, sir. Since '99.

Q. Since that time have you been familiar with the conditions there generally? A. Yes, sir.

Q. And whether or not you have any special information as to the conditions in respect to the sale and use of intoxicating liquors in Portland? A. In a general way, attending court and being on the street in the pursuit of my profession.

Q. Please do not answer the next question until it has been ruled upon. From your observation in and about Portland during the past four years, what have you to say as to the conditions existing in Portland for the past three months in relation to the sale or the drinking of intoxicating liquors?

(Question read by the reporter)

The ATTORNEY GENERAL: That is a rather peculiarly worded question.

Mr. GULLIVER: As compared with previous conditions?

(Objected to)

The SPEAKER: We think that makes it objectionable; otherwise it is not.

Mr. FATTANGALL: I suppose, Mr. Speaker, that our position is entirely understood on that point, but it seems so important to us that I know you will pardon my saying a word in regard to it. I should judge that the gist of this complaint against Sheriff Moulton was not that he had not succeeded in fully enforcing the prohibitory law, but that he had not done in that respect all that he should do or all that he could do.

Now whether his administration with regard to the enforcement of the prohibitory law, but that he had not done

in that respect all that he should do or all that he could do.

Now whether his administration with regard to the enforcement of the prohibitory law has been good or bad, it seems to us could be only determined by comparison with something.

I do not know how anything can be said to be good or bad except by comparison with something, and we deem it not only proper but necessary to make a comparison between his work and that of other men who have attempted the same work in the same locality under the same conditions, in order that the convention may have a correct view of that work. So much of the evidence as would be somewhat in the line of an opinion, and somewhat creative, because of hearsay, we should say was admissible in these proceedings just as a great deal of hearsay and opinion evidence was necessarily admitted on the part of the prosecution in depicting the general conditions there, and those two points are what we rely upon in offering that class of testimony.

THE ATTORNEY GENERAL: It seems to us if that ground is taken that it would necessarily involve a theoretical standard of other sheriffs and whether that was a proper standard to use, whether this sheriff had enforced the law as well as others. It seems as though that is sufficient to meet the first reason that my brother sets forth.

As to the question of opinion evidence in relation to what has been transacted during the last three months, we have no objection to any witness stating actual facts insofar as he is allowed to speak from observation and from opinion in relating facts. We have no objection to the witness stating facts, that is, when testifying in regard to any particular saloon, whether closed or open; there is some opinion involved there. It is admissible as it was in our witnesses. But testifying as to whether saloons are closed as well now as in prior years we do not think is admissible.

THE SPEAKER: We think we understand the principle that the Chair is trying to adhere to, and we think there will not be any trouble in applying it. The

question is not as to whether or not the law is enforced, but it is whether or not the law has been wilfully unenforced. That is all. Now it does not throw any legal light on that question to show whether or not the law is enforced now better or worse than in some previous administration. That would involve going beyond that and finding out by proof or otherwise, finding out how much the law was enforced under that administration, but we would arrive at nothing. The Chair has ruled that the comparison of affairs under these different administrations is not admissible.

On the other question of opinion testimony, any opinion is to be distinguished from the facts, and it is for this body to arrive at facts. It is perfectly true that legitimate questions of fact may involve opinions, and the Chair desires it to be understood that this ruling may be modified at times to conform with that idea. It may be that many questions will be asked that would be admissible and that may involve an opinion. It is of course difficult to apply the rule to each particular question. It is difficult for a witness to describe conditions without in a way comparing them with other conditions at some other time, and it may be that modifications of this rule may enable a witness to properly reply to questions.

We do not intend to rule that no kind of a comparison may be allowed, for a witness may have a conclusion in his own mind as to whether conditions were so and so. What we desire to avoid and the only thing that we wish to rule on is that it is not proper to compare the conditions under this administration with some previous administration. That is the extent of our ruling. It may be that questions may be framed so the witnesses may say whether conditions are better or worse. We think that would be well, but not to compare this administration with some previous administration.

MR. PATTANGALL: That ruling is satisfactory to us.

Q. (By Mr. Pattangall): You have stated that you were more or less familiar with conditions in the city of Portland in regard to enforcement of the prohibitory law? **A.** I have.

Q. You have been more or less fa-

miliar with conditions with regard to the enforcement in the city of Portland and in other cities in Maine at other times than during the last two years? A. I have.

Q. And are you in a general way familiar with the working of the sheriff's office in Portland with regard to enforcement? A. I am.

Q. Now from your observation what would you say in regard to conditions in the city of Portland with regard to enforcement? A. I should say conditions, today, that is, covering the period of time back, are better than they have been at any time I have known it in Portland.

Q. And from your acquaintance with the work of the sheriff and his deputies have you seen any evidence of wilful neglect on his part of his official duties? A. I have not.

Q. What can you say in regard to that, if anything? A. The sheriff has told me time and again—give you the exact words if you want it—he says: "No one has got any strings on me. If you have any complaints to make against any place at all and I can get the evidence, I will close them tighter than a drum?"

Q. Now, Mr. Bearman, I understand you to say that you have had 20 cases within what period of time? A. Within the past two years.

Q. How many in the past two or three months? A. To the best of my judgment, 9 or 10—8 or 9, something like that.

Q. About half of them in the last three months? A. Yes, been getting more business in the last three months.

Q. Things are doing a little better down there, aren't they? A. No, that isn't so.

Q. Now you say that in a majority of the cases you have been able to get a verdict of "not guilty"? A. In a great number of cases I said I got verdicts of "not guilty."

Q. How many? A. A great number I should say.

Q. What proportion of the 18 should you call a great number? A. A quarter.

Q. That is four or five? A. Four or five.

Q. You would consider that fair luck? A. That is a great number not guilty out of 18—against our officials, why it is a great number.

Q. The other 14, some disposition was made of them? A. Yes.

Q. And now can you enumerate any more of them? than those you have already enumerated? A. I don't quite understand.

Q. Can you enumerate any more of them, then you have already enumerated? A. You mean of everything—of not guilty—the disposition?

Q. No, the names of the parties? A. There was Jennie Stein.

Q. Of those you have already enumerated, I have now Peter Shuluc. A. Yes.

Q. Israel Davis? A. Yes.

Q. Mary Folippo? A. Yes.

Q. Leah Wise? A. Yes.

Q. Jennie Stein? A. Yes.

Q. Bridget Flaherty? A. Yes.

Q. Antonio Albino? A. Yes. Edward Harrigan.

Q. Now where is Mr. Harrigan's place located? A. It was located 121 Forest avenue, I think.

Q. He is the one on Forest avenue, you spoke of? A. Yes, I didn't mention his name I think.

Q. Now what sort of a place was it that was kept on the corner of Summer street by Mr. Peter Shuluc? A. It was a sort of a grocery store with a room in back.

Q. It was not a regular bar room? A. I never was in it, Bro. Wilson.

Q. You said it was a grocery store, I presumed you knew something of it. A. That is the testimony in court.

Q. How long ago was that? A. Shuluc, it was placed on the special docket of the January term of this year.

Q. I understand you to say now he is confining himself to selling groceries? A. He is out of business altogether.

Q. He is not selling groceries? A. He is not selling anything.

Q. Now when the sheriff insisted on Peter Shuluc going out of business, did they give you any special reasons why Peter Shuluc should get out? A. Anything more than in all my cases.

Q. Did they give you any special reason in any case? A. They did not.

Q. Simply they must get out? A. They must get out.

Q. And what is Peter Shuluc's nationality? A. He is a Polish fellow.

Q. And Israel Davis, the same history with reference to his case as with reference to Shuluc's? A. No, Israel Davis is still in business.

Q. He is still in the liquor business? A. He is out of the liquor business. He is in the boot, shoe and clothing business there now, and was then.

Q. Boot and shoe business at the time he was selling liquor? A. Yes.

Q. That was a side business, was it? A. I don't know which would be the side.

Q. Well, he is now making his principal business, boots and shoes? A. That is right.

Q. Israel Davis, what is his nationality? A. He is a Jew.

Q. And Mary Felippo, what sort of a place did she run? A. She run a room on Chatham street.

Q. That is a tenement house where she lives? A. It was not so described in court. I never was down there. The officers testified that they found a keg and a table there.

Q. It was not in a store? A. It was not in a store.

Q. It was in a house? A. In a house.

Q. And what sort of a place did Leah Wise run? A. Leah Wise, that was a tenement on Fore street, I think.

Q. A dwelling house? A. A dwelling house.

Q. And she, I presume, is a Jewess? A. She is, yes.

Q. And Jennie Stein, what was her place? A. About the same as Shuluc's.

Q. That is a grocery? A. Yes.

Q. And she is a Jewess I presume? A. Yes.

Q. Now Bridget Flaherty, what sort of a place did she have? A. She has been running a kitchen dive for years.

Q. Kitchen barroom, so-called? A. So-called, yes.

Q. And Albine, what sort of a place did he have? A. A barroom.

Q. A bar? A. Yes.

Q. Where was he located? A. On Fore street, near corner of Franklin.

Q. Can you give the number? A. I can't, but I think it is on the records.

Q. On the records you say? A. Yes.

Q. And Harrigan was down on Forest Ave., you say? A. Yes, he was down there, I don't know where he is now.

Q. Now that is all you can now recall of your special cases that have been put out of business. A. There are a great number more but I wouldn't attempt to give you the names.

Q. About half of them here—you have given 8 or 10 and the rest you can't recall? A. I cannot recall.

Q. Now John Hollywood down on Preble street, is not one of your clients? A. Never was.

Q. And Mr. John Sullivan who occupies the places on the corner of Fore and Center, is not one of your clients? A. I don't know him.

Q. He is not one of your clients? A. No, he is not.

Q. Now the one who occupies the place on the corner of Center and Court—on either corner—Center and Pleasant rather— A. I have no clients on Pleasant street.

Q. Haven't any on Center street at all? A. No.

Q. I don't suppose you represent Andrew Eagan? A. No.

Q. Thomas Brownrig? A. No.

Q. Patrick Sullivan? A. No.

Q. Any member of the Sullivan family that you represent? A. I have represented Sullivans in court but not for infractions of the liquor law.

Q. You did not represent Frank Sherman? A. No.

Q. And you are not counsel for Judge Mulhern as he is known in Portland, who keeps the place on India street? A. No.

Q. Nor Richard Norton down on Pleasant street? A. No.

Q. Nor Mr. William H. Lawry, who keeps 13 Temple street? A. No; don't know them.

Q. Or Ross & Carey, who keep the place at 9 Exchange? A. No.

Q. Nor Martin J. Walsh at 450 Fore street? A. Don't know them.

Q. You say that the drunkenness in Portland is very small? A. I say that—

of course, Bro. Wilson, I take that in comparison to the past, what it has been in Portland.

Q. Do you know as a matter of fact the number of arrests for drunkenness in the last three months? A. No.

Re-Direct Examination by Mr. Gulliver.

Q. Mr. Bearman, in testifying in respect to the amount of drunkenness are you guided by the amount you saw on the street? A. I am.

HARRY E. NIXON, having been duly sworn, testified as follows:

Examination by Mr. Gulliver.

Q. Mr. Nixon, please state your name, your age and your occupation? A. Harry E. Nixon; 30 years old; lawyer.

Q. How long have you lived in Portland? A. All my life.

Q. How long have you been practicing law there? A. Four years last February.

Q. Have you had occasion within the last four years to appear in court in liquor cases? A. Very few. I have appeared in some liquor cases.

Q. Calling your attention to the cases in which you have appeared within the last two years and three months, will you state the facts? A. I have the case of—do you wish the names?

Q. Yes, and circumstances? A. The case of John Higgins, who runs a drug store at the West End. He was indicted for nuisance and he consulted me. I went to see the sheriff and county attorney and stated the case to them. Told them that Mr. Higgins didn't have any money and couldn't pay a fine, and I didn't want him to go to jail on account of his family, and if they would be lenient with him that he promised me that he would go out of the business, the sheriff and the county attorney told me to state the facts to the court, which I did in open court, and I presume on their recommendation Mr. Higgins was placed on the special docket and went out of the business.

Q. What, if anything, did Sheriff Moulton or his deputy say to you would happen in the event of a repetition of this offence? A. They told me, the sheriff did, that he would have his case placed on the special docket, or use his influence to have his case placed on the

special docket, and if he was caught again they would bring forward sentence and impose it.

Q. Go on with the other cases, Mr. Nixon? A. I have in mind one case, Frank Givern, I think the name is, Portland street. He was arrested on two occasions. The last time I went to see the sheriff and the county attorney and told them that he had promised to get out of the business if they would be lenient with him. He had a family.

Q. What did they say? A. They said that they had no intention of punishing him severely, but that he must get out of the business, and I don't recall whether he was placed on probation or special docket, but, however, he didn't pay a fine, or serve any time; he has gone out of the business.

Q. Have both of these men gone out of the business? A. They have.

Q. Mr. Nixon, are you familiar with conditions in Portland with regard to the enforcement of the prohibitory law and the work of the sheriff's office in respect thereto? A. I am.

Q. What are the present conditions there, in respect to enforcement? A. The condition derived from an actual observation, I should say conditions were good.

Q. From your knowledge of the conduct of the business of Sheriff Moulton's office, so far as the prohibitory law is concerned what do you say of his being guilty or wilfully neglecting his duties? A. I have never seen any evidence of anything that would lead me to believe that he was.

Cross-Examination by Attorney General Wilson.

Q. Bro. Nixon, can you name any other cases that you have appeared in court for, except these two? A. Well, I have in mind a Brunswick case, but I was consulted in the court room during a term, and there was a fine case, I cannot recall the name of the party.

Q. Brunswick? A. Yes.

Q. These are the only two that you recall in Portland, that you have appeared for during the last two years and three months? A. The only two that I recall.

Q. And Mr Higgins, is he out of the drug business altogether, or just out of the liquor business? A. He was selling

cigars for John Hadzor the last I saw of him.

Q. So he has left the drug business, closed up? A. Yes.

Q. And this Frank Givern, he was on Portland street, you say? A. Yes.

Q. When did that case come up? A. That case came up along the first of Sheriff Moulton's administration, as I remember it.

Q. And when did this Higgins' case come up? A. The Higgins case, probably nine months or a year ago.

Q. So that recently, you haven't had an occasion to go before the sheriff, to have cases placed on the special docket of this year? A. I have not.

Q. Now are you counsel for John Hollywood, 102 Preble street? A. I am not.

Q. Or for the parties who occupy the place at the northwest corner of Center and Free streets?

MR. GULLIVER: May it please the President, for the purpose of saving time, which seems to be very essential, we are willing to admit that the witness has not appeared for any other person than those named by him—to save the prosecuting officer a good deal of time.

ATTORNEY GENERAL WILSON: I understand he has not appeared for them. I wanted to know if he represented any of the so-called, well known liquor sellers there in Portland now. A. No, sir.

Q. Do not? A. No, sir.

Q. Well are you familiar with those places Mr. Nixon, at the corner of Center and Free and Pleasant and Center? A. No, I have walked by them, passed them.

Q. Never been in? A. No.

Q. But you know there are places there where they sell liquor? A. Well, of my own personal knowledge—I have heard them say—yes.

Q. You have never made any observations yourself? A. Oh, no, except as one would passing by.

Q. Well, you don't have any question in your mind but what the testimony of the witnesses who came here on behalf of the State, that they purchased liquor at all of these places is true, do you?

Mr. PATTANGALL: We object to that question. This witness' opinion

as to the truth of somebody else statement of course is not admissible.

The SPEAKER: On cross-examination broader latitude is allowed. The Attorney General probably can frame his question so it will not be objectionable. That particular question might be objectionable.

Attorney General WILSON: I thought perhaps to cover the whole situation and not to proceed any further with this witness. I understand there is objection.

The SPEAKER: Yes, and the objection is sustained.

Q. Have you been into the Higgins place down on India street? A. No, sir.

Q. Or Brownrig's place? A. No, sir.

Q. Or Sullivan's place? A. No, sir.

Q. Or Frank Sherman's place? A. No, sir.

Q. Nor 13 Temple street. A. Who has 13 Temple street?

Q. Mr. Lawry occupies that, I believe? A. No, sir.

Q. Or the place at 9 Exchange street, occupied by Ross and Carey? A. No, sir.

Q. Or the barroom at the Preble House? A. No, sir.

Q. So that when you speak of the conditions being good you eliminate any personal knowledge of all those places? A. Oh yes, that is derived from the general observation.

JAMES A. CONNELLAN, having been first duly sworn, testified as follows:

Examination by Mr. Gulliver.

Q. Please state your name, age and business or profession? A. James A. Connellan; 38 years old; lawyer.

Q. Live in Portland? A. I have lived there all my life, except the time I was in the Government service and at college.

Q. You have practiced law how long? A. Sixteen years?

Q. During the past 2 years and 3 months, have you had professional relations with the sheriff's office? A. I have.

Q. And whether or not you have

had conversation with Sheriff Moulton in respect to not crossing or otherwise disposing of liquor cases? A. I have.

Q. Won't you state to the convention one of those conversations? A. Well, I never have had much luck with those things, that is all I could say about getting not prosses.

Q. What have you had to do in the cases you represented? A. Well, usually my people either paid or went to jail, once in a while I got them off.

Q. Sometimes paid and sometimes went to jail? A. Yes, and occasionally I got a verdict of not guilty, but not very often.

Q. You haven't had such good luck as Bro. Bearman? A. No, I haven't.

Q. Whether or not some of the persons for whom you have appeared in Court during Sheriff Moulton's administration have gone out of the liquor business? A. Yes, I can recollect of a few that have, I wish to say I haven't got any data about the stuff here. I could telephone and get it, if you wanted, to my office. I know of two people that have gone out.

Q. Do you recollect their names? A. One was an Italian woman. They let her off because she wanted to go home to the old country, and I know I had quite an argument with the sheriff about that, and he let her go on the ground, so he told me, that is, he said he would recommend to the court that she be let go on the ground there was sickness in her family, and if I recollect right she was sick herself. On that ground he recommended to the court, and they let her go. There is one other case. I cannot recollect the name.

Q. What do you say Mr. Connellan, as to the conditions about the streets in Portland, during the last three months, as to intoxication? A. Well, I have seen nothing alarming, myself.

Q. Well, are the conditions good or bad? A. Well, I should say most certainly, they were good.

Q. And what do you say as to general orderly behavior on the streets during the same period? A. I don't think there is any question but what it is absolutely good, as far as I can see.

Q. Do you recall a conversation that you had with Deputy Sheriff Hall, relative to children and women being around places where liquor was sold? A. I do.

Q. Won't you give it to the Convention? A. Well, I could give the substance, of course that is all I could give.

Q. That is satisfactory? A. I went to see Deputy Sheriff Hall in relation to a matter connected with the so-called rum business, and he stated to me that so long as he remained a deputy sheriff, that especially would he pay attention to places where women and children were around and that especially he would give absolutely no favors, so far as he was concerned, if it were shown or demonstrated that women and children were around these places where rum was sold.

Q. Mr. Connellan, you have been active in the courts for many years? A. Yes—I have—

Q. In civil and criminal cases? A. Yes, I have had somewhere around two or three hundred cases a year.

Q. And represented many respondents in civil and criminal cases? A. About two hundred a year, I think, liquor cases.

Q. Are you familiar with conditions in Portland during the present time in regard to enforcement of the liquor law, in respect thereto? A. Well, I think I am, yes. I think I am qualified to say so.

Q. What is your opinion as to the present conditions of enforcement under Sheriff Moulton? A. Well, all I can say is what I have observed, what the practice has been there, in my own practice of law. I have had a harder time under Sheriff Moulton and Mr. Bates than I ever had before practicing law in sixteen years.

Q. And what do you say as to his being guilty of wilfully neglecting his duties in respect to the enforcement of the Prohibition Law? A. Well, my own opinion is that he has not, because that last question I think answers that. I certainly think he has not.

Q. Mr. Connellan, won't you state to the Convention, if you know, in a general way, the duties performed by the liquor deputies at the three criminal terms of the Superior Court? A. Well, what do you mean, about appearing before the Grand Jury?

Judge CLEAVES: To save time, I have no doubt the deputies will be on, couldn't they state their own duties?

Mr. GULLIVER: I think we will simply put this witness on for that purpose as long as he is on the stand. He is a disinterested witness.

A. What did you mean, Bro. Gulliver?

Q. We will call your attention to this fact, is the grand jury usually in session for some eight or 10 days each term? A. Yes.

Q. And the superior court for the trial of criminal cases is in session anywhere from two weeks to four weeks? A. Yes.

Q. And whether or not the liquor deputies are in attendance in court during all of that time? A. They are.

Q. Do you know whether or not they are obliged to take the prisoners to and from the jail? A. I do.

Q. And in respect to Sheriff Moulton being there, as to his attending both the civil and the criminal terms of the superior court? A. Well, the sheriff is always there.

Q. Is the same true of the supreme court? A. Yes.

Q. And the civil terms and the criminal terms practically consume nine months? A. Practically so.

Q. Our superior court now is practically in continuous session? A. Except June, July and August, practically all the time.

Q. What have you to say as to the work of Sheriff Moulton in respect to his service and attention to civil matters? A. Fine.

Q. And whether or not that requires considerable of his time? A. Yes, it does. No question about it.

Q. Are you also aware of the fact, Mr. Connellan, that the liquor deputies, so called, are required to attend to other law enforcement outside of the city of Portland? A. Yes.

Q. Frequently sent away from the city? A. They are.

Q. In some instances is it a fact that they investigate crimes in the city of Portland? A. They do.

Q. For example, the Gamett suicide? A. They do.

Cross-Examination by Attorney General Wilson.

Q. As I understand it, you recall now two cases that have gone out of business? A. I said I simply recalled those.

Q. That is all you recall now? A. That is all at present, although I will say, Bro. Wilson, I can get a list for you if you wish them.

Q. And one of those was an Italian woman who was going to her own country? A. Yes.

Q. And who was the other person? A. I think he was a Hebrew, if I remember correctly. I am not positive about that, but there is another case that I know of.

Q. And are you counsel for John Hollywood, 102 Preble street? A. John Hollywood—well, I don't know 102 Preble—I have been counsel for a Hollywood.

Q. Is it the one on Preble street, or Peter? A. I have been counsel for Peter.

Q. He keeps down on Commercial street, don't he—Danforth street. A. I don't know where he keeps.

Q. But do you know whether you are counsel for the Hollywood that keeps down on Preble street? A. I have been counsel for two Hollywoods.

Q. Whether you know you were counsel for the Hollywood on Preble street? A. I don't know who the one on Preble street is.

Q. Are you counsel for the parties who keep the place at the west corner of Free and Center? A. I don't know who keep it.

Q. You don't know that you ever had any clientage there? A. I don't know that I have.

Q. Or at the northwest corner of Center and Pleasant, No. 1 Pleasant? A. I don't know who occupies it, Bro. Wilson.

Q. Do you know whether or not you have a client who is engaged in business there? A. On which corner did you say?

Q. The northwest corner of Pleasant and Center. A. I have been counsel for Jack Sullivan.

Q. Yes; but are you counsel for the

parties there now? A. I don't know who are there.

Q. You don't know that you have? A. I don't know that I have.

Q. Or Richard Norton, on the lower corner? A. I have represented different Nortons.

Q. Has he been in court during the last three months? A. To my knowledge, no.

Q. And Lowry on Temple street, have you been counsel for him? A. No, never have been.

Q. Or Ross & Carey, at 9 Exchange? A. I have been counsel for a Ross and a Carey, but whether they are at 9 Exchange or not I don't know.

Q. Have you been called into court with reference to any place at 9 Exchange street during the last few months? A. I have not been called into court with reference to it.

Q. And Andrew Eagan? A. I have been counsel for Andrew Eagan.

Q. For the last three months? A. I have not been his counsel for some two or three years, that is, I have not done any business for him.

Q. Thomas Brownrig—counsel for him? A. I have been counsel for Thomas A. Brownrig in civil matters.

Q. Have you in liquor matters? A. I never have done anything in liquor matters—I never knew that they needed counsel in liquor matters, myself.

Q. Patrick Sullivan, known as Big Pat—have you been counsel for him? A. I think I have been, in some civil work for Patrick A. Sullivan, but otherwise I **think not**.

Q. Not any criminal matters? A. I am going back some 16 years.

Q. I only care about the last three months. A. Oh, not the last three months.

Q. Or Frank Sherman? A. No.

Q. And do you know who runs the place at the corner of Fore and Union that has been testified to? A. I don't know about a saloon down there.

Q. Have you been counsel for the manager of the Preble House, the proprietor? A. I have been counsel for Mr. Gray, at one time, in a civil matter.

Q. Have you been counsel for him in any criminal matters during the last three months? A. No.

Q. And Mr. McGlinch, Mr. George Thomas, counsel for them in criminal matters during the last three months? A. For Jas. H. McGlinch I had a case in the law court last December.

Q. You have not been counsel for him in any criminal matter? A. No criminal matter.

Q. Mr. Mulkern, known as Judge Mulkern, have you been counsel for him? A. In the last three months?

Q. Yes, A. No.

Q. Nor Mr. E. H. McMenamin at 362 Fore street? A. No, sir.

RUDOLPH M. LEWSEN, called and sworn, testified as follows:

By MR. GULLIVER:

Q. Please state your full name? A. Rudolph M. Lewsen.

Q. And what is your business? A. Merchant, ladies' garments.

Q. Whether or not some time in January or December—in November or December, 1—912, you had occasion to interview Sheriff Moulton? A. I did.

Q. State what was said and what was done as the result of that complaint? A. I complained to Sheriff Moulton about a place that I thought they sold liquor in, and he immediately sent his deputies and seized the place and got about a jigger load of all kinds of liquors.

Q. Was the seizure made the same day you made the complaint? A. Within 10 or 15 minutes after the complaint was made.

Q. Did he show any reluctance in having the complaint attended to? A. He seemed rather pleased that I came to complain about it.

Q. How long have you been in business in Portland? A. About 18 years or so.

Q. And whether or not you know something about the general conditions in Portland? A. In a general way I do.

Q. Whether or not you are familiar with the enforcement conditions in Portland, during that period? A. As most any one would be who lives there and is in business.

Q. From your knowledge of the conduct of the business under Sheriff Moulton, so far as the enforcement of the laws against liquor selling is concerned, what do you say as to his being guilty

of wilful neglect of duty? A. I honestly believe that he tried to do his duty.

Q. That is, you rather objected to being done too openly? A. Yes, sir.

Q. And you say they got a jigger load? A. Yes, sir; as I understand it.

Q. Tried to do the best he could under the circumstances? A. I do believe he did.

Q. Where is your place of business? A. No. 538 Congress street.

Q. And you conduct a large store, do you not? A. Fairly good sized.

Q. And employ a large number of clerks? A. Quite a good many.

Q. And quite a number of people are coming in and out of your store every day? A. Yes, sir.

Q. And whether or not you are acquainted with merchants in the retail and wholesale trade in Portland very well? A. I know nearly all of them.

Cross-Examination by Attorney General Wilson.

Q. Where was this place you complained about? A. It was the Hammond place.

Q. Where is that? A. A drug store.

Q. Where? A. Under the Lafayette Hotel.

Q. And why did you complain? A. I thought that they did business there too openly.

Q. That is, you rather objected to its being done too openly? A. Yes, sir.

Q. And you say they got a jigger load? A. Yes, sir; as I understand it.

Q. And that is the pharmacy under the Lafayette? A. Yes, sir.

Q. Have you made any other investigation to see whether any other places in Portland where they were doing it openly? A. No, I have not.

Q. I don't suppose you visited the barroom in the Preble House? A. I don't know but what I may have been down there, yes.

Q. Been into the bar? A. If I am obliged to answer I should say—

The SPEAKER: Might as well.

A. Yes, I have been there.

Mr. WILSON: Were they doing business pretty openly there? A. They sold some beer there.

Q. You didn't complain to the sheriff about that? A. I did not; no, sir.

Q. That wasn't open enough to make any complaint about? A. I didn't think

it was any of my business to complain about it.

Q. Have you been down to Mr. Hollywood's place at No. 102 Preble street?

A. No, sir; I have not.

Q. Never been in there? A. No, sir.

Q. Or at the saloon on the corner of Center and Free streets, on the northwest corner? A. I don't know, I am sure.

Q. Or on the northeast corner? A. No, sir.

Q. Or one down at the corner of Pleasant and Center street? A. No, sir.

Q. Or the southwest corner of Pleasant and Center. A. No, sir.

Q. Or the northeast corner? A. No, sir.

Q. I don't suppose you know where Andrew Eagan's place is? A. No, sir.

Q. Or Pat Sullivan's? A. No, sir.

Q. Or William Lowry? A. I don't.

Q. Or Carey's? A. No, sir.

Q. Your familiarity doesn't extend any further than the pharmacy under the Lafayette and the Peeble House bar? A. Yes, sir.

Q. And you made a complaint against one and didn't against the other? A. Yes, sir.

JAMES J. POOLER, called and sworn, testified as follows:

By Mr. GULLIVER:

Q. What is your full name?

A. James J. Pooler.

Q. State where you live and your occupation? A. Hotel keeper, Porter, Portland.

Q. Mr. Pooler, the Falmouth Hotel was one of the places mentioned in the resolution presented to this House. What do you say as to whether the Falmouth Hotel—or whether liquor has been sold in the Falmouth Hotel during Sheriff Moulton's administration?

ATTORNEY GENERAL WILSON: I want to make a statement. I don't know how that reference was made; I haven't any idea who made it, or who made up this list, and I think in justice to Mr. Pooler I would be very glad to state that as far as we know we haven't any evidence or know of any liquor being sold while Mr. Pooler was connected with the hotel.

Mr. GULLIVER: In addition to that

we would be very glad to have Mr. Pooler, and have presented him here for examination, and would like to have an answer to that question.

ATTORNEY GENERAL WILSON: I have no objection to that. It is only taking time.

A. The complaint was at my ladies' entrance door, not at the public entrance, No. 220. The entrance has not been open but three or four times since I have had the house in three years and two months.

Q. Do you know why your place was named, Mr. Pooler? A. No, sir.

On motion by Senator Allen of Kennebec, at this point the convention took a recess for 10 minutes.

After Recess.

LLEWELLYN CARLTON, called and sworn, testified as follows:

By Mr. GULLIVER:

Q. Please state your full name, your business and where you reside?

A. Llewellyn Carlton; age, 49; 236 High street, Portland.

Q. What is your business? A. Furniture dealer.

Q. Where? A. Nos. 580 and 582 Congress street.

Q. And that is right opposite the Congress Square Hotel? A. Directly.

Q. And one of the busiest parts of the city? A. Considered the center I believe now.

Q. Whether or not some time ago you made a complaint to Sheriff Moulton? A. I did; I should think about the first of the year or the last of last year, near the first of January.

Q. To what place was that directed? A. 137 Free street.

Q. Will you state what you said to Sheriff Moulton and his reply? A. I said that the conditions in the building next to me or at my back door were bad, and that I believed liquor was being sold there and asked him to close it up, which he immediately did to my satisfaction.

Q. Has it been closed ever since? A. I believe it has; I see no indications of it.

Q. Mr. Carlton, are you familiar with conditions in Portland as to intoxication as it appears on the streets

at the present time? A. Well, I am around more or less.

Q. What do you say as to intoxication on the streets of Portland during the past three months? A. I believe they are less than I have seen previously.

Q. From your knowledge of the conduct of business at Sheriff Moulton's office, as to the enforcement of the prohibitory law, what do you say as to his being guilty of wilfully neglecting his duty?

ATTORNEY GENERAL WILSON: My brother has been making those inquiries, and they seem to be entirely objectionable. It involves the very question that the convention is called upon to decide, as to whether or not he is guilty or not guilty in this matter; and it seems to me the questions are very objectionable, and I want to interpose an objection before they go any further.

The SPEAKER: The Chair thinks the question in that form is objectionable, as to whether or not in the opinion of this witness the sheriff is guilty of the charge which is made against him. The witness of course can give his observation and any facts and leave the conclusion to the convention; I don't think he can state his opinion as to the guilt or innocence of the sheriff.

Mr. PATTANGALL: It would be proper, wouldn't it, Mr. Speaker, to ask this witness with regard to what familiarity he had with the sheriff's work, and then if he had himself observed any neglect of duty on the part of the sheriff.

The SPEAKER: I think he should put it in another way; what he had observed, if anything, with reference to performance of his duty by the sheriff. I do not think we should take the opinion of the witness on this very question, because it is the question which will be the subject of determination by the assembly.

Mr. PATTANGALL: If in his observation he had seen anything of neglect on the part of the sheriff,—of course it is in the negative.

ATTORNEY GENERAL WILSON:

That involves an expression of opinion.

The SPEAKER: I think we should be very careful not to get the opinion of the witness upon the very question that the convention must decide. I think this question is objectionable as asked; in fact it comes with in the exact scopt of the ruling made by the Chair, that opinion testimony upon this question was not admissible.

Mr. Gulliver: If the Speaker please, questions have been asked and answered without objection on this line of several witnesses.

The SPEAKER: That is true.

Mr. GULLIVER: And I thought I was keping within the rule as laid down by the President.

The SPEAKER The attorney general did not object to one or two questions in that line which I noticed, but, nevertheless, when objection is made the Chair feels obliged to apply the rule laid down.

ATTORNEY GENERAL WILSON: It seems to me several questions have gone further than might be permissible under the ruling which the Speaker made, but I did not object to them going in, which perhaps I should have objected to.

Q. (By Mr. Gulliver) Mr. Carlton, have you at any other time had occasion to make complaint to Sheriff Moulton? A. I told him the conditions there and they were immediately remedied. I think the man started again or tried to, and I immediately telephoned him and within two hours the place was closed. I saw the sheriff later and he says: "I have no favorites, and if that place ever opens up to your knowledge, let me know and it will be closed."

Q. Do I understand you when it was closed the second time a raid was made? A. I don't know; conditions there now are very satisfactory to me.

Q. What do you say as to conditions in that neighborhood generally? A. Better.

Q. Have you ever known of a complaint being made to sheriff Moulton in respect to violations of this law that he has not attended to?

ATTORNEY GENERAL WILSON: Just a moment. I think he ought to

state whether he has known at all of any being made.

The SPEAKER: That may be brought out by cross-examination. That question appears to be unobjectionable; that is one of the very points at issue, whether or not the sheriff has paid attention to complaints that have been made to him.

Mr. GULLIVER: As I understand it, the witness may answer?

The SPEAKER: Yes.

A. I know nothing about only my own business that was attended to.

b. Whether or not you know of or have heard of any complaints made to the sheriff that he has not attended to? A. I have not.

Cross-Examination by Attorney General Wilson.

Q. This particular place is a place which is right close to your place of business? A. Next door to it.

Q. And it was on account of its objectionable features in connection with your business that you made the complaint? A. It was next to my shipping door.

Q. And as I understand it, you haven't made any investigation into any other places in Portland where liquor is sold? A. I have enough to attend to my own business.

Q. So that you know nothing about the other conditions? A. No, sir.

Q. In the other places? A. No, sir.

FRANKLIN R. REDLON, called and sworn, testified as follows:

By Mr. GULLIVER:

Q. Please state your full name? A. Franklin R. Redlon.

Q. And your business? A. Contractor.

Q. What is the general nature of the business carried on by you? A. Buildings, contracting buildings.

Q. And how many men do you usually employ? A. Anywhere from 30 to 100.

Q. Have you observed conditions in Portland as to intoxication on the streets during the past three months? A. Not particularly.

Q. Have you observed them at all? A. I have made the general observation same as anyone who passes through the streets, that is all.

Q. Have you noticed any increase in the number of persons found intoxicated

or that you have seen intoxicated on the streets in Portland during the last three months? A. No, sir.

Q. Whether or not it is much the same as in past year?

ATTORNEY GENERAL WILSON: Just a moment. I think that involves something that may be objectionable.

The SPEAKER: The Chair has not perhaps made it perfectly clear, but the ruling of the Chair is that this administration cannot be compared with any other particular administration, or any other particular time, because it is not important. But in describing the conditions as they exist, any person has great difficulty in making himself understood unless he uses some kind of a comparison; and the Chair rules and states that a person in describing the conditions now might use some common and well-known standard; he might say they are better than common, or not as good as common, but not to go back and compare with any other particular time. This is simply one way of describing certain conditions. A man says, for instance, that they are good or bad, and it doesn't mean very much unless you know what he means by good or bad; he may compare that with something in his mind; so for the purpose of getting at a better idea of the witness's opinion and the witness's testimony on the subject, the Chair rules that he can use the word "common," for instance, "better than common." It will not do, however, to compare with any other administration, or any other particular time, and it had better not be as to years past; that is rather perhaps going beyond the limit; it is not a matter as to whether it is better or worse than in former years, but better or worse than in describing the conditions on the street, for instance, or as to the openness or otherwise of liquor saloons. I think the witness in describing it should be a little more definite, and the Chair suggests that he may use some common method of comparison, but not to identify any other particular time or administration. Does the attorney general understand that ruling?

ATTORNEY GENERAL WILSON: The result of it has been as I understood it before. As I understand, each witness that has been inquired of in each case as to making comparison as to facts,

which involved just the same thing as comparing with certain administrations.

The SPEAKER: No, I think they have not done it in that way. This is the first time that question has been asked like that, and I wish counsel would frame the question a little differently if he can, and ask the witness—

Mr. GULLIVER: I will accept any suggestion which the President or the Speaker offers.

The SPEAKER: Ask the witness to describe as best he can what the conditions are now, and let him use his own language. He can probably answer it unobjectionably.

ATTORNEY GENERAL WILSON: Without comparing with past administrations.

MR. GULLIVER: Now I understood that the ruling was that we could go back. We have got to compare conditions now with some other administration. We suggest that we should not be limited necessarily with a period of two years and three months. We don't wish to compare these conditions which exist now with any particular sheriff's enforcement, but with common and general conditions as they have been observed by this witness in and about the city of Portland.

THE SPEAKER: Don't ask him to compare it with anything, but ask him what the conditions are and we will give him a certain latitude in his language in describing conditions.

MR. GULLIVER: Very well, if the witness understands that.

WITNESS: I have seen very little drunkenness in Portland lately.

Q. Mr. Raymond, calling your attention to the matter of pocket peddling and kitchen bar rooms, what do you say as to the existence of pocket peddling and kitchen bar rooms in Portland during the last three months? A. There has none of it come to my knowledge.

Q. Are you aware that at other times pocket peddling and kitchen bar rooms have existed in Portland?

ATTORNEY GENERAL WILSON: It seems to me that that is going right into just the same situation, a comparison.

MR. PATTANGALL: Why, no, if you please, Mr. Speaker, simply to show whether if they had gone on it would have come to his knowledge.

THE SPEAKER: As to what his knowledge is, unobjectionable. The question was as to whether he was aware generally, at other times, whether there had been such things existing. I think that is unobjectionable, not what they were or when they were.

WITNESS: I have understood that that was so, but from my own knowledge I couldn't corroborate it.

Q. During those periods that you have understood that pocket peddling—

ATTORNEY GENERAL WILSON: I don't think that is admissible, and I don't think his answer was admissible. It was simply hearsay, what he understood. Now he is going on and assumed that conditions existed.

MR. GULLIVER: In answer to the objection I wish to say that my recollection of the government's case as presented was that hearsay evidence as to reputation of places and as to the persons who ran the places was most freely admitted and testified to, even against the objection of counsel for the respondent. If we have fallen into error perhaps I may be shown the way to understand the ruling.

THE SPEAKER: The Chair thinks this matter may be straightened out and trusts that counsel will endeavor to assist. There is no reason why questions cannot be laid down in accordance with the ruling isn't perfectly clear. As to understood, the Chair will explain them, some latitude must be given the witness in answering, otherwise I don't see why the ruling isn't perfectly clear. As to this particular question—

(Question read by the stenographer to point of interruption.)

MR. GULLIVER: I will complete the question. And during those periods that you understood that pocket peddling and kitchen bar rooms were prevalent conditions, what result have you observed, if any, on the people at large? (Objected to.)

THE SPEAKER: What is the purpose of that question, Mr. Gulliver? I mean by that what bearing has it on the issue, what bearing do you claim that question has, the effect upon the people at large?

MR. GULLIVER: We propose to show by that that when pocket peddling and

kitchen bar rooms thrived that the result was apparent in the frequent cases of intoxication as found on the streets, a case of cause and effect.

THE SPEAKER: Of course counsel is aware that the question of the effect on the people isn't at issue here. It is important, but it isn't in issue here. The question is whether or not the sheriff is guilty of malfeasance or misfeasance in office and the effect on the people would hardly come within the scope of that inquiry, as we understand it.

MR. GULLIVER: It wasn't offered for that purpose. It was offered for the purpose of showing that when these kitchen bar rooms and pocket peddling existed, that the existence of them to some extent was proven by the frequency and character of the intoxications.

THE SPEAKER: The question was the other way around. The question was as to the existence of the kitchen bar rooms and the effect on the public. In that form I think that the Chair would rule it objectionable.

MR. GULLIVER: I will accept the ruling of the Chair.

Cross-Examination Waived.

MR. GULLIVER: In order to save time we have summoned here Joseph W. Mitchell for the purpose of testifying that his place named in the presentation of the Governor is not a place where intoxicating liquors have been sold. If the Attorney General is willing to admit that that is the fact, and that such has been the fact for a very long period of time, eight or nine years, we will save time on that.

Attorney General WILSON: I think there is no question about that; we haven't made it a part of our testimony; we are very glad to make the admission.

THE SPEAKER: The admission is made and the record will show it.

MR. GULLIVER: And I wish the record might also show the name of Joseph W. Mitchell, and the place as being known as Mitchell's Restaurant, No. 15 Monument Square.

THE SPEAKER: The record will show that.

Mr. Connellan recalled.

Questions by Mr. Gulliver.

Q. Mr. Connellan, you were asked on cross-examination something in regard to your having been attorney for Ross & Carey on No. 9 Exchange street? A. Yes.

Q. Now did you have anything to do with Ross & Carey in your professional capacity within the last three or four months? A. I did.

Q. Just relate it please. A. Mr. Ross came to see me—I think it was last December, it might have been in January, it was some three or four months ago. He informed me at that time that he had a lease of some premises on Exchange street, and I wouldn't state positively that it was No. 9, but I think it was, that he had obtained a lease for certain purposes and while I cannot state exactly the conversation, I was given to understand that he had opened a place for the purpose of going into the business of selling liquor, that he had been informed by the authorities that if he sold any liquor on the premises, or if he opened up the premises for any such purpose whatever, he would not only be closed up but they would endeavor to jail him, and he wanted to know from me if there was any possible way that he could break his lease. The lease was given to him by Mr. Baxter. I informed him after looking into the matter that I thought the lease would hold him. He talked the matter over with me more or less and he asked me what about selling Uno beer or Lithia beer. I told him he had a perfect right to sell it, but he would have to take out a United States liquor tax, sometimes called a license, but it is a tax, which I presume he did, but I don't know whether he did or not.

Attorney General WILSON: I don't want to be captious about any of this evidence, but I submit that such conversation is only hearsay evidence.

The SPEAKER: Hearsay evidence is admissible in some cases.

ATTORNEY GENERAL WILSON: Yes, but not in this case.

The SPEAKER: I don't know about that. In some circumstances conversa-

tion with deputies would be admissible as showing admissions. This should be preliminary. Technically it may not be admissible.

ATTORNEY GENERAL WILSON: If they state that it is preliminary to something in connection with the office, but as to communications between him and his client——

The SPEAKER: Strictly that part of it is objectionable.

Mr. PATTANGALL: I think it is admissible on this ground. Mr. Connellan was inquired of in cross-examination by the attorney general as to whether he had appeared as attorney for Ross & Carey in any criminal matters. Ross & Carey was one of the places that they had set up as a liquor saloon. Mr. Connellan answered that he hadn't appeared for them in any criminal matter. There could only be one inference from the attorney general's question, which was that they needed no attorney. On account of this I want to show that they did go to Mr. Connellan, what purpose they went for and what he told them.

The SPEAKER: We are very anxious to proceed as rapidly as possible with this hearing, and we trust no objections will be made that are not necessarily made. I know they are not unless counsel think so, but please remember that we are anxious to get ahead, that we don't care so much about technicalities as general results, there is a broad line that we are trying to follow. We can describe conditions as they exist now and I don't see any reason why we can't go along without much objection. It takes up the time of the body, and makes everybody weary, especially those who are not lawyers.

Q. Mr. Connellan, you spoke of your statement to these people that if they sold Uno beer they would have to take out a United States stamp. Because the convention are not all lawyers, I will ask you if it is a fact that people handling Lithia or Uno beer or some other beers that are not intoxicating are obliged to take out a United States stamp? A. They are.

Q. And whether or not from your knowledge of Portland there are several such places commonly described as

hop beer joints? A. There certainly are.

Cross-Examination by Attorney General Wilson.

Q. The stamp would be a retail malt liquor dealer, not a retail liquor dealer, if they were selling Uno beer? A. I wouldn't want to say without referring to the Statutes.

Q. You are testifying to something you don't know? A. No, I am not testifying to something that I don't know. I know that they have got to take out a tax, but whether it is a retail malt liquor dealer's tax or a retail liquor dealer, I don't know. I know it is necessary to take out a tax.

JOHN F. A. MERRILL, called for the defense, sworn, in answer to questions by Mr. Gulliver, testified as follows

Q. State your name? A. John F. A. Merrill.

Q. Your age? A. 47.

Q. How long have you lived in Portland? A. All my life.

Q. And you are a practicing lawyer? A. I am.

Q. How long have you been a member of the bar? A. Since 1892.

Q. Are you now judge of the municipal court of Portland? A. I am.

Q. Since what time? A. Since the last of February, 1911.

Q. During the two years and over that you have been judge of the municipal court of Portland have you had occasion to issue a large number of warrants in connection with liquor matters? A. Quite a large number in connection with the sheriff's office.

Q. That is, for searches and seizures? A. For searches and seizures, yes.

Q. I won't ask you to give the number unless you have it right in your mind. A. I couldn't give it right off hand.

Q. On whose complaint have those warrants been issued A. Usually on one of the sheriff's deputies.

Q. How many complaints during that time did you say had been issued? How many warrants on the complaint of anybody excepting the sheriff and his deputies? A. I should say that on the complaint of the officers of the police department there might be possibly 16, 15 or 16, in a year, and that outside of

the police department and the sheriff's department, I think I have issued—six would be the outside number since I have been in office.

Q. You have a chief of police in Portland? A. We have.

Q. How long is his term of office? A. His term of office is fixed by the Legislature at five years. Q. So that the change of a chief of police there is not a matter over which your city government has any control? A. It doesn't come with every administration, no.

Q. And how long has your present chief been in? A. I think he has been there—he was in Mayor Leighton's administration and in both the two—he has been there four years, I think.

Q. Will you just kindly give his name? A. Walter Dresser.

Q. Do you know how many police you have there? A. About 80.

Q. Is that force working under Dresser? A. Yes, sir.

Q. Besides your patrolmen in your police force what have you in the way of officers aside from your patrolmen and your chief? A. We have five sergeants and two captains.

Q. Have you had an opportunity as judge of the municipal court to observe the number of men brought before your court for intoxication, during the last two years and a quarter? A. I have.

Q. What can you say, if anything, with regard to the decrease or increase of the number of men brought before your court for drunkenness during that period of time? A. I should say that it ran along about even. There isn't very much increase—perhaps—well, if you go back and compare it with five years ago there seems to be a little increase, whether from population or what cause I don't know.

Q. During the past five years the city of Portland has grown considerably, hasn't it? A. It has.

Q. And the outlying cities, Westbrook and the communities surrounding it have grown considerably, haven't they? A. They have.

Q. Have you made any observation with regard to the bringing of people before your court for drunkenness as to whether they were natives of Portland or transients? A. I have. Every morning before court the proba-

tion officer brings me, before the court is opened, an index card of every prisoner showing in almost every case his birthplace and residence, and I examine these cards before I go into court.

Q. What do you say in regard to the number of those who come before your court for intoxication, as to whether they are permanent residents of Portland or not? A. I should say that it was somewhere about fifty per cent, that were not.

Q. Now do your records show so that you can tell by examining them whether the transient people that are arrested are people who are stopping in Portland or people who have just arrived in the boats or on the train? A. They show both those things, the card shows both those facts.

Q. Now will you tell the convention about that? A. In a general way we have a good deal of trouble with intoxicated people coming from the woods and about three or four weeks ago coming from the ice fields. Most of them were headed through Portland to Boston, that was their objective point, so far as I could tell from questioning the prisoners and from the cards. They usually were intoxicated when they got to Portland, not in all cases, but in the main, I should say it was fair to say that more than an average were intoxicated when they arrived in Portland.

Q. You mean more than half? A. More than half, yes.

Q. So that somewhere their point of starting and Portland they must have gotten the liquor, instead of Portland. A. I suppose so.

Q. Have you had many crimes of a serious nature before your court during the last two years and three months? A. No.

Q. Being familiar with your court records should you say more than usual or less than usual? A. Do you mean—what we would call—severe crimes—

Q. Well, I will include any crime of violence, dangerous assaults. A. I should say that there had been less in the last year and a half.

Q. From your knowledge of Port-

land and the experience gained in your office, what do you say as to existing conditions with relation to the present enforcement of the prohibitory law? A. I should say they were better than common.

Q. Have you had more or less to do directly with the sheriff's department as a judge? A. I have.

Q. What has been his attitude with regard to enforcement in the matters that you have come in contact with? A. He has always, in all his conversations with me, he has always been apparently very keen to enforce the law.

Q. And has the question come up sometimes between you and him in regard to sentencing prisoners? A. Yes; it would come up several times. He has spoken to me and also his deputies in regard to giving jail sentences, and I have told him in those cases I have considered that in the discretion of the court, and I refused to let him talk with me about it.

Q. Now just make that clear. Has he come to get you not to give jail sentences or to give them? A. No; the cases I remember have been a few cases where either he or the deputies have told me that they wished the court could see its way to give such a man a jail sentence, and I have answered it, I think every time, as I have suggested.

Q. I asked you some questions in regard to the police there, and I neglected to ask you if you were at one time a member of the police examining board? A. I was for five years; yes.

Q. So that you became familiar with the police department then? A. I was.

Q. Judge Merrill, have you seen enough of the administration of the prohibitory law in your city to answer this question: Would the court dockets of the superior court, in showing cases brought against individuals by name necessarily show cases brought against the proprietors of the places? A. I can answer that question.

Q. Will you do so? A. It would not.

Q. And what names would be likely to appear on the docket? What class of people rather than the proprietors? A. Generally in those cases I find that somebody is put in to "take the case," as it is called.

Q. That is, a bartender? A. The bartender usually, I suppose.

Q. So that to get at the enforcement against certain places, you would need to know the address of the places, rather than to look at the docket for the name, wouldn't you? A. I should think that would be the fairer way.

Mr. PATTANGALL: The statistics from your court, I believe, go in from another source.

Cross-Examination by Attorney General Wilson.

Q. The last three months, judge, are you able to recall any cases that came before your court from the sheriff's department, as to naming them? A. By name, you mean?

Q. Yes, or the location. A. I wouldn't be sure. I wouldn't try to do that without the records.

Q. Do you recall 22 Preble street, whether your docket shows anything against that place within the last three months? A. I couldn't say within the last three months. I remember two or three times that has been before the court.

Q. You cannot state whether or not it was? A. I cannot, there were so many cases I cannot keep track of the names.

Q. Whether or not there has been a place at 1 Pleasant street, since January 1st? A. I could not say.

Q. Or 45 Commercial street? A. I cannot tell from the numbers.

Q. So that the cases where the sheriff has talked to you about the parties, you are unable to locate where they were? A. I could not tell you. I only remember that he did, just a few times.

Q. Just a few times, you remember his speaking to you about it? A. That is all.

Q. When you speak of the number of people coming before your court for drunkenness, can you state the exact number before your court? A. In the year 1912, there were between 3800 and 3900 cases before the court, and it is my impression about 2400 were for drunkenness. That was in the year 1912, and it was running along a little less than that, I think about the same for the first three months of this year.

Q. About the same rate the first three months of this year? A. Yes, sir.

Q. I presume you have no knowledge

of the number that were actually arrested for drunkenness? A. Only in a general way from the chief of police and his report.

Q. That is a much larger number? A. Yes, sir.

Q. Nearly double that amount? A. Yes, sir.

Q. So that the arrests for intoxication in the last year and the beginning of this year would be in the vicinity of 5000? A. I cannot say anything about that.

Q. You say it was double the number that came before your court? A. I say that his report says that. When you remember that the police department sort of run their own game on that, they arrest whom they please, and let them out when they please. My whole interest is the cases before the court, whether drunk or not, I do not know.

Q. I understand you are speaking from the record? A. The total number of arrests as shown by his report was something like 6000. What per cent was drunkenness, I do not know.

Re-Direct.

By Mr. PATTANGALL.

Q. You say that 6000 was the total number of arrests of all kinds? A. Yes, sir.

Q. Intoxication, vagrancy, etc.? A. Yes, sir, minors, everything.

Re-Cross Examination by the Attorney General.

Q. You say you do not know what proportion was for drunkenness? A. No, sir; I do not.

Q. Would you say about double the number? I mean the total number of arrests. A. They were nearly double what they brought into court.

Mr. OAKLEY C. CURTIS, having been duly sworn, testified as follows:

By Mr. PATTANGALL.

Q. You have been sworn? A. Yes, sir.

Q. Your full name is Oakley C. Curtis? A. Yes, sir.

Q. You are at present mayor of the city of Portland? A. I am.

Q. How long have you lived in Portland? A. Forty-eight years, except the last few days.

Q. What is your business? A. Merchant.

Q. Are you connected with the firm of Randall-McAllister & Co.? A. I am.

Q. Where is your place of business? A. 76 Commercial street.

Q. Is that on the water front? A. It is.

Q. How long have you been mayor of Portland? A. Two years and four months, odd.

Q. As an official of the city and as a business man there, are you acquainted generally with conditions about the city? A. I think so.

Q. And you have already stated where your place of business is. Does your business take you along the water front of Portland? A. It does.

Q. What do you say with regard to the conditions in Portland at the present time and by the present time I mean within the past few months with regard to drunkenness? A. Barring about March 19th, there has been no trouble whatever; the 18th and 19th, along there.

Q. Did you at that particular time notice a difference? A. Yes, sir. At that time—I had the dates specifically because I went to New York on the 23d, and in that week there were a lot of lumbermen and icemen in the town, and I instructed the police to clean them out as soon as they could get them out of town. I was on Union street on the 23rd and saw a policeman take two and try to put them on a train for Boston. Outside of that, the conditions have been good. It has been my business to find out, too.

Q. As mayor of Portland—and by the way the beginning of your term as mayor antedated Mr. Moulton's term about a month? A. Yes, sir.

Q. When does your municipal year begin? A. The second Monday in December.

Q. And Mr. Moulton's term begins the first of January? A. Yes, sir.

Q. As mayor of Portland and as a business man there, one who has lived there all his life, what do you say as to the conditions in Portland with regard to the enforcement of the prohibitory law? A. I presume under the ruling I shall have to make a standard of my own?

Q. Yes, in a way?

The SPEAKER: Describe the con-

ditions. You can state how they are now and the last three months. A. The best ever; a high standard, above the average.

Q. (By Mr. PATTANGALL): You have been familiar with the conditions there ever since Mr. Moulton went into office? A. Yes, sir, and watched them closely.

Q. Whether or not in that respect, in respect to the enforcement of the prohibitory law there has been from your observation improvement during the last two years and three months? A. There certainly has.

Q. Have you ever had any complaints made to you during that time in regard to liquor selling? A. I have had two.

Q. And what did you do in regard to that matter? A. I sent the complaints and they were not really legal complaints, they were written but not signed. I have the impression possibly one was signed. I sent them by a messenger to the sheriff at noon time and at five o'clock the messenger informed me that the places had been closed up. That was the only complaint I have received since I was mayor outside of a little jollying now and then.

Q. When did you receive those two complaints? A. I think in 1911.

Q. Do you know whether it was in the early or latter part of the year? A. I do not remember; I think it was the early part of the year. I could not give the dates. I remember speaking to the sheriff once about it on the street and he told me that if I had any complaints to send them over and he would guarantee that the places would be closed up immediately. I have had two complaints. There were two ministers came to me at one time and advocated my trying to make some arrangement to open some beer saloons on Commercial street. I said I wouldn't do it and wouldn't have anything to do with the rum business. I didn't want to get mixed up in it.

Q. Who were the ministers? A. Doctor Calkins and Jesse Hill.

Q. I take it, I want to get it clear, that they had no bad purpose? A.

No, they thought it was best for the people.

Q. To avoid drinking so much hard liquor? A. Yes; I told them I thought as they did but I didn't want to mix up in the liquor business.

Q. Their idea was to substitute beer for whiskey? A. Absolutely.

Q. During the last 18 months have any complaints come to you with regard to non-enforcement in Portland? A. No, no complaints. I have had someone down this way quite active lately in sending similar communications to this (showing). They do not put any writing on them, but evidently got my name out of the newspaper.

Q. Anonymous matters? A. Yes, sir.

Q. You said down around this way, were they from Portland? A. These are dated at Portland. I have the impression that I received some from down this way.

Q. Have you had any complaints from your citizens? A. No, sir. These ministers spoke about it at that time and I referred them to the law, and told them that if they would put their names on a complaint according to law that I would guarantee that the places would be closed immediately, and that if the sheriff didn't see to it, that I would, but that I knew he would.

Q. What is the population of Portland at present? A. About 60,000.

Q. And your voting population? A. Fourteen or fifteen thousand, along there. I never kept account of it.

Q. How far from you is the city of Westbrook? A. About five miles.

Q. About what is the size of that city, not exactly? A. Ten or fifteen thousand, along there.

Q. How far from you are the cities of Biddeford and Saco? A. Biddeford is 15 miles.

Q. And you have trolley connections with Biddeford and Saco as well as steam road connection? A. Yes, sir.

Q. How far from Portland is South Portland? A. One mile across the ferry and two miles around the road.

Q. What size place is South Port-

land? A. I don't know, three or four or five thousand.

Q. And in that vicinity there is a United States Post? A. Yes, sir. A large Post over there.

Q. Any idea how many soldiers there? A. I should say 600 or 700. At McKinley, and at Diamond Island there is another Post fully as large.

Q. Taking your stable population at 60,000 and with the urban population that trade there and your transient population drifting in and out of Portland, would it be a fair estimate to say that you have a city so far as business purposes go of about 100,000? A. I should say that was a fair estimate.

Q. How many men does the firm employ of which you are manager? A. Oh, we vary all the way from 50 to 150. We hire by the hour largely now.

Q. And does it or not give you an especial opportunity to note conditions with regard to liquor selling and drinking because of the location of your business and the class of men you employ and the effect upon them of loose conditions? A. I think I have one of the best chances, and I have studied the question more or less for years.

Q. But referring especially to the water front, what are the conditions about the water front of Portland in regard to drunkenness and infractions of the prohibitory law? A. I consider them all right.

Q. Through the winter months in Portland is Portland a winter port to some extent for the Canadian roads? A. Yes, a large winter port.

Q. What employment of labor does that necessitate or cause along your water front? A. Well, it must be 1000, I don't know but 2000 men down there. I know last week six steamers arrived in one day, and it takes a tremendous lot of longshoremen and stevedores to see to the affairs around there.

Q. You say that recently there were six steamers in there at once? A. Yes, sir.

Q. Is there any better opportunity in Portland possible to observe generally

the drunkenness that occurs than on the water front among those classes of men? A. The best place.

Q. How do you find conditions there in that respect? A. Very good; I go down there quite often.

Q. Your office has on one side the Casco Bay steamers? A. Yes, sir.

Q. And on the other side the Boston steamers? A. Yes, we are between them.

Q. And the New York boats? A. Yes, sir.

Cross-Examination by the Attorney General.

Q. I understood you to say, Mr. Curtis, that the number of your place of business was 76 Commercial? A. It was 76, it is now 84, it is practically the same place.

Q. Do you know the location of the place referred to as Thomas Brownrig's place. A. I have no personal knowledge in regard to it. I have heard about it around town and here.

Q. You have heard it was a liquor saloon? A. I have heard there was a saloon.

Q. And have you observed any indications of it, whether you have seen going in and out of there intoxicated men? A. I cannot say that I have any personal knowledge about it.

Q. You have not observed anything there? A. No, sir.

Q. And do you know where there is a place at 65 Commercial street where intoxicating liquors are sold? A. I have no personal knowledge of it. I think at times there is.

Q. You have not observed anything for the last three months that would indicate that liquor was sold there? A. I have no personal knowledge.

Q. Have you observed anything that would indicate that liquor was sold there during the past three months? A. I say there is no question but what liquor is sold at times in Portland.

Q. I am speaking about 65 Commercial street. A. I have no positive knowledge of it. I presume there is at times.

Q. That is not the question. The question is whether or not you have observed anything in the last three months that indicated that liquor was

being sold there. A. You will have to explain "observe."

Q. You have been stating it in your direct examination. A. I suppose I have got to actually see it.

Q. You have been talking about what you have observed. I asked you if you have observed anything about this place. A. I have at times. There was indications that liquor was sold there.

Q. Have you seen any indications during the last three months? A. No, sir.

Q. In going down the street, have you seen any men intoxicated at 65 Commercial? A. I don't know what you are getting at.

Q. You answer my question and you will know. A. I want to answer them.

Q. Do you know where 65 Commercial street is? A. I didn't know until I came here today. I suppose it is Holloran's place.

Q. Did you know it before you came here today? A. I knew there was a place that they called Holloran's place.

Q. Did you know that has been in existence for some time? A. I know that it has been reported to be in existence for some time.

Q. What have you observed about it in the last three months, if anything? A. Well, it seems as though you ought to qualify that so that I can see what you want to know.

Q. Have you seen any intoxication about that place? A. I have seen people go in and out of there.

Q. Were there any signs that indicated to you that intoxicating liquors were sold there? A. No, sir.

Q. Do you know where Pat Sullivan's place is located on Commercial street? A. No, sir.

Q. Do you know where Andrew Eagen's place is? A. No, sir.

Q. Do you know where Judge Mulken's place is? A. I have seen him on Commercial street and understood he had a bar, but I don't know where it is.

Q. Have you made any observations at No. 1 Pleasant street? A. I don't think I have been on Pleasant street for the last three months that I know of.

Q. Have you been on Centre street? A. Yes, sir.

Q. Have you observed anything as to the conditions on the northwest corner of Centre and Front? A. No, sir.

Q. Or the northeast corner? A. No, sir.

Q. Or in the Preble House? In the basement? A. I have not been in there that I know of.

Q. Or the lower end of Preble street? A. No, sir; I have not been down there.

Q. Or 13 Temple street? A. No, sir.

Q. Or the Temple hotel? A. I have not been in there that I know of.

Q. Or the Adams House? A. I don't know where it is.

Q. The old Swett's Hotel? A. I have not been in there that I know of.

Q. Have you been down at No. 9 Exchange street? A. Is that a restaurant?

Q. I don't know. A. I think not.

Q. You have not been in there, I presume? A. Not that I know of.

Q. Have you made any observations as to the character of that place? No. 9 Exchange street? A. I never knew there was anything wrong down there and never heard of it until I came here.

Q. You have got quite a lot of information about the city since you came here? A. I don't know whether I have or not. I think I know about as much about the city as most people do and more than the men that came here.

Q. You never heard of 9 Exchange street? A. Yes, sir.

Q. Or about the Sullivan place? A. No, sir, I never heard of it.

Q. And Lowry's place on Temple street? A. I have heard of it. I never was in but one bar in Portland that I know of.

Q. Do you know about McClinch's place on Preble street? A. No, sir.

Q. Or of a liquor saloon at the corner of Fore and Union streets? Do you know what exists there? A. I have not been there in the last three months that I know of.

Q. I understood you to say that you have not been by the place on Fore street? A. I am on Fore street every day. I do not think I have been as far down as Pleasant street.

Q. So that as to the conditions, you have no knowledge in regard to the places I have mentioned? A. I think I have.

Q. What knowledge have you of them? A. I have a police force, and I have them keep me posted. If I heard of any trouble I take a walk around, but I am not a spy.

Q. What personal knowledge have you of these places I have mentioned? A. I have told you.

Q. What is it? A. You mention them again and I will go over them again.

Q. Take the place on the corner of Pleasant and Centre streets, what have you observed about it in the last three months? A. Nothing.

Q. On the northeast corner of Centre and Fore streets? A. I have been up and down Centre streets recently.

Q. What personal knowledge have you of that place in the last three months? A. Whether they sell liquor there or not?

Q. Yes. A. I have none.

Q. On the northwest corner of Centre and Green? A. I have not observed any bar room there.

Q. On the northeast corner? A. I have not been in there.

Q. On Cotton street? A. I have not been on Cotton street.

Q. Have you been at 103 Preble street? A. I have not noticed anything out of the way down there.

Q. Have you been down at the Hollywood place? A. No, sir.

Q. So that when you say that conditions are good, it is not from personal knowledge of the places I have mentioned? A. It is my general knowledge of the city.

Q. It is not personal knowledge of the particular places I have mentioned in the way of having been into them? A. Of course I have not been into them. I am not a spy.

Q. Your knowledge is general knowledge. In any of these other places that have been testified to on Fore street, you have not been into any of them? A. I have not been in one place that goes under the law since I have been mayor of Portland.

Q. And Mr. Curtis, do you recall a visit of Mr. Thomas J. Jordan to your place in reference to these conditions? A. Thomas J. Jordan?

Q. He testified here yesterday, 11 Exchange street. A. No, sir.

Q. You do not recall that he called your attention to certain conditions? A. I do not remember that.

Q. You recall the Rev. Mr. Hill who spoke of calling your attention to places on Centre street? A. No, sir, never in their talk. Yes, I explained that—Jesse Hill and Mr. Calkins.

Q. I now call your attention to his calling your attention to a place on Centre street. A. Yes, and I told him if he would put his name on the paper I would close it up.

Q. Didn't you tell him to get signers? A. No, sir. I told him if they would sign the papers, I would rip the place upside down.

Q. If Mr. Calkins and he signed the paper, you would close them up? A. I told them I would close every one that they specified.

Q. And you state now that he did not call your attention to the place on Commercial street that day? A. I do not think he did. I don't remember what he was talking about. If he did, I am safe to say that I told him if he would put his name to a piece of paper, I would close it up. I consider citizens just as much to blame for the conditions as officers.

Q. You consider the citizens to blame? A. I say they are responsible, for the law provides that they shall sign complaints, and I am under penalty of \$50.00 if I do not serve them.

Q. Your position is that as the mayor, unless the citizens make written complaint, you do not intend to take any part in it? A. No, sir. I am not a goat.

Re-direct Examination by Mr. Pattangall.

Q. Mr. Curtis, Bro. Wilson examined you with regard to your knowledge as to certain specific places where liquor is said to be sold. Have you had any complaint with regard to these places, any one of them, during the past year and a half or so? A. Have not received any complaint in the last year and a half that I know of of any description.

Q. Had no word from anybody with regard to these places? A. Unless I have received some that I didn't take any notice of. I receive complaints from all the crazy people around the city and I throw them into the waste basket just about as fast as they come, so if there is anything in there that I did not notice, there might have been something.

Q. I mean to say you have received no complaint from any citizen who wanted any action taken in regard to those places? A. No, nothing that I can remember of.

Q. And when you don't hear from anybody that there is any trouble going on it is a pretty good indication that conditions are good, isn't it? A. I think I am looking after the city of Portland pretty well, and if there is anything wrong, I am ready for it, and I think the people will testify to it.

Q. No news is good news to a mayor as a general rule? A. Yes.

Q. You were questioned by the Attorney General with regard to one Holloran's place? A. Yes.

Q. Now has that place had the reputation of being a bar room for some time? A. I think it has, so much so that I never saw it closed but in 1911 or 1912 was the only time that I ever remember of seeing it closed.

Q. Since Sheriff Moulton was Sheriff? A. Yes.

Q. And during that time, do you know where Holloran was, the proprietor? A. I understood he was down for 9 months; that is what I saw in the paper.

Q. Jail? A. Yes, sir.

Q. Going back to say a dozen years ago, is that the only time that you have known Holloran's place to be closed that you recollect? A. I can't remember that that place was ever closed up for anything except for a day at a time or something like that—this Mr. Skillings testified—I talked with him about a year ago. He came down and wanted me to subscribe to his Gospel Mission and I asked him—now that he was out of the sheriff's department, if he would give me the

secret why that place was allowed to run continually through the Pearson administration and he said he didn't know; but he knew it was run, but he couldn't explain it.

Q. It run along all through those years and under sheriff Moulton's administration the proprietor was jailed for nine months? A. That is as I saw the records in the paper.

Re-Cross by Attorney General Wilson.

Q. You spoke of sending complaints to the sheriff, Mr. Curtis, what places were those? A. One was on Hanover street.

Q. What sort of a place? A. I don't know. I got a letter and I have an impression that one of them was signed, but in any event I sent both of them over to the sheriff at noon time and when I came back to the office at five o'clock the city messenger told me that they had been closed up.

Q. Were they both on Hanover street? A. I don't think both of them were, but down that way somewhere.

Q. That is perhaps off Portland street, isn't it, in a residential section? A. I guess people live there.

Q. No stores on that street, are there? A. I don't know. There may be one on the corner.

Q. The places there were tenement houses, kitchen bar-rooms, something of that sort? A. I think this letter said there was an open place there where people could look right in, and broad, wide open there, and said it was objectionable, I think the letter said, and I sent it over to him and I know the place was closed right up, that is, the city messenger reported back to me it was closed.

Q. You made no examination yourself to see whether it was a tenement or a store? A. No, I was looking out for other things.

Q. And Holloran's place you speak of, has that been open at all since he was in jail? A. I have seen the door open there. I don't know whether there was any bar inside or not. I heard a man say there wasn't. But I couldn't swear to it.

Q. That was since Mr. Halloran has been in jail? A. This man told me it wasn't open, yes.

Q. I don't know as I quite understand

you. I say, has the place been open since Mr. Halloran has been in jail, the doors open? A. The doors are open I don't know who occupies it now.

Q. So that the place isn't locked up? A. I know it was locked up for about nine months. I don't know who is there now.

Q. It is not locked up now? A. The door is not, I don't know who is there.

Q. How long has it been open? A. I don't know.

Q. Has it been three months, or six months, or what? A. Oh, I don't know. I haven't paid any particular attention to it.

Q. Well, can you tell, when Mr. Halloran was in jail? A. I think he was arrested in 1911 sometime. The records will show easy enough.

Q. As you were testifying about it, I supposed you knew something about it. You say he was in for nine months. Do you know where he is now, or has been for the last six months? A. No, I haven't seen him since that time. I don't know as I would know him now if I saw him.

On motion by Senator Walker of Somerset, the convention took a recess until eight o'clock.

After Recess.

The PRESIDENT: The secretary 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, Bitber, 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, Sen. Conant, Connors, Cook, Crowell, Currier, Cyr, Davis, Descoteaux, Doherty, Dresser, Dunbar, Dunton, Durgin, Sen. Dutton, Eastman, Eaton, Eldridge, Elliott, Emerson, Estes, Farnham, Farrar, Sen. Flaherty, Folsom, Franck, Gallagher, Goodwin, Gordon, Greenleaf of Auburn, Greenleaf of Otisfield, Haines, Hancock, Harman, Harper, Harriman, Haskell, Sen. Hastings, Sen. Hersey, Higgins, Hogan, Hutchins, Irving, Jenkins, Sen. Jillson, Johnson, Jones, Kehoe, Kelleher of Portland, Kelleher of Waterville, Kimball, Lawry, Leader, 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, Sen. Morey, Morgan,

Morneau, Morrison, Morse, Sen. Moulton, Newbert, Nute, O'Connell, Sen. Packard of Knox, Packard of Newburg, Sen. Patten of Hancock, Peacock, Peaks, Pendleton, Peters, Peterson, Pitcher, Plummer, Putnam, Quinn, Sen. Reynolds of Kennebec, Reynolds of Lewiston, Sen. Richardson of Penobscot, Ricker, Roberts, Robinson, Roife, Rousseau, Sanborn, Sanderson, Sargent, Scates, Sherman, Skelton, Skillin, Sen. Smith of Penobscot, Smith of Auburn, Smith of Patten, Smith of Pittsfield, Smith of Presque Isle, Snow, Spencer, Sprague, Sen. Stearns, Stetson, Stevens, Stuart, Sturgis, Swett, Swift, Taylor, Thombs, Thompson, Tobey, Trimble, Tryon, Twombly, Umphrey, Sen. Walker, Waterhouse, Wheeler, Winchenbaugh, Sen. Wing, Wise, Yeaton.

ABSENT—Brown, Sen. Clark of York, Donovan, Sen. Emery, Gamache, Gardner, Sen. Hagerthy, Hodsdon, Jennings, Leary, Leveille, Mooers, Sen. Murphy, Price, Ramsay, Richardson of Canton, Stanley, Violette, Washburn.

The PRESIDENT: The call of the roll discloses the presence of 163 members of the Convention.

HARRY HARTFORD, having been duly sworn, testified as follows:

Examination by Mr. PATTANGALL.

Q. State your name, please. A. Harry B. Hartford.

Q. And your residence. A. Standish.

Q. And are you one of Sheriff Moulton's deputies. A. I am.

Q. Now as a part of your duty as deputy, do you keep the records of the searches and seizures made through the sheriff's office? A. Yes, sir.

Q. I show you a paper marked "Moulton Ex. 2" and ask you if you compiled from the records of the sheriff's office a list of searchers and seizures made from Feb. 1, 1912 to some date in March—perhaps you will be kind enough to give me the date. A. March 30, 1913. Jan. 1, 1912 to March 30, 1913.

Q. Jan. 1, 1912 to March 30, 1913 and if the printed list which you hold there is a correct compilation of that record? A. It is.

Q. Now there are certain places, certain items on the list which are checked I will ask you if those which are checked were the libes—

Attorney General WILSON: Just a moment, I am not quite willing to ad-

mit that paper as a part of the record yet. I do not want to let anything in until it is quite clear that it is admissible.

Mr. PATTANGALL: I want to put this question and then I will have that point raised. You will not object to this question.

Attorney General WILSON: I didn't want you to get too far into it.

Q. I will ask you if there are certain records of searches and seizures there which are checked in ink. A. Yes, sir.

Q. And are those the searches and seizures which are against persons unknown? A. Yes, sir.

Q. Now are all the others records of searches and seizures made against some person whose arrest followed? A. Yes, sir.

Mr. PATTANGALL: I would like to offer the paper "Moulton Ex. 2," as being a copy made by the—

Attorney General WILSON: May I interrupt? I may waive objection if I can ask the witness one question.

Questions by Attorney General Wilson.

Q. I understand Mr. Hartford, that your records from which this is made, show with the exception of these you have checked, the names of the parties against whom the seizures were made? A. This list does not show the names.

Q. Your records do? A. Yes, sir.

Q. So it is not a correct copy in that respect? A. No.

Q. That is, it is not a full copy?

Mr. PATTANGALL: Not a complete record?

Now, I desire to offer the sheet marked "Moulton Ex. 2" as showing the searches and seizures made by the sheriff's deputies between the times stated and the places where the seizures were made, there being indicated on the paper those seizures which were made against persons unknown. Of course I realize that the original record is the necessary evidence so far as technical objection is concerned. I will simply say this; these records, this compilation, was prepared by Bro. Culliver who understood that there was no objection with regard to the

matter so far as using this instead of original records was concerned. I don't know that there is now. But on that account the original records which are on cards, and are very bulky, are not here. If that objection was made, of course we should necessarily ask to produce them tomorrow morning, because we could only send down on the midnight train and have them back here at nine o'clock.

The SPEAKER: Mr. Attorney General, can you make some arrangement in respect to this technical objection?

Attorney General WILSON: We offered to accept this without any thing further if they would only put on one of the other deputies who knows where these seizures were made outside. And they refused to do that. And they put in this paper which only shows the places where they were seized and not the names of the parties. If this witness knows so that he can testify where these seizures were made on the outside, why of course I would waive that.

The WITNESS: I could not testify to all of them, because I wasn't on all the seizures.

Mr. PATTANGALL: I don't suppose any one man could.

Attorney General WILSON: How many were you out on? A. That would be hard to tell. We divided up into two squads, and it is hard to tell just which ones I was on.

Q. Do you go out with one squad all the time? A. No, not with one man all the time. We go divided up, differently.

Q. Well, do you go out every time the other officers go out? A. Practically, yes, sir.

Mr. GULLIVER: I will say this, Mr. Wilson, that while we have not the cards, here, we have the diaries kept by the individual liquor deputies and should you wish information in respect to any particular place, I have no question but what it could be furnished by these deputies. I will say further that this afternoon we started to make out from these diaries a list of the places, containing the names, and it was such a long task, and it seemed so impossi-

ble of performance within the time given us, that we discontinued that and simply checked in accordance with some talk I had with Bro. Cleaves those places where liquor was seized but no respondents brought in.

The SPEAKER: Unless objection is waived, of course that particular paper is not admissible.

Attorney General WILSON: I don't want to put them to the trouble if I can possibly get the information I want.

Mr. PATTANGALL: It may be that the whole difficulty can be obviated in this way, if the witness can answer the question which I will ask him.

Examination Resumed by Mr. Pattangall.

Q. Now have you figured up the number of searches and seizures which the records show? A. Yes, sir.

Q. And can you give me that number? A. 297.

Q. 397, in the year 1912, and so much of the year 1913 as has passed? A. Yes, sir.

Q. Now, how many of those were against persons unknown? A. 107.

Q. 280 were in cases where arrests followed? A. 290.

Q. That is correct is it, Mr. Hartford? A. Yes, sir.

Mr. PATTANGALL: Now, while I should like to have the paper go in, to show the location of the places, that proves the fact that is essential, and if the objection is made as to the paper, why of course it would have to be sustained the technical objection, and I should not ask for the delay.

ATTORNEY GENERAL WILSON: May I ask one more question and perhaps I will waive objection.

Q. Whether or not you have been out since Jan. 1st, in the same manner you have related with one or the other of the squads. A. Yes, sir.

ATTORNEY GENERAL WILSON: I think we will examine this witness. I didn't suppose he was out at first.

The SPEAKER: What about your objection to the evidence based on the paper?

ATTORNEY GENERAL WILSON: I think we will waive that if this witness can answer on cross-examination.

Mr. PATTANGALL: I understand the paper may be offered without objection as though it were an original record.

The SPEAKER: Yes.

Mr. PATTANGALL: And we offer it. If you have no objections, Bro. Wilson, I would like to have Bro. Gulliver ask some questions of Mr. Hartford.

ATTORNEY GENERAL WILSON: I have no objection at all.

Examination by Mr. Gulliver.

Q. Mr. Hartford, how long have you been a liquor deputy under Sheriff Moulton? A. Twenty months.

Q. That was commencing when? A. August, 1911.

Q. And in addition to your duties in and about Portland relative to the enforcement of the prohibitory law, will you state to the convention, the other duties which the four special deputies have to perform? A. The three terms, criminal terms of the superior court, Jan., May and Sept. we were obliged to attend the courts practically all the term.

Q. Now how long do those criminal terms average? A. I should say four weeks each term.

That includes your appearances before the grand jury and your appearance in court? A. Yes, sir.

Q. At trials. A. Yes, sir.

Q. Whether or not it also includes your time in conveying prisoners to and from the jail? A. Yes, sir.

Q. Making arrests? A. Yes, sir.

Q. Hunting up witnesses? A. Yes, sir.

Q. And so forth? A. Yes, sir.

Q. Now how much of your time is consumed each morning on an average in the lower court? A. About three hours.

Q. And whether or not that requires the services usually of all four of the deputies? A. Usually.

Q. What other services are the liquor deputies called upon to perform other than the investigation of the liquor traffic? A. To investigate all other criminal complaints that are made to the office.

Q. And what has been your observation as to the number of those complaints and the parts of the county

where you have to go to investigate and make arrests? A. I don't think I could state the number.

Q. Well, give the convention your best information. A. Oh, probably six or seven every month.

Q. Six or seven a month? A. Yes, sir.

Q. Sometimes requiring more than one officer? A. Yes, sir.

Q. Usually two? A. Yes, sir.

Q. Are there some other services you are called upon to perform other than those already detailed outside of the liquor traffic? A. Why, yes, at different times.

What are they? A. I don't know but what they would all come under the leads of the ones I have spoken of.

Q. Sometimes you are called upon to serve civil precepts? A. Occasionally.

Q. Now whether or not you have received instructions from time to time from Sheriff Moulton relative to the enforcement of the law against the liquor traffic? A. No, sir, not personally.

Q. Have his instructions been repeated to you by any of the other liquor deputies? A. Yes, sir.

Q. And what were those instructions with reference to pocket peddlars, kitchen bar-rooms and places of a like character? A. Our instructions were to suppress all the traffic that we could in all conditions.

Q. What, if anything, was said about giving special attention to any special part of the traffic? A. Nothing except the Italians.

Q. Did you receive special instructions as to them? A. Yes, sir.

Q. And as a result of those instructions, you may state to the convention what the liquor deputies have done. A. We received several complaints on account of the Italians and the kitchens where they were having affrays, and and we were told to make a special effort to do away with that kind of thing.

Q. And did you do so? A. Yes, sir.

Q. And as a matter of fact have you been to many Italian places and made many seizures? A. Yes, sir.

Q. And brought the respondents before the court? A. Yes, sir.

Q. And secured their conviction?
A. Yes, sir.

Q. About what is the average day of the liquor deputy? A. 15 hours.

Q. From what time to what time?
A. Why we usually report to the office about half past eight in the morning and we are there until 11 to 12 at night.

Q. You are the office man, so-called, are you not? A. Why, most of the time.

Q. And is it any part of your duties to prepare the warrants and libels against liquors which you have seized?
A. Yes, sir.

Q. Does that take a considerable portion of your time? A. Yes, sir.

Q. Whether or not during the summer months and during the fall the liquor deputies in Portland go about the county at the country fairs? A. They do.

Q. What is your purpose in doing that? A. Why, to suppress the liquor traffic at those different places and to preserve order.

Q. Do you cause arrests for infringements of the liquor laws in those places? A. Yes, sir.

Q. And for other offences? A. Yes, sir.

Q. Whether or not, Officer, you have in company with the other deputies made seizures in other places than kitchen bar-rooms? A. Yes, sir.

Q. And liquor resorts? A. Yes, sir.

Q. And does the record which has been put in here include raids which you have made on these so-called bar-rooms? A. Yes, sir.

Q. Have you received any instructions, or have you shown any favoritism to any liquor dealers in Portland?
A. No, sir.

Q. Or do you know of any such?
A. No, sir.

Q. And what do you say as to sale of liquor in Portland on holidays and on Sundays and your efforts in respect to the suppression of the same? A. Sundays and holidays—we are very busy on those days in looking after the kitchens and such dives.

Q. And whether or not you have practically prevented and stopped the

sale of liquor on Sundays and holidays? A. To the best of our ability, yes, sir.

Q. It is still sold? A. Yes, sir.

Q. And in kitchen bar-rooms, and in such resorts? A. Yes, sir.

Q. Whether or not, Officer, you personally during your term of office have done the best you could to enforce the liquor laws of the State of Maine?
A. I have.

Q. I want to ask you this question. Something has been said here about old-timers. Do you know whether or not the so-called persons here who have been named as proprietors are engaged in handling the liquor personally? A. I do not.

Q. Do you not know as a matter of fact that those men do not handle it personally? A. Yes, sir.

Q. In those places designated as the Walsh Place, and other places, haven't your arrests and investigations disclosed that it was sold and handled by bar tenders? A. Yes, sir.

Q. Big Pat, Brownrig, and such other names as have been mentioned here? A. Yes, sir.

Q. Do you know as a matter of fact as the result of your experience as a liquor deputy that it is practically impossible to convict these so-called proprietors? A. It is.

Q. He simply hangs around there?
A. Yes, sir.

Q. You don't find him tending the bar? A. No, sir.

Q. Calling your attention to a few of the places that have been mentioned here and as many as I can recall off-hand, what do you say as to seizures having been made at 102 Preble street? A. There have been several made there.

Q. What do you say as to seizures having been made on both the north-east and the northwest corners of Center and Free streets?

Mr. PATTANGALL: Bro. Gulliver, before you put that question, will you get into the record that 102 Preble street is the Hollywood place that has been spoken of here?

Q. And whether or not Mr. Hollywood has been found in that place

and arrested? A. Not to my knowledge.

Q. Hasn't. I thought he had. Now, answer my question about the northeast and northwest corners of Center street. A. State the question.

Q. Whether or not seizures have been made within the last year or so at both of those places. A. They have.

Q. More than one? A. I think so, yes, sir.

Q. What do you say as to the two places at the corner of Center and Fore streets? A. Seizures have been made at both places.

Q. And at the place at the junction of Fore and Pleasant streets? A. Seizures have been made there.

Q. And at the place known as the O'Hare place on Pleasant street? A. Seizures have been made there.

Q. At the Gaff Topsail? A. There.

Q. At the so-called McGlinch place? A. Seizures have been made there.

Q. Lowry's? A. Yes, sir.

Q. Hotel Temple? A. Yes, sir.

Q. Preble House? A. Yes, sir.

Q. What is it—Swett's Hotel? A. Yes, sir.

Q. Big Pat Sullivan's? A. Yes, sir.

Q. Tim Brownrig's? A. Yes, sir.

Q. Holloran's? A. Yes, sir.

Q. Andrew Egan's? A. Yes, sir.

Q. Corner of Cotton and Fore streets? A. Yes, sir.

Q. I think I have covered all the different places shown on the chart except a few. 29 Free street? A. Yes, sir.

Q. 23 Free street? A. Yes, sir.

Q. 14 Free street? A. I couldn't answer as to that one from my own knowledge.

Q. To recapitulate and to save this detailed questioning, I will ask you whether or not there is one place in Portland where liquor has been sold that you have not either attempted to make a seizure or made one? A. No, sir; there is not.

Q. So far as you know of course? A. So far as I know; yes, sir.

Cross-Examination.

By ATTORNEY GENERAL WILSON:

Q. You have three other liquor deputies, have you? A. Yes, sir.

Q. And are they present here? A. I don't know.

Q. Have you seen them today? A. Yes, sir.

Q. Have you seen them here? A. Yes, sir.

Q. Here in Augusta? A. Yes, sir.

Q. All of them? A. Yes, sir.

Q. Now, you say that you have seized liquors down at 102 Preble street, A. Yes, sir.

Q. When was that? A. I couldn't tell you the exact dates.

Q. Do you say you have been down to 102 Preble street during the present year? A. I don't think we have.

Q. Won't you examine your record there that you have taken off and tell the convention when it was you went down to 102 Preble street? A. July 3rd, 1912, July 17th, 1912, October 10th, 1912 and November 27th, 1912.

Q. The last time was November 27th? A. Yes, sir.

Q. Did you go down there in the summer? Did you go down there in July personally? A. Yes, sir.

Q. What kind of a place did you find down there in July? A. Found a shop down in the basement.

Q. An elegantly fitted up bar room? A. No, sir.

Q. What kind of a place did you find down there in November? A. They had moved up-stairs, little better place.

Q. Had the floor tiled in mosaic by that time, hadn't they? A. I couldn't say.

Q. It was tiled, wasn't it? A. I don't think so.

Q. Pretty good bar there then, wasn't there? A. Fairly good.

Q. And mirrors behind it? A. I think so, yes.

Q. Brass railing around it? A. I couldn't say.

Q. And bottles up behind the bar? This is at the November visit, you understand? A. I don't think so.

Q. Any glasses arrayed in pyramids and other shapes? A. I think so.

Q. And how much liquor did you get

in November? A. I couldn't tell you off-hand.

Q. Did you get any considerable quantity. A. We got all we could find.

Q. How much was there, a pint or a quart or a barrel? A. I couldn't tell you off-hand.

Q. Do you have any idea? A. Quite a quantity I think.

Q. You found the place doing business? A. Yes, sir.

Q. And arrested Patrick Hernan, or some such name as that? A. I couldn't say as to the name.

Q. Don't you know whether you arrested anybody there? Did you arrest anybody? A. Yes, sir.

Q. You haven't made any seizure there this year, have you? A. I don't think so.

Q. Why haven't you been down there this present year? A. I don't know but what some one has been there.

Q. You haven't made any seizure. A. There is no record of any.

Q. No record of any record of any seizure at all? A. No, sir.

Q. And have you been down to see whether the place was running the way it was when you saw it in November? A. I don't understand your question.

Q. Have you been down there since the first of the year to see whether the place was running in the same way in which you found it in November? A. No, sir; I haven't personally.

Q. So that you haven't made any investigation since the first of January of this place? A. Not myself; no, sir.

Q. When was it you made a seizure at the Preble House? A. December 19th was the last one I think,—or March 20th.

Q. What is the number of that, the number on Congress street? A. The number on Congress street is 475.

Q. That is the only seizure on this record at the Preble House, isn't it? A. No, sir.

Q. What other one? A. No. 14 Preble street.

Q. That is the Preble House, is it? A. Yes, sir.

Q. And that was one made when? A. December 19th.

Q. Do you find any seizure since the first of January at the Preble House? A. No, sir.

Q. So that you haven't at least, been down there since January? A. No, sir.

Q. What conditions did you find there in December? A. We found a small place down in back, a small room down in the basement back of the pool-room where they were dispensing liquors.

Q. Was there any bar tender there? A. One.

Q. Did you arrest him? A. Yes, sir.

Q. How much liquor did you get? A. I don't think we got a very large quantity at that time.

Q. Did you get it the first time you went? A. That was the only time I was there.

Q. That was the only time you went there? A. Yes, sir.

Q. But you found a bar and a bar tender and some liquor at the time you went? A. Yes, sir.

Q. But you haven't been there since? A. No, sir.

Q. Now, you say you have made some seizures at the northwest corner of Free and Center streets? A. Not personally; no, sir.

Q. Have any seizures been made there since the first of January? A. Yes, sir.

Q. Since the first of January? A. Yes, sir.

Q. At what place? A. The number, you mean?

Q. Yes. A. No. 55.

Q. 55 Center street? Is that on this list as the first of January? A. Yes, sir.

Q. Where is it? I don't find it on my list. The only place I find here is 59. A. It is about half way down on the last column.

Q. Is it under the heading of Center street? A. 55 Free street.

Q. That is on the front side? It is numbered on Free street? A. Yes, sir.

Q. I understood you to say Center street. A. No, sir.

Q. And that was the very first of January? A. Yes, sir.

Q. That was on the third day of January? A. Yes, sir.

Q. And you haven't made any seizure there since? A. No, sir.

Q. Have you made any seizures

there during the year previous? A. I think there was.

Q. And how many? A. I couldn't state the number.

Q. Can't you tell from your list.

Mr. GULLIVER: With the permission of the President and if he thinks it will not cause too much disturbance, we have prepared here a printed list of these places, and we would like to have the pages pass them around to the members.

Mr. PATTANGALL: Examination can be followed very intelligently that way. One member has asked for one and there may be others who would like to have copies.

The SPEAKER: Is there any objection by the attorney general?

Attorney General WILSON: I don't think it is necessary to take time to do that.

Mr. PATTANGALL: It won't take but two or three minutes, and it is only for the purpose of examination.

Mr. GULLIVER: One member had asked for it and had been handed it by brother Cleaves, and we thought some other members might like to have copies.

The SPEAKER: If any indicate a desire to have them, they may have them, but perhaps it would not be necessary to take the time now to pass them.

Attorney General WILSON: Now, Mr. Hartford, will you state whether or not you made any seizures at No. 55 Free street during the year 1913? A. I think there was.

Q. Will you look at your record and see? A. The record doesn't show it, but I was of the impression that seizures had been made there; this list doesn't show it.

Q. What did I understand your answer to that question to be? A. I said that this list didn't show any seizures there, but I was of the impression that there had been one made.

Q. If I understood, you testified to this as being a correct list of your seizures? A. Yes, it is.

Q. So that there hasn't been any made there, has there? A. No, sir.

Q. So that the only seizure that has been made at the corner of Free and

Center streets, that is, at the northwest corner, is that one that was made January 3rd. Is that correct? A. Yes, sir.

Q. The only one made in three months? A. Yes, sir.

Q. On the other corner, the northeast corner, how many seizures have been made at that place since the first of January? A. Not any.

Q. How many during the year 1912? A. One, December 12th.

Q. So that in the last year or 15 months you have made one seizure at the corner of Free and Center streets? A. Yes, sir.

Q. Take the place at No. 1, on the corner, at the old Jim Welch place, how many seizures have you made there since the first of January? A. Not any.

Q. And how many have you made in the last 15 months there? A. Two.

Q. And one of them made—these were made, one December 4th and the other January 12th, 1912? A. And one September 28th.

Q. Were there more than two? A. No, it is numbered on Center street.

Q. And one on Center street? A. It is in the same place.

Q. So that at that place there were three made in the last 15 months? A. Yes, sir.

Q. And none since the first day of January? A. No, sir.

Q. Have you made any seizures at No. 45 Commercial street since the first day of January? A. No, sir, made seizures at Tom Brownrig's place, isn't it? A. I don't know.

Q. I understood you to say you had made seizures at Tow Brownrig's place? A. I don't think you did.

Q. Didn't you testify in your direct examination that you had seized at Tom Brownrig's? A. I don't think so.

Q. Have there been any seizures made there at all? A. Where?

Q. 45 Commercial street? A. I think so, yes.

Q. And when? A. December 11th, 1912.

Q. And that was in 1912? A. Yes, sir.

Q. That is right, isn't it? A. Yes, sir.

Q. And you say that you don't even know that is Tom Brownrig's place? A. I don't.

Q. And you have been a liquor deputy how long, 20 months? A. Yes, sir.

Q. And you heard the testimony with reference to the amount of beer that was coming into Mr. Brownrig's? A. No, sir.

Q. You didn't hear that? A. No, sir.

Q. It would be interesting to you. Now have you made any seizures at Pat Sullivan's place since the first day of January, Big Pat, I mean? A. December 9th, 1912.

Q. Any since the first day of January? A. No, sir.

Q. And was there any other seizure last year excepting that one? A. I think not.

Q. So you made one seizure at Big Pat Sullivan's in the last 15 months. Is that right? A. Yes, sir.

Q. Now, Tom Coleman's place, 344 Fore street. Have you made any seizures there since the first day of January? A. March 25th.

Q. More than one? A. What do you mean this year?

Q. Yes. A. No, sir.

Q. And that was made a little over a week or about two weeks ago? A. Yes, sir.

Q. And Eagan's place, 28 India street, have you made any seizures there since the first day of January? A. I have made none at that place; no, sir.

Q. Not later than that? A. No, sir; not at that number.

Q. And you made one at No. 24 and one at No. 14 and one at No. 4 since the first day of January? A. 27, 24, 14 and 4.

Q. Made one at each one of those places? A. Yes, sir.

Q. Now at No. 9 Exchange street, have you made any seizures there since the first day of January? A. No, sir.

Q. Any in the last year? A. No, sir.

Q. Haven't made any since the place opened up, have you? No, sir.

Q. At No. 416 Fore street, Ingraham's place, have you made any seizures there

since the first day of January? A. No, sir.

Q. Any at No. 13 Temple street. Lowry's? A. No, sir.

Q. Any at 518 Fore street since the first of January, Mrs. Horton's place? A. No, sir.

Q. Any at 340 Fore street, the Gaff Topsail, have you made any there since the first of January? A. No, sir.

Q. Have you made any at No. 10 India street since the first day of January? A. No.

Q. Michael Burn's place? A. No, sir.

Q. Have you made any at McGlinchey's place, 236 Federal street, since the first day of January? A. No, sir.

Q. Since the first day of January you have made how many seizures, Mr. Harford? A. I don't know the number.

Q. You haven't computed them on that list? No, sir.

Q. Are there 68 approximately there? Can you tell readily? A. Well, there is all of that.

Q. As a matter of fact there are 68 as I have computed them. Now, the most of these have been made against these Italian places and kitchen bar rooms, haven't they? A. Since the first of January?

Q. Yes. A. No, sir; I don't think so.

Q. Let me ask you about some of them. In the case of Gordon Verros, seizure made since the first of January, do you know where that place is? A. No, sir.

Q. Do you know where Mary McDonad's place is, 28 Center street? A. Yes, sir.

Q. What sort of a place is that? A. It is a tenement house.

Q. And that is a kitchen bar room? A. Yes, sir.

Q. And that is down toward No. 1 Pleasant street? A. Yes, sir.

Q. Down in that vicinity? A. Yes, sir.

Q. And Annie Joyce, No. 9 Danforth, what sort of a place is that? A. That is a two-tenement house.

Q. Kitchen bar room. A. Yes, sir.

Q. Not far from No. 1 Pleasant street, is it? A. Some little distance.

Q. How far? A. Oh, I should say by the street it was 400 feet.

Q. And John Canswell, 51 Summer

street, what sort of a place is that? A. That is a tenement house.

Q. Kitchen bar room? A. Yes, sir.

Q. And Jennie Laundry, 186 Washington avenue? A. I don't know.

Q. You don't know that one? A. No, sir.

Q. Sam Payce what sort of a place is that? A. I couldn't tell you without the number of the street.

Q. Now in February, Mollie Kline, 332 Fore street, what sort of a place is that? A. That is a lodging house.

Q. Grace McIntire, No. 8 Pleasant street? A. That is a kitchen bar room.

Q. Antonio ———, 25 Carey street? A. That is an Italian dwelling house.

Q. And Antonio Ferrand—it don't state where that is. I don't know whether you know him or not? A. I don't know him.

Q. Sarah D. Rice? A. It is a kitchen room.

Q. 146 Presumpscot street? A. Kitchen bar room.

Q. Margaret Connelly, No. 6 Danforth street? A. That is a kitchen.

Q. And Lizzie McGuire, 274 Fore street? A. I don't know that place; I never have been there.

Q. Annie Stein, 80 ——— street? A. That is a kitchen.

Q. Annie Molino, evidently an Italian? A. I don't know; I couldn't tell you without the number of the street.

Q. Rosso Bohimo, 77 Newbury street? A. That is a kitchen.

Q. Annie Hews, 179 Fore street? A. That is a cheap lodging house and restaurant.

Q. It is called a kitchen bar room, isn't it? A. It is a lodging house and restaurant there.

Q. Now your records here since the first of January, if you will take them, it shows that on the 18th of March you seized a team on Commercial street. That didn't happen to be Big Pat's team did it? A. I don't know.

Q. Do you know whose team it was? A. I don't.

Q. Don't know what they got on it? A. I think there was six barrels of beer.

Q. Do you know whose team it was? A. No, sir; I don't know.

Q. Haven't any record that they arrested anybody? A. Yes, sir.

Q. But you haven't got his name? A. No, sir.

Mr. GULLIVER: If you will tell me the date.

Mr. CLEAVES: March 18th.

Mr. GULLIVER: Let us have the name go in if it is here. It is right in the record which you have in your hand I think, and it is all ready in as part of the records of the municipal court identified by Recorder Donahoe, which is open to inspection.

Attorney General WILSON: Which page is that on?

Mr. GULLIVER: It is on page 4.

Mr. CLEAVES: We were interested to know if by any possibility they got their liquor at Sullivan's.

Mr. GULLIVER: You will find out if you ask questions enough.

Mr. PATTANGALL: The name is on the paper William McMin.

Attorney General WILSON: What is the number of that Mr. Gulliver?

Mr. GULLIVER: I have in my hand a copy of the records of the municipal court. Tom McMin is the name given here. Do you know who he is? A. I never saw him I think, before.

Q. And you don't know who he drove for or whose team it was? A. No, sir.

Q. Now, the team that was seized on Fore street on the 15th day of February, do you know whose team that was? A. It was Ingalls Brothers'.

Q. And what did you get in it? A. I couldn't state.

Mr. PATTANGALL: Don't the records show, the record that you have?

Mr. CLEAVES: The record does not show.

Q. Now the team on Fore street, whose team is that, do you know? A. No, sir.

Q. And since the first day of February you have seen three teams? A. Yes sir.

Q. And that is all? A. Yes sir.

Q. Did I understand you to say that the sheriff, either by himself or through his deputies, had given you special instructions in relation to cleaning up kitchen bar rooms and pocket peddlers? A. On one occasion only.

Q. On one occasion only? A. Yes, sir.

Q. So that you had no reason for directing your efforts against kitchen bar

rooms during the last three months. A. Yes sir.

Q. Well, how is that? A. because we considered them the worst evil. We were trying to clean up the places that were causing trouble in the courts, by affrays and such things.

Q. So that you haven't been directing any efforts against these saloons because you considered the kitchen bar rooms the worst evil? A. We have been directing efforts against the saloons.

Q. Only to the extent that appears here upon the records? A. No, sir.

Q. That is the only efforts you have directed against the Hollywood place down on Preble street, is last fall sometime? You hadn't been directing any efforts against it since the first day of January? A. Not personally, I think there has been.

Q. Have you made any seizures? A. No sir, we don't always make seizures when we go to places.

Q. You haven't directed any efforts against the Preble House since the first day of January? A. No, sir.

Q. And the largest part of these efforts since the first day of January, it is true, isn't it, have been against tenement houses and kitchen bar rooms? A. Why, I don't think so.

Q. Won't you point out on the record, then, the ones that are against bar rooms? A. January 2, 358 Fore street; Jan. 2, 196 Federal street; third, 55 A Free street.

Q. That is Fore street, isn't it? A. Free street.

Q. This one says Fore? A. 55 A. Free street. January 21, 27 India street.

Q. All between January 4 and January 21, are kitchen bar rooms or other places, is that true? A. Six of them, yes sir, that is all.

Q. So that between January 4 and January 21, you didn't make seizures in any saloons? A. Made no seizures because I couldn't find any.

Mr. PATTANGALL: The witness has been asked the question if he would indicate from the record what bar rooms they had made searches against during this year. It strikes me that the proper way would be to allow him to answer that question fully and then get the de-

tails afterwards. Otherwise, we would mislead the convention.

ATTORNEY GENERAL WILSON: I think I can cover these as I go along.

Mr. PATTANGALL: The Attorney General has asked a question which the witness began to answer.

The SPEAKER: Proceed with the examination and let the witness briefly answer that question.

ATTORNEY GENERAL WILSON: Do I understand there is an objection against asking for other places than kitchen bar rooms?

The SPEAKER: He was suggesting that the witness didn't have a chance to answer logically in connection with the question asked.

ATTORNEY GENERAL WILSON: The last question that I thought I asked was whether or not the places between January 4 and January 21 were kitchen bar rooms.

Mr. PATTANGALL: That was the last question asked, but the witness had not been given an opportunity to answer fully the preceding question, and this was the privilege that I asked for him, for him to name the bar rooms that had been searched from January 21 to the present time.

ATTORNEY GENERAL WILSON: That involved going all through this paper. I thought I could save time.

The SPEAKER: I don't see how you are going to save time by interrupting. You may proceed as quickly as you can.

Q. Now start on, Mr. Witness, from January 21—23 it is on my paper? A. I don't know what your list is.

Q. I suppose it is a carbon copy of yours. Brother Gulliver gave it to me.

Mr. GULLIVER: Let us compare, I supposed it was.

Q. Will you read the rest of the bar rooms on your list? A. January 25, 179 Fore street.

Q. Are there some between the 21st and the 25th, seizures? A. No, sir.

Q. Go on. A. Feb. 2, 187 Fore street.

Q. Now I have on this list (reading names on exhibit "Moulton 3" not mentioned by witness)—have you those on that one? A. Yes, sir.

Q. Those are kitchen bar rooms, as I understand it. A. Yes, sir.

Q. Go on. A. Feb. 12, 242 Fore street.

Q. And before that is (reading names from exhibit "Moulton 3" not mentioned by witness)? A. Yes, sir.

Q. Those are kitchen bar rooms? A. Yes, sir. Feb. 15, 185 Lancaster street; Feb. 20, 196 Federal street.

Q. And before that (reading from Exhibit "Moulton 3" as before)? A. Yes, sir.

Q. Go on. A. March 6, 236 Federal street.

Q. Now previous to that there is (reading from Exhibit "Moulton 3")? A. Yes, sir.

Q. All kitchen bar rooms? A. Why, one of them is a shop, 179 Fore street.

Q. Go on. A. March 8, 185 Lancaster street; March 13, 212 Danforth street.

Q. Now between those is (reading from Exhibit "Moulton 3")? A. Yes, sir.

Q. Go on. A. March 12, 31 Temple street; March 14, 14 India street; March 14, 196 Federal street; March 14, 43 India street; March 20, 435 Fore street; March 22, 51 Commercial street; March 22, 344 Commercial street; March 25, 127 Commercial street; March 25, 344 Commercial street.

Q. That is all? A. That is all I have on this list, yes, sir.

Q. Now in addition to those (reading other names on Exhibit marked "Moulton 3")? A. I will explain. The date on this list is the date that they were put in our diary, but a lot of those seizures are not libeled until the next morning, so the date on the libels in the municipal court will appear one day later; that is the reason.

Q. Will you look that over again to see if you have made seizures at 344 Commercial street, that last list that you have. A. Yes, sir.

Q. Do you find any such seizures on your list there that you have prepared for your records? A. 344 Fore street, March 25th.

Q. Commercial, you read on that

paper; that is why I asked you. A. That is a mistake, that should be Fore street.

Q. Which is correct? A. Fore street.

Q. Then that paper is not correct? A. This is correct.

Q. The one that Mr. Gulliver has is not correct.

Mr. GULLIVER: Where is that mistake on this paper? It should be Fore street? A. Yes, sir.

Direct Examination Resumed.

Q. I show you "Moulton 3" and ask you who made that up? A. I did.

Q. And what does it contain. A. It contains a list of the libels in the municipal court from January first to March 26.

Mr. GULLIVER: We offer that.

Q. I show you paper marked "Moulton 4" and ask you who made up that list? A. I did.

Q. What does it contain? A. It contains a list of the libels from July 1 to December 31, 1912.

Q. So that these two papers contain all libels of liquors seized both against known and unknown persons for a period of about nine months? A. Yes.

Mr. GULLIVER: We offer both of them.

Q. Now just one question—can you run down over that list hastily with your pencil, and without mentioning any names tell the convention the number of bar rooms where seizures have been made since January 1, 1913? A. About 20.

Q. And what is the total list during that time? A. I don't know.

Mr. PATTANGALL: I think we would agree that it was 68, wouldn't we, Brother Wilson?

Attorney General WILSON: Yes.

Mr. GULLIVER: In order that the convention may get the numbers rather than the names, I understand there are 20 bar rooms included in that list since January 1, 1913, and the remainder against kitchen bar rooms, Italian places, and persons unknown. A. Yes, sir.

Q. Mr. PATTANGALL: The other three liquor deputies are here. I

don't know whether Brother Wilson desires to cross examine them or not. We have no objection to putting them on the stand, except that their evidence would be largely cumulative. I think I will call each one and have him sworn and have his name recorded and they can cross examine if they desire. I simply do not want it argued that they were here and didn't testify.

The SPEAKER: That seems to be a simple way of getting at it.

HIRAM T. WATERHOUSE, called for the defense, sworn, in answer to questions by Mr. Gulliver, testified as follows:

Q. At the present time do you hold any office in Portland? A. City Clerk.

Q. How long have you held that office? A. Two years and four months.

Q. Are you familiar with the conditions of enforcement of the liquor law in Portland at the present time? A. I feel that I am.

Q. What have you to say in respect to the same? A. They are good.

Cross Examination by Attorney General Wilson.

Q. When you say that conditions are good do you mean that the kitchen bar rooms are kept closed up and the saloons allowed to sell? A. Well, may I be allowed to explain what I mean by good, or must I answer your question?

Q. You must answer the question first, and then, if it is necessary, you may explain. (Question read by stenographer.) A. I think that the kitchen bar rooms are kept closed up very well and that the saloons—what are open—the preponderance of the selling is on the saloon end, and for that reason I say that in my judgment that condition is good.

Q. And you think they are well regulated, what there are? A. I think they are well regulated, they are very well regulated.

Q. That is, to the extent that they are closed on Sundays and holidays? A. To that extent, surely.

Q. And ten o'clock at night? A. Ten o'clock at night.

Q. And any time before a holiday or a day of festivities they are closed up? A. That is as I understand it.

Q. And that would be your idea as to good conditions? A. That is it decidedly.

Direct Examination Resumed.

Q. What has been your observation as to drunkenness on the streets of Portland during the past three months? A. I have seen none.

M. P. FRANK, called for the defense, sworn, in answer to questions by Mr. Gulliver, testified as follows:

Q. Will you state your name? A. Melvin P. Frank.

Q. You are a lawyer by profession? A. I am.

Q. And reside in Portland? A. I do.

Q. How long have you resided in Portland? A. Some 45 years.

Q. Are you about Portland more or less, all over the city? A. Not all over the city very much. I am attending to my business, and wherever it calls me I go.

Q. What can you say to the convention about conditions in Portland during the past few months with relation to drunkenness? A. So far as my observation has gone, it is very good indeed, very little drunkenness.

Q. Are you familiar with the work of Sheriff Moulton's department? A. I am.

Q. What have you to say with regard to conditions in Portland during Sheriff Moulton's administration with regard to law enforcement, and especially directing your attention to the prohibitory law? A. Well, considering the difficulties under which the officers labor, I think they have been excellent.

Q. Can you make any comparison between conditions in that respect during the present year and during the first portion of Sheriff Moulton's administration, as to whether conditions have improved, or grown worse, or what, under his regime. A. So far as my observation has gone, they have improved.

Cross Examination by Attorney General Wilson.

Q. Just what is the extent of your observation, Mr. Frank? Have you been into the bar of the Preble House? A. No, sir.

Q. Or the hollywood place down on Preble street? A. No, sir.

Q. Or the places up and down Center street? A. No, sir.

Q. Or Fore street? A. No, sir.

Q. Or Commercial street? A. No, sir.

Q. So that your information that you are giving relates entirely to what you saw in the upper part of the city from where you lived down to your office, and as you go about the city? A. Largely, yes, sir.

Q. And you don't base it upon any knowledge of the conditions in those places that have been referred to on Center street, Fore street, Commercial and Preble streets? A. I do not.

Mr. PATTANGALL: Would it be necessary for you to visit the bars which the attorney general has mentioned in order to get an idea of general conditions in Portland with regard to law enforcement and drunkenness? A. I think not.

Q. And would you or not feel competent to form an opinion in regard to conditions there without going in to the Hollywood place and the Preble House and Eagan's and the Gaff Topsail? A. I think I would.

Q. And you have such an opinion and have expressed it, have you? A. I have.

Cross Examination Resumed.

Q. That is, I understand you that even if these places are openly running—as it has been testified that they are—that in view of the conditions which you have observed up town, lack of drunkenness, etc., you would still consider that conditions are good.

A. If I may be allowed to explain.

Q. Would you answer that question first, and then explain. (Question read by stenographer). A. I shall have to qualify my answer somewhat in that respect, and that is, so far as the sheriffs or officers were informed about those places. If they knew nothing about them, and there was no outside effect poisoning the atmosphere of the city, so to speak, I should think conditions were

good so far as the officers were concerned.

Q. It doesn't seem to me that that answers my question very well. As to whether or not, if they were openly running, you would consider conditions good. I am not injecting into it whether or not the sheriffs know about it, but whether or not you still consider the conditions good, if they are openly selling? A. In that particular, I should not.

Q. So that your testimony that conditions are good is on the assumption that those places are not selling? A. From the general tone of the atmosphere about the city as I have observed it.

Q. That is as far as you care to go? A. Yes, sir.

Mr. FRED S. JORDAN, having been duly sworn, testified as follows:

Examination by Mr. Gulliver.

Q. State your full name and the office you hold? A. Fred S. Jordan, city assessor.

Q. How long have you been city assessor? A. Two years and four months.

Q. And as a city assessor have you had occasion to go about the city? A. I have.

Q. And do you know something about the conditions in Portland as to enforcement? A. I have observed as I have been about.

Q. Have you also been about a good deal and observed conditions as to intoxication upon the street? A. Quite extensively, I have observed intoxication, so far as I have been about the street.

Q. What is your observation as to intoxication in the streets of Portland during the last three months? A. I think there is very little for a city the size of Portland.

Q. And what has been your observation as to the enforcement of the law against selling intoxicants? A. I should say from observation that the law was very well enforced.

Q. What do you say with reference to your attention having been called to the sale of liquor by pocket peddlers, kitchen bar rooms or places similar to those? A. I have had very little personal contact with the liquor traffic. I think perhaps twice in my life I have come in contact with it, and I think that was previous to the present administra-

tion, and I understand that is without the scope of this investigation.

Q. Do you recall one instance on Centre street about a young lady being approached by some young boys? A. Yes, sir.

Q. Will you tell the convention about that? A. I was going down—

The ATTORNEY GENERAL: When was this?

Mr. GULLIVER: I don't know yet.

The SPEAKER: When was it, Mr. Jordan? A. I could not give you the day or the date, but I am quite sure it was during the so-called Sturgis enforcement.

(Objected to)

Mr. GULLIVER: Do I understand that the attorney general objects to any evidence in this case previous to Sheriff Moulton's administration? If he does, I would like to have it appear in the records.

The SPEAKER: It appears that he does.

Mr. GULLIVER: I do object and ask an exception and ask that the appeal be noted.

Cross-Examination by the Attorney General.

Q. Does your observation go down to 102 Preble street? A. I have been the whole length of Preble street.

Q. Have you been on the inside of 102 Preble street? A. I think I have.

Q. Have you been in the bar room? A. I have been in a room which might be a bar room or a restaurant, for all I know.

Q. What was it you went in there for? A. I think I went down as a matter of business to look at a building.

Q. When was it? A. My impression is that it was in January of this year.

Q. Did you go into this place described as having a tile floor, mirrors behind the bar and glasses arranged in pyramids and in an artistic position in the rear and bottles on the shelf? A. I cannot say that is the one you have referred to. I was in a place down there that had a tile floor.

Q. And the bar had a brass railing? A. I could not say about that.

Q. And mirrors behind the bar? A. I couldn't say about that.

Q. And bottles arranged on the shelf

behind the bar? A. I couldn't describe in detail what there was.

Q. Were there people drinking at this bar? A. I didn't see any.

Q. The only thing that you observed was the tile floor? A. I observed that in a general way. The building I looked at inside and out. I was down for the purpose of looking at the building.

Q. You noted the tile floors? A. Yes, sir.

Q. You say that you could not tell whether it was a restaurant or not? A. I could not.

Q. What evidence was there that indicated that it might be a restaurant? A. I saw I think tables in the floor and a counter which might be a counter or a bar.

Q. Did you see any food? A. I am not sure. I do not call to mind.

Q. You did not see any liquid refreshments? A. I did not.

Q. What time of the day were you there? A. I think it was the middle of the afternoon.

Q. And nobody was in there at all? A. No.

Q. Was there not any proprietor there? A. There was a man whom I presume was the proprietor.

Q. Behind this bar? A. No, sir.

Q. What was he doing? A. He was in the rear of the building when I found him.

Q. He was the man you were down there to see? A. Yes, sir.

Q. So that there was no business going on of any kind? A. No, sir, not that I could identify.

Q. Have you been to the Preble House bar? A. No, sir.

Q. Or these places on Centre street or Free street? A. No, sir.

Q. Or on the northwest, or northeast corner of Fore and Center streets? A. No, sir.

Q. Or in any places on Free or Cotton streets referred to here? A. No, sir.

Q. Or in any saloons farther down on Center? A. No, sir.

Q. Or the corner of Center and Pleasant streets? A. No, sir.

Q. Have you been down to Brownrig's place? A. No, sir.

Q. So that your observation does not take you into any of those places refer-

red to here? A. No, sir.

Q. And when you say that conditions are good, you leave out of consideration all those places, do you? A. I don't know what they are doing.

Re-Direct by Mr. Pattangall.

Q. Whatever those places are doing, there is not effect shown outside to make bad conditions there, that you observed? A. I have not seen any that I call bad.

Q. As an assessor have you travelled all over the city? A. I do not think there is a street in Portland I have not travelled.

Re-Cross Examination by the Attorney General.

Q. You say you have observed no drunkenness? A. I do not think I have observed any drunkenness.

Q. Since the first day of January? A. I do not say that.

Q. According to the record there were 207 people before the court for intoxication in January. A. Yes, sir.

Q. And 189 in February and 303 in March. A. I should not dispute it.

Q. You have no question but what there is considerable drunkenness? A. I did not say I had not seen any; I said that I saw very little.

Q. I suppose that is the inference you draw.

Mr. PATTANGALL: No, sir, we draw no such inferences. It does not show that there is any more there now than there has always been and always will be.

Mr. EDWARD J. QUINN, having been duly sworn, testified as follows:

Examination by Mr. Gulliver.

Q. Have you been sworn? A. Yes, sir.

Q. State your full name and present occupation. A. Edward J. Quinn, in charge of the superior court in Portland, Maine.

Q. How long have you been a court official? A. Two years and three months.

Q. Do you have anything to do with the enforcement of the liquor law? A. Only when called upon by the sheriff when he has no one else to go on complaints that have come in.

Q. How long have you lived in Portland? A. Forty years with the exception of five years in New York.

Q. What do you know and what have you observed about intoxicated people coming into Portland at the station and by steamboat, etc.? A. These last two months I have had occasion to go down to the city of Augusta. The last time I came up the 25th of March. In the smoking car there were somewhere between 50 and 60 drunken woodsmen or icemen, I don't know which. Fully 30 of them got off at Portland and the next morning in court there were many familiar faces there. I don't know how many, approximately I should say 10 or 12. On another occasion at Brunswick the same conditions prevailed, and coming from Lewiston and getting on the train at Brunswick on the main line, the same conditions prevailed.

Q. Can you state other instances, if there are such? A. We have to contend with all the strangers who come from all the big jobs on the railroads, the Lewiston grading, work on the Portland railroad, works at Bonny Eagle, and all those things. We get the overflow into the city of Portland.

Q. State whether or not during the last year or so you have been called out of the court room for the purpose of taking part in seizures? A. I have.

Q. You are not a regular liquor deputy? A. No, sir.

Q. How many times have you been called out? A. I should say three or four times.

Q. At whose request? A. Sheriff Moulton's.

Q. What do you know about the willingness of the county commissioners to pay the expenses of the county officers generally, and especially in reference to deputies engaged in this sort of work? A. When I went in as a deputy I was attached to the supreme judicial court which took up three months. The understanding was that I should take care of the criminal end on account of my experience in New York. I went on several criminal cases and found that the commissioners were not disposed to pay me. They claimed it was not in the province of the commissioners to pay deputies, that it was up to the county towns to pay for their own investigations and I absolutely refused to take any more cases.

Q. What do you know about Mr. Mc-

Donald requiring liquor deputies to go through the country and attend to criminal cases? A. They have been compelled to go on the street. I come in contact with those things although I am in the lower court. In my capacity as an officer of the superior court, I have all the commitments and mittimuses to issue. A great many men are bailed out and a great many mittimuses are issued. I continually visit the lower court and pick out those men. In connection with that work, I have come across a great many mittimuses issued where fines are imposed of \$100 and costs and 60 days in jail. From my knowledge, I have been able to pick these men out and I have collected \$750.00 the last year that Cumberland county refuses to pay me one cent for it seems that the attitude of our county commissioners has —

The ATTORNEY GENERAL: I guess this has gone about far enough.

The SPEAKER: The county commissioners are not on trial. A. Yes, sir, but they have testified that we could have anything we wanted.

Mr. GULLIVER: What have you observed as to the enforcement of the law against the sale of intoxicating liquor in Portland in the last three months? A. Being a total abstainer, I do not come in contact with these things, unless sent out on special occasions. I have not been in five bar rooms since I was appointed deputy sheriff.

Q. I ask whether you have observed the general matter of the liquor law enforcement when about your business and as a part of your duty? A. I think the conditions are very good.

The ATTORNEY GENERAL: No questions.

Mr. Leroy S. Sanborn, having been duly sworn, testified as follows:

Examination by Mr. Gulliver.

Q. State your full name. A. Leroy S. Sanborn.

Q. You have lived in Portland a great many years? A. Forty-three.

Q. What is your present business? A. I am a contractor.

Q. Be a little more specific. A. I am a mail contractor, and contract for large wholesale houses, have teams and do

their hauling of freight to and from the steamers and to and from the depot.

Q. Whether or not your duties as a mail contractor and your other business brings you to the various sections of Portland? A. It does, especially my trucking business.

Q. Both day and night? A. Not so much at night, but late in the afternoon and very early in the morning.

Q. Whether or not your business takes you to the freight depot and steamboat lines? A. Every day.

Q. Have you observed any large quantity of beer at those places or being delivered on the streets? A. No, sir, I do not. I do not recall for the last year and a half of a single team with a case or a box to my knowledge or a keg of anything.

Q. As I understand it, you were formerly city auditor of Portland? A. Yes, sir.

Q. And also formerly assistant postmaster there? A. Yes, sir.

Q. What have you observed, if anything, as to intoxication on the streets during the last few months? A. I can say that to my mind there is great improvement. What drunkenness I have seen is much different from what I used to see. I will tell you why —

(Objected to.)

Q. You may go on with your testimony, I have no objection to it. What is the difference, Mr. Witness?

(Objected to.)

The SPEAKER: What is the difference in the character of the drunks? Is that the question? —

The ATTORNEY GENERAL: The difficulty was not with the question, but with the way the witness answered.

Mr. GULLIVER: What have you observed as to the conditions of enforcement during the past three months? A. It was a question I do not exactly understand. I have heard it several times this afternoon. Whether I observed them in the enforcement of the law or in executing the law. Which do you mean?

Q. I think the question is a plain one to answer. A. As far as the enforcement of the law is concerned, I cannot tell. I cannot get it through my head.

Mr. PATTANGALL: I wish to call the attention of the speaker that the witness had got as far as the different conditions.

The SPEAKER: Ask another question.

Mr. GULLIVER: What I desire is to call to your attention the conditions in Portland, as to the enforcement of the prohibitory law. A. To my mind there is a great improvement over—well, within the last year and a half.

The ATTORNEY GENERAL: No questions.

Mr. L. M. HAMLIN, having been duly sworn, testified as follows.

Examination by Mr. GULLIVER.

Q. What is your full name? A. Lemam M. Hamlin.

Q. What is your occupation? A. Superintendent of schools in South Portland.

Q. Can you tell the convention how many soldiers there are quartered at South Portland? A. I am sure I do not know the exact number at Fort Williams, but I should say perhaps 500.

Q. Are there any other Forts at which there are soldiers in South Portland or Cape Elizabeth? A. No. There is Fort Preble. I don't know about that.

Q. What have you observed as to drunkenness in South Portland and Portland during the past six months? A. I have not been in a position to examine very critically in relation to that, but I should say the liquor conditions were about the same as I have seen them for—

Q. The question I asked you was directed to intoxication and the sale of liquor. Answer as to intoxication as you observed it. A. As I have observed it, it has been about the same for some time. No change.

Q. What do you say as to the number of cases brought into the municipal court of South Portland during the past three months for intoxication? A. I have not been in a position to compare it with the past very definitely, but being city clerk before my present office, I have known that there were a few brought into the municipal court, perhaps within the

past three months, ten, eight or ten. I should say.

Q. What have you observed as to the liquor law enforcement during the term of Sheriff Moulton? A. Do you mean by term since the first of January?

Q. Yes. A. I have not been in a position to judge definitely in regard to it, but I should say about as it has been before, from what I have seen. Whether it has been or not, I cannot tell.

Cross Examination by the Attorney General.

By the ATTORNEY GENERAL.

Q. You were in Bridgton for a year, were you not? A. Yes, sir.

Q. As a matter of fact, Mr. Hamlin, were you knowing to instances or not as to the conditions on the cars in South Portland relating to considerable trouble with the soldiers in the last two months, fighting, etc.? A. I recollect there was trouble on the cars.

Q. So that they stationed soldiers on the cars? A. I am not aware of that.

ARTHUR W. JORDAN, having been duly sworn, testified as follows: Examination by Mr. GULLIVER.

Q. State your full name, Mr. Jordan. A. Arthur W. Jordan.

Q. Where are you employed? A. Casco National Bank, Portland, Maine.

Q. Have you lived in Portland for some years? A. 34.

Q. What have you observed Mr. Jordan, as to intoxication in and about Portland in the past six months? A. I would like to state, Mr. Gulliver, that I, as a municipal officer in the city of Portland and as a member of the city government there, it becomes my particular charge under the statute of the State of Maine, to make complaint to the sheriff of the city of Portland of infractions of the law in regard to houses of ill-fame and liquor, etc., that come to my attention through complaint of its citizens. After being elected alderman of the city of Portland in December last, it came to my notice in the public press, the allegation or the statement that there were bar-rooms in Portland conducting

themselves somewhat openly and I notified the respondent in this case, Sheriff Moulton, that in as much as I was a Republican and he was a Democrat, there would be chances that I might have complaints to make to him if written complaint was served on me, in as much as there was a penalty of \$50 fine. I took no chance and should immediately notify him. He said to me, "Mr. Jordan, do you know of any place of your own personal knowledge?" I said, "No, sir, I do not." He said, "If you find any places selling liquor in your city, if you have any complaint of places made to you, as a municipal officer, I shall deem it a favor if you will so notify me, sir, and I will use the endeavors of the sheriff of Cumberland County to close them out. There is no man in Cumberland County who has any strings on me or who is entitled to any favors." That was the sheriff's reply to me in regard to my questioning him. I am about the city and have been there for four years in an official capacity, as councilman three years and as alderman one year in the city of Portland, on several important committees that take me to all parts of our city. I thought, I would have told you, gentlemen, that we had the most beautiful city in the State of Maine, until I heard spotters, stool-pigeons, and ministers—

Q. Just a moment—just state conditions.

Attorney General WILSON: You had better confine yourself to just answering the question. A. I am answering the question in full.

The SPEAKER: It seems to be a little bit too full.

The WITNESS: I thought I could evade questions and save time.

The SPEAKER: Counsel have certain ideas about guiding the testimony that it may not be objectionable.

Q. Now, Mr. Jordan, without arguing the case, please state what you have observed as to intoxication on the streets of Portland within the last three months. A. I observed very little intoxication on the streets of Portland. I know that there are ar-

rests made for intoxication because I frequent the departments of the city and the police station. I have seen arrests made there and people brought in there.

Q. What observations have you made within the last three months as to the sale of liquor in kitchen bar rooms, Italian places and pocket peddlars, etc.? A. I know nothing of such sales, sir.

Q. Have you heard of any such sales going on to any extent? A. No complaints, sir, since I have been in office.

Q. Have any complaints been made to you as a municipal officer within the past two years? A. No, sir.

Q. As to violations of the liquor law? A. No, sir.

Cross Examination by Attorney General Wilson.

Q. I understand you took all these precautions on account of the statutory penalties, Mr. Jordan. A. Not only that, sir, I feel a keen interest in Portland.

Q. Oh, yes. Now has your interest been keen enough to cause you to visit 102 Preble street? A. I can answer all of your inquiries on that line by stating that—

Q. I don't want a stump speech. Won't you answer that question. A. I have visited no bar rooms in Portland, sir.

Q. So that your interest that you have shown has not led you to go around to visit any of these places that have been testified to—that is correct? A. I have been past every one of them.

Q. Have you been past the one on Preble street? A. Yes, sir.

Q. Never seen any signs of liquor selling there? A. I haven't.

Q. Have you been into the Preble House bar room? A. No, sir.

Q. I understand you have not been inside any of these places. A. No, sir.

Q. Your investigation about the city is simply going about the streets, going along the streets, by them? A. Investigations of what?

Q. Investigations or observations?
A. Of what, sir?

Q. Saloons, liquor places. A. I have made no investigations of liquor saloons.

Q. Have you made any observations of them? A. I have made observations of these places I have learned of since I came here. I have been by them many times.

Q. What ones? A. Would you like to have me specify all of them?

Q. Well, the ones you have noticed, start in on Center street. A. I have been by all of them that are in Portland that are on this list.

Q. Have you made observations of all of them? A. I think I could tell you what the outside looks like. I never have been on the inside. I have never seen any drunkenness or persons hanging about there, hollering blue, or looking suspicious in any way. I have never been held up in front of any of them.

Q. Seen any watchers at these saloons within a year or so? A. I haven't seen any.

Q. But you have observed all of those places there? A. Being familiar with the city, I could tell you what the outside of about all of those buildings look like.

Q. Were you observing to see whether or not there were any signs of intoxicating liquors sold in those places? A. I couldn't tell you about the inside. They don't tell anything on the outside.

Q. You say you observed the outside of those places there. Now I ask you if you were observing them for the purpose of determining for your own benefit as to whether or not intoxicating liquors were sold in any of them? A. Oh, no. I have not been securing evidence of that description at all.

Q. So that your interest in the city and your desire to have this matter cleaned up if anybody made any complaints didn't lead you to make any personal observations? A. Except as to general conditions on the streets, known the conditions on all of the streets of Portland. I consider them high-class, Mr. Wilson.

Q. Well, if liquor was being sold as openly as has been testified here in 25 or 30 places would you consider that a high-class condition? A. It has been the surprise of my life to have been here two or three days and to have learned this. It is a sorrow to me, sir.

Q. Now, I suppose you will go right home and complain to the sheriff, won't you? A. I beg your pardon.

Q. You will immediately proceed and make complaints to the sheriff to save you from the \$50 fine? A. Well, I think Mr. Moulton has been here and heard it and I think he will do it himself. I don't believe he knew it. I believe he is an honest man, sir.

Q. You don't see how he could have known anything about this, since you didn't?

Mr. GULLIVER: The witness has not so stated. A. I can't tell you what Mr. Moulton knows, sir.

Q. I understood you to say you didn't think he knew. A. I stated that I believed Mr. Moulton was as much surprised at this as I was.

Q. I understood you to say you thought he didn't know anything about it. A. I don't think he did until he came here. I have known him a good many years as a man. I am not connected with him in any way, sir.

EDWARD M. GRAHAM having been duly sworn, testified as follows:

Examination by Mr. Gulliver.

Q. State your full name, Mr. Graham.
A. Edward Murray Graham.

Q. Are you the manager of the Armstrong Restaurant at the Union Station in Portland? A. I am.

Q. Is that one of the places mentioned in the petition as being a place where liquor was sold. A. I understand so.

Q. What do you say in that respect?

ATTORNEY GENERAL WILSON: We are ready to make the admission in this place, if my brother wishes it?

Q. What is your admission? A. We do not sell liquor in the Union Station, haven't for the last nine years to my personal knowledge.

Q. What observations have you made

at the Union Station as to drunks coming in from Boston and on trains from the east? A. At this time of year, or rather in the last two and three weeks we have had agreed many men coming in from the woods, from the lower woods, going up on the Mountain division on the river drive; some mornings as many as 150 to feed at one time. Those men in a large majority are in various stages of intoxication, some of them, very much drunk. That also applied this year to a great many men going down on the rivers cutting ice. These men come in on Train No. 8, arriving in Portland, if on time, ten minutes of five. They remain over, if going on the Mountain division until ten minutes of nine. They are instructed to remain on the cars. They don't always do so. I have frequently met groups of them going up Congress Street as early as six o'clock in the morning when I was going on duty. For what purpose, of course, I don't know; they themselves in various stages of intoxication.

Cross-Examination by Attorney General Wilson.

Q. Some of them get away and stay around Portland occasionally? A. I understand from those in charge of these men that they usually lose from 2 to 5 men who remain in Portland, steal away because of having had their fare paid as far as Portland.

Q. I understand you have been employed at the Union Station only for 9 years. A. 9 years—7 years residential manager.

Q. As a matter of fact is your place on this list here? A. I never knew it to be, until I found 1072 Congress street, or 972, was listed as the Union Station.

Q. Union Station really fronts on St. John street? A. Our gas meters are so placed, 284 St. John St.

Mr. GULLIVER: Now Mr. Harlow is here and Mr. Labrise. They are the occupants of certain buildings mentioned in the message of the Governor. Mr. Harlow at 947 Congress street and Mr. Labrise at 935 Congress street.

May it be stated of record that the witnesses if called to the stand will testify that no liquors were sold either by Mr. Harlow at 947 or Mr. Labrise at 935 Congress street during the administration of Mr. Moulton.

ATTORNEY GENERAL WILSON: We will accept that.

The SPEAKER: There is no objection.

DANIEL L. BOWEN having been duly sworn, testified as follows:

Examination by Mr. Gulliver.

Q. What is your full name? A. Daniel L. Bowen.

Q. And are you city messenger of the city of Portland at the present time? A. I am.

Q. How long have you held that office? A. 2 years and 4 months.

Q. Do you recall going to Sheriff Moulton with any complaints from Mayor Curtis relative to liquor violations? A. To his deputies.

Q. And when was it if you recall? A. Last summer.

Q. Do you recall the places complained about? A. There was a place on Hanover street, a place on Portland street, and a place on Preble street.

Q. And do you know what action was taken by the deputies in respect thereto? A. Yes, they seized them and closed them up.

Q. Immediately? A. Yes, sir.

Q. Have you ever taken any other complaints to Sheriff Moulton or any of his deputies? A. I have not.

Q. Have you ever known of any complaints being made to them which they did not pay heed to? A. I do not.

Cross-Examination by Attorney General Wilson.

Q. What was the place on Federal street, Mr. Bowen, do you know? A. I couldn't tell you the number, I couldn't tell you the numbers of any of the places.

WILLIAM L. COBB having been duly sworn testified as follows:

Examination by Mr. Gulliver.

Q. State your full name, Mr. Cobb. A. William L. Cobb.

Q. And your business is what? A. Clerk.

Q. By whom are you employed? A. A. R. Wright Co.

Q. Do you know how many men they employ? A. Why, outside of the office help we have some 40 men.

Q. A. R. Wright Co. is engaged in the

coal business on Commercial street? A. Yes, sir.

Q. How many men did you say? A. Some 40 men outside of the office help all of the time.

Q. These are regular men? A. Those are regular men.

Q. Now how many men do you employ from time to time in the discharging of coal from vessels? A. Why, all the way from 15 to 30 men, I should say. According to the size of the vessels.

Q. And whether or not you are about the city more or less collecting accounts for A. R. Wright? A. I am, yes, sir.

Q. And in all parts of it? A. Yes, sir.

Q. That is of daily occurrence? A. Every day, yes sir, except Sundays and holidays.

Q. Whether or not you have observed during the last few months conditions in Portland as to intoxicated people on the streets. A. I have seen very few, sir.

Q. And what have you to say as to the number compared to—well, we have been limited to 2 years and 3 months—as compared to 2 years before that time? A. No more.

Q. No more? A. No more.

Q. No less? A. Why, it would be hard to say.

Q. Do you have any trouble with your men at the present time about reporting for work Monday morning in a sober condition? A. Why, we have very little.

Q. How does that compare with the same men under different conditions?

Attorney General WILSON: Now, just a moment. What do you refer to? Suppose you get the time in there.

Mr. GULLIVER: I suppose you will keep me to Sheriff Moulton's administration.

Attorney General WILSON: It has been hard work to.

Q. During the last 2 years and 3 months? A. There has been no increase.

Q. Mr. Cobb, what have you to say as to enforcement of the liquor law by Sheriff Moulton during the last 2

years and 3 months? A. I have no means of knowing as to the enforcement.

Q. Do you know of the existence of any kitchen bar rooms or Italian places or pocket peddlars during the past 2 years and 3 months? A. No, sir.

Q. Have you known of those places before that time?

Attorney General WILSON: Just a moment.

Mr. GULLIVER: Right on your job—

Attorney General WILSON: We object.

Mr. GULLIVER: I suggest instead of the objections, Bro. Wilson, that you have a block signal.

Attorney General WILSON: We need one.

Mr. GULLIVER: With the permission of the President and the officers, I will excuse some witnesses whose testimony it seems to me would now be simply cumulative.

HARRY HARTFORD recalled.

Mr. PATTANGALL: The Attorney for the prosecution desires to ask you a question.

Examination by Attorney General Wilson.

Q. You testified in your direct examination something about closing up Sundays and holidays. Did you have a rule about that? A. I think you misunderstood me.

Q. Well, I want to understand what you mean by it. A. Keep after the kitchen places and low dives that were bound to do business on those days worse than other days.

Q. What about the saloons? Did you pay any attention to them on those days? A. Yes, sir.

Q. Well, do they keep open? A. Sometimes we found them open.

Q. Well, what ones? A. I couldn't tell you.

Q. Well, the most of them close, don't they? A. Yes, sir.

Q. And the most of them close after 10 o'clock? A. I couldn't say as to that.

Examination by Mr. Gulliver.

Q. What did you do, Officer, in respect to certain complaints, following up certain complaints? A. Each day there was a complaint came to the office, brought in person or received by letter, a warrant was immediately sworn out for the place and we followed that method up until we were satisfied that there was nothing doing or until we caught some one; and we received a great many complaints and it took a great deal of our time.

Mr. PATTANGALL: If you please, Mr. President, I think everything else we have would be purely cumulative excepting putting on the deputies and they may be examined on any points the prosecution desires, and as I don't know the names, Bro. Gulliver will call one of them to the stand.

WALTER B. HALL having been duly sworn testified as follows:

Examination by Mr. Pattangall.

Q. Will you state your full name please? A. Walter B. Hall.

Q. Do you reside in Portland, A. Most of the time.

Q. And are you one of Sheriff Moulton's deputies? A. Yes, sir.

Q. And have you been one of those who have been designated as a liquor deputy? A. Yes, sir.

Q. For how long a time? A. For 2 years and 3 months.

Q. During his entire term? A. Yes, sir.

Cross-Examination by Attorney General Wilson.

Q. Mr. Hall, you heard Mr. Hartford's testimony that out of the 68 seizures you made since the first day of January that 48 of them were against kitchen bar rooms. Is that correct? A. I think it must be if he said so.

Q. If he so stated, you have no question as to his correctness? A. I should believe him if he told me so.

Q. And it is also true that you have made no seizure at 102 Preble street since the first day of January? A. Why, I couldn't say surely about that but I don't think we have.

Q. Or at Tim Brownrig's place, do you know where that is? A. Tim Brownrig's place?

Q. Yes. A. What number is it?

Q. Do you know Tim Brownrig? A. I have seen Tim Brownrig.

Q. And do you know whether he occupies a place down on Commercial Place or not? A. No, I do not, not to my knowledge.

Q. Well, have you made any seizure at 45 Commercial street since the first day of January? A. I don't think so.

Q. Well, do you know Big Pat Sullivan? A. I know a man they call Big Pat Sullivan, yes sir.

Q. Know where his place is? A. I do not.

Q. Well, have you made any seizure at 545 Commercial street since the first day of January? A. I don't think so.

Q. Or made any seizure since the first day of January at the place over here known as Jim Murchie's place, at the corner of Center and Pleasant streets, No. 1? A. We have in the house.

Q. In the bar-room, I mean, saloon? A. I don't think we have. We have upstairs in the house.

Q. Kitchen bar-room upstairs? A. Yes.

Q. You didn't seize in the saloon below? A. I don't think so.

Q. Well, the northeast corner of Fore and Center streets, did you make any seizures there since the first day of January? A. I think it was in December.

Q. Haven't got any this year there? A. I don't think so.

Q. Most of your time has been confined to kitchen bar-rooms hasn't it? A. Why, we have had a great many complaints and we have attended to them a great deal, most of our complaints from them.

Q. You haven't had many complaints from these saloons, like 102 Preble or Andrew Eagan's? A. We never have unless we have sworn out a warrant at once and attended to it.

Q. Have you been into those places since the first of January? A. I don't know as we have into some of those you have mentioned; we have in lots of what you call bar rooms.

Q. He testified there were 20 places he

called bar rooms. Have you been into them since the first of January? A. I don't think I have been in all that you have mentioned.

Q. You haven't made a seizure at No. 9 Exchange street since the first day of January? A. No, sir.

Q. Or 13 Temple street? A. I don't think so.

Q. Or at the Preble House? A. I don't think so.

Q. Or any of the places on Center street above Fore? A. We have made several seizures on Center street.

Q. Since the first day of January? A. Yes, sir.

Q. In the saloons at the corner of Free and Center—two there, aren't there? A. We made one a week ago Saturday night, in a shop down on Center street.

Q. Where was it? A. I think it was 59, but I wouldn't be sure. It was about half way from Center up to Free.

Q. From Fore to Free, you mean? A. Yes, from Fore to Free.

Q. That is, going down? A. Yes, sir.

Q. But not at the corner of Free and Center? A. Not at the corner, no, sir.

Q. What do you know about these places closing up Sundays and holidays? Do these saloons on those corners close up on those days? A. I never have seen any of them open on Sunday.

Q. Have you on holidays? A. I think not.

Q. What about those on the corner of Center and Free streets? Have you noticed whether they were open on holidays? A. I don't know as I ever noticed in particular.

Q. One of your special things was to go after these places, particularly the kitchen bar rooms on holidays, wasn't it? After all places that were selling liquor where we had complaints.

Q. You didn't always wait until you had complaints, did you? A. We had them most of the time.

Q. You didn't always wait for complaints, did you, A. No, sir.

Q. Didn't you state—or perhaps it was Mr. Hartford stated that it was on the holidays that you paid special attention to the kitchen bar rooms. Was that true? A. I think quite likely that was right.

Q. And you never noticed whether

these saloons were open on those days or not? A. I don't think they were.

Q. They behaved pretty well on holidays, as far as closing up was concerned, didn't they. A. I think likely enough they did.

Re-direct Examination.

By Mr. GULLIVER:

Q. I wish to ask Mr. Hall a few general questions. Whether or not you ever received any complaint but what received prompt attention? A. Never; no, sir.

Q. Whether or not you have heard of a place known as Tom Brownrig's? A. I have heard of the place, yes.

Q. Whether or not seizures were made there within a year? A. They have been.

Q. Whether or not seizures have been made in every place mentioned by the attorney for the state in the direct examination, within one year? A. Yes, sir.

Q. Whether or not your services at the January term of court and the seizures recorded since the first of January, 1913, have required all the time of the liquor deputies? A. Yes, sir.

Q. And what have been your hours of labor during that period? A. They have been long ones.

Q. What have been your instructions from Sheriff Moulton relative to strictly enforcing all the complaints? A. He always told us to attend to all complaints.

Q. And whether or not he has instructed you to enforce the law to the best of your ability? A. He has.

ATTORNEY GENERAL WILSON:

How many seizures have you made down to Mr. Brownrig's place, Mr. Hall in the last year? A. I don't know as there has been more than one made there.

Q. And that was last December, wasn't it? A. I think there was one made there in December; I am quite sure there was.

Q. And since January you have made three seizures from teams. Do you know whether you made any seizure from Big Pat Sullivan's teams? A. I don't know.

Q. Or Brownrig's teams? A. I don't know.

Mr. GULLIVER: I will ask you this

question: There has been a good deal of talk about teams, Big Pat Sullivan's and Brownrig's. Have you ever observed any teams hauling quantities of liquor through the streets of Portland in the day time but what you have seized upon? A. No, sir.

ATTORNEY GENERAL WILSON: Have you seized any except those three? A. I think we have. Why, yes, we have seized more teams than three loaded with liquor.

Q. Since the first day of January? A. No, not since the first day of January.

Q. In the last year and a half have you, or year and three months, have you seized any teams that you knew belonged to Big Pat Sullivan? A. I couldn't swear that they did.

Q. Or of Tom Brownrig? A. I think we got a team once that belonged to Tom Brownrig. I couldn't swear to that, but I am quite positive it did belong to him.

Q. You are not quite sure of it? A. No.

Q. Was that in the day time or night time? A. It was in the day time.

Q. Do you know that they have liquors come on the Boston boat and the Boston & Maine? A. We have seized stuff there that belonged to them.

Q. Not since the first day of January? A. No, sir.

Q. Haven't made any investigation since that time? A. We have been quite busy since that time otherwise.

Mr. PATTANGALL: You don't stay on duty all night? A. We are usually there until 11 o'clock, and Saturday nights we hardly ever get out of there until one o'clock.

Q. About what time do you go on duty in the morning? A. All the way from seven o'clock to eight or half past.

Q. You have six or seven hours that you don't stay on duty? A. Not more than that.

ERNEST F. MORTON, called and sworn, testified as follows:

By Mr. PATTANGALL:

Q. What is your name? A. Ernest F. Morton.

Q. You live in Portland? A. Most of the time; my home is in Freeport.

Q. And are you a deputy sheriff? A. Yes, sir.

Q. Under sheriff Moulton? A. Yes, sir.

Q. Are you one of the men who has been spoken of as a liquor deputy? A. Yes, sir.

Q. How long have you served in that capacity? A. Since July 1st, 1911.

Cross-Examination.

By Attorney General WILSON:

Q. Did you hear the testimony of Mr. Hartford as to the seizures made since the first of January? A. No, I have read them.

Q. You have read the list, have you? A. Yes, sir.

Q. And those are correct, are they? A. As far as I know, yes.

Q. And when he stated that 48 of them were against kitchen bar rooms, that is correct, is it? A. If he said so, it is right.

Q. He would know about it? A. He wouldn't lie about it.

Q. He would know about it? A. Yes, sir.

Q. I wasn't intimating that he would lie about it. A. Yes, he would know.

Q. And what he has stated and what Mr. Hall has stated with reference to seizures at these several places, 102 Preble street and the corner of Free and Center streets and Fore and Center streets and Tom Brownrig's place and Pat Sullivan's place are all correct, are they? A. I can say as to the streets and numbers, but Pat Sullivan's place and Brownrig's place I don't know about.

Q. You don't know where Tom Brownrig's place is? A. I know there is a place that is said to be his, but I don't know.

Q. Where is it? A. 45 Commercial street.

Q. You know it has the reputation of being run by him? A. Yes, sir.

Q. Do you know the place that is reputed to be run by Patrick Sullivan? A. I never went there.

Q. You never went down to his place? A. No, sir.

Q. How long have you been a deputy? A. Since July 1st, 1911.

Q. That is almost two years. A. It is a year and a half last January.

Q. And in that year, and a half or

two years you haven't been down to Big Pat Sullivan's? A. haven't happened to; the other boys have been down that way; I haven't happened to go there; I have been in other places.

Q. Now during the last three months have you been into Andrew Eagan's place; do you know where that is? A. No.

Q. Don't know it? A. No, sir; I don't know it.

Q. Or down to Mulkern's place? A. I don't know any such name.

Q. Have you been into the Preble House bar in the last three months, since the first of January? A. No, sir.

Q. Do you know that they run one there? A. I have heard so; of my own knowledge I don't know it.

Q. No complaint has come to you as I understand about it. A. No, sir.

Q. You may have heard that they had, but nobody complained about it? A. No, sir.

Q. Any complaint come to you about 102 Preble street? A. No, sir.

Q. Hollywood's place? A. Not since the first of January.

Q. And you haven't been into it since the first of January? A. No, sir.

Q. Have you heard that they run a bar at the corner of Center and Free streets, on the northwest corner, since the first of January? A. Have I heard that they did?

Q. Yes. A. Only what has been said here.

Q. That is, you didn't know that before? A. No, sir.

Q. And did you know that they run one on the northeast corner of Center and Fore streets until you heard it here? A. Northeast corner of Center and Fore?

Q. Center and Free streets? A. I think we made a seizure there in January; I won't be sure.

Q. Did you know they were running there since the first day of January until you heard what was said here? A. No, sir; I didn't.

Q. And did you know they were running one at No. 1 Pleasant street, since the first day of January? A.

No, sir; not of my own knowledge; it was news to me.

Mr. GULLIVER: He said not of his own knowledge.

Attorney General WILSON: Did you have any suspicion that they were? A. No.

Q. Did you go up-stairs when they made the seizure in the tenement overhead? A. I did.

Q. But nothing aroused your suspicion about the place down underneath? A. No, sir.

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

Q. That was since the first day off January? A. I can't remember about that.

Q. And how many times have you been down to that corner since the first day of January? A. I couldn't say.

Q. Many times? A. Yes, sir.

Q. A good many times? A. Why, I can't say.

Q. Either there or go by it? A. We have to go that way, yes.

Q. And have you any knowledge of the bar being run on the northeast corner of Fore and Center streets since the first of January? A. Northeast corner of Fore?

Q. Fore and Center, opposite the Jim Welch place at No. 1 Pleasant street? A. No, sir.

Q. The Gaff Topsail—anything come to your knowledge about that place since the first day of January? A. I have heard no complaints; no, sir.

Q. You have heard nothing about it since the first day of January? A. No, sir.

Q. Did I ask you anything about Andrew Eagan's place? A. Yes.

Mr. GULLIVER: Just a question, Mr. Morton. Is it possible for four men to search every place where you suspect liquor may be sold in Portland, daily? A. Do you want my opinion?

Q. I want your answer? A. It is impossible.

Q. You have testified in answer to the attorney for the State that as to certain places which he mentioned that were selling liquor since the first day of January, that you didn't know. Do you mean to say you didn't know of your own personal knowledge? A. That is what I meant, yes.

Q. What have you to say as to your suspicion as to those places? A. I have suspected them; yes, sir.

Q. You have suspected that the places where you seized before have to a certain extent continued the same business, haven't you? A. We always did.

Q. Now, whether or not you received instructions from Sheriff Moulton from time to time as to the enforcement of the Prohibitory law? A. I have once or twice.

Q. Has he not given you special instructions as to the enforcement of law against kitchen places, Italian resorts and pocket peddlers? A. He has.

Q. Whether or not he has ever told you to protect any places in Portland? A. No, sir.

Q. In the sale of liquor? A. Never.

Q. Have you or any of your associates ever protected any place in the sale of liquor? A. Not to my knowledge.

Q. Or consented to their selling? A. Never; no, sir.

Q. I will ask you this: Whether or not, having in mind your other duties, you have enforced this law to the best of your ability? A. I have done the best I could.

ATTORNEY GENERAL WILSON: 102 Preble street, Hollywood's place, you know where that is? A. I have been there; yes, sir.

Q. If that was running with an open bar and a stock of liquors behind it and two bar tenders, or one or two bar tenders such as has been testified to here—I don't know whether you heard it or not—would you have any difficulty in going down there and making a seizure at any time? A. If such a place were running we wouldn't; no, sir.

Mr. GULLIVER: But I suppose you are like the rest of us, you can't be in more than 50 places at once? A. No, sir; we have a lot to do.

Q. You are not possessed of any supernatural powers? A. No, sir.

Q. That is, not that you know of? A. Not that I know of.

Mr. PATTANGALL: Some little question has arisen between counsel as to what papers and what tabulations have been offered and what have not. We won't have any trouble in agreeing to it, and we will agree in an agreeable way to use any that have been offered, and with the exception of a matter of purely formal evidence that does not go to the issue involved here, we rest our case here; and I want to put in, I will say, so that the presiding officers and the convention will understand it, that the formal evidence is simply in connection with the motion which we have filed, and which may or may not be of any legal use to us, and I will put it in in the morning, and it will take but a moment; also the record of the going out and the coming in of members so far as we have kept it, simply to note the fact that all were not present all the time.

The SPEAKER: You are aware, I presume, that we have kept a record too.

Mr. PATTANGALL: I just thought I would like to have something go in in the way of evidence, and it won't take but a moment to put it in.

The SPEAKER: The testimony is substantially closed then.

Mr. PATTANGALL: Yes, but if there is anything omitted by either party we will take it for granted that it can go in.

The PRESIDENT: The Chair desires to state that when the convention recess is taken as it will be in a few moments until morning, those in the rear of the hall will remain seated until the Senate passes out. The Senate will retire to the Senate Chamber, and each branch will then resume its session tonight for a few minutes.

On motion by Mr. Austin of Phillips the convention took a recess until tomorrow morning at half past nine o'clock.

The Senate thereupon retired to the Senate chamber.

IN THE HOUSE.

On motion by Mr. Thombs of Lincoln, Adjourned until tomorrow morning at nine o'clock.