

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

IN THE HOUSE.

Wednesday, April 9, 1913.

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

Prayer by Rev. Mr. Minot of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Report of the committee of conference on disagreeing action of the two branches of the Legislature, on bill an Act to provide for the appointment of road commissioners by selectmen, reporting that they recommend for the Senate to recede and concur with the House in the adoption of House Amendment A and the passage of the bill, as amended by House Amendment A.

The report was accepted.

From the Senate: Report of the committee of conference on the disagreeing action of the two branches of the Legislature on bill, an Act to establish the Lincoln municipal court, reporting that said committee is unable to agree, signed by Messrs. Cochran, Jones and Wheeler, on the part of the House, and Messrs. Boynton, Bailey and Richardson, on the part of the Senate.

Mr. Cochran of Edgecomb moved that the House adhere to its former action.

The Thombs of Lincoln moved that the House recede and concur with the Senate in the passage of the measure.

The SPEAKER: The gentleman from Edgecomb, Mr. Cochran, on this matter on the disagreeing action of the two branches, the committee of conference having reported that they could not agree, moves that the House adhere; the gentleman from Lincoln, Mr. Thombs, moves that the House recede and concur with the Senate, which motion has precedence. The disagreeing action is in the Senate the passage of the bill to be engrossed, and in the House the passage of the bill to be engrossed as amended by

House Amendment A. The motion of the gentleman from Lincoln, Mr. Thombs, is in order. The question before the House is whether or not the House shall recede and concur with the Senate in the passage of this bill to be engrossed without the amendment.

Mr. COCHRAN of Edgecomb: Mr. Speaker, is the matter in such form that remarks may be made at this time?

The SPEAKER: Certainly.

Mr. COCHRAN: Mr. Speaker, I have had sent to me a letter and a remonstrance, and if in order I would like to read these. The letter is as follows:

"Whitefield, Me. April 5, 1912.

"W. H. Cochran,

Dear Sir:

Enclosed please find petition of remonstrance. I find that everyone is against having the court. We are much pleased with your stand and hope you will continue.

Yours truly,

(Signed) W. C. FORD."

I also have a petition or remonstrance; I never have solicited this at all. This remonstrance says: "We the undersigned, citizens of Whitefield in the county of Lincoln, respectfully represent to the Senate and House of Representatives of the Legislature of Maine that we remonstrate emphatically against the establishment of a municipal court in said county." This remonstrance is signed by 36 more people, and the chairman of the county commissioners is one of the signers.

Now, gentlemen of the House, we have four representatives to this measure, none of the Representatives from Lincoln county but one, as I understand it; and the gentlemen who seem to be opposed to it come from distant parts of the State. For that same reason it seems to me as though our Representatives and our people ought to be better acquainted with the conditions and the needs of Lincoln county than those gentlemen.

I am not going into any details in this matter, because I spoke upon this measure two or three days ago, and I am not going to undertake to present the

matter again. It is in your hands to say whether the people of Lincoln county shall have the privilege of voting upon the question to say whether they shall have this municipal court established; it is a privilege that belongs to them under the referendum, and I don't see how any reasonable man is going to vote to deprive them of the privilege of saying whether they shall have this court or not. I have already shown you in regard to the question of cost under present conditions as compared with the cost after the establishment of this court. There will be no injustice in delaying this matter a little while, and I ask that you consider the common people of this county and give them the privilege of saying whether they will have this court or not, in preference to a few special privileges. I hope this motion will not prevail.

MR. PEACOCK of Readfield: Mr. Speaker, I have no interest in this matter, but as a member of the committee on legal affairs I think I should present to you some of the facts that were presented to us in order that you may act intelligently. The gentlemen who appeared in favor of this measure were the members of the Lincoln County Bar, and I think it was a unanimous request of the members of the bar that this court should be established. They gave as their reasons, first, that Lincoln county has only two terms of court, and owing to that fact they are handicapped in adjusting a large number of their matters which will be taken care of by this municipal court.

The other objection was on account of the cost which the trial justice courts of that county had been to the county. The only gentleman who appeared in opposition to this measure—and at that time he didn't know whether he was opposed to it or not—was Mr. Ford, one of the county commissioners. He stated to our committee that the trial justice courts were very unsatisfactory and very expensive. As a matter of economy it appeared to the committee that the municipal court could take care of a great deal more business than the trial justice courts, and the expense would be very much less.

The county commissioner in discussing

this matter showed us in regard to the cost, as follows: The total cost in 1902 was \$1573.95; for 1910, \$1279.68; for 1911, \$961.97; for 1912, \$1192.51, making a total cost for the four years of \$5008.11; and the average cost of the trial justice court for each year was \$1152.04. It appeared to your committee that, as the municipal court carried a salary of \$700, and the trial justice courts had been costing over \$1100, that as a matter of economy it would be better for the county to have a municipal court than to depend upon the trial justice court; and for that reason and for reasons already enumerated we submitted a favorable report. For that reason I am in favor of concurring with the Senate.

MR. JONES of China: Mr. Speaker, I am not interested in this matter of the Lincoln municipal court; but I was appointed on the committee of conference, yesterday morning, and that committee were unable to agree. I find, this morning, that my friend from Readfield (Mr. Peacock) takes the opposite view from what he did when he was trying to get a municipal court in Readfield. He then laid a good deal of stress upon the matter of bringing the people from the surrounding towns around Readfield down to Augusta or Waterville. Now, in this matter we are bringing the people from the rural towns of that county to Wiscasset. The question is whether the people of this county want this bill. I think the people in this matter should be considered as well as the bar, and I think you should give due consideration to the people in this matter, and I trust the motion of the gentleman from Lincoln, Mr. Thombs, will not prevail.

MR. THOMBS of Lincoln: Mr. Speaker, I think in voting upon this matter you should take into consideration the size of the county. Lincoln county is a very small county, and your committee was informed that the average distance to be travelled would be no more than 14 or 15 miles from the outlying towns to a court sitting there. Now, throwing everything else aside and out of this argument, this fact remains, that of all the 16 counties of the State of Maine Lincoln county is the only one which has not a municipal court at this time; some have at least half a dozen. Now, I ask you in all fairness to the committee and

to the people who desire the establishment of this court, if it is not well that we should give them this court and let them try it for two years, and then if the people of that county do not want it I feel that the Legislature would revoke that privilege. Mr. Speaker, I ask for a division of the House upon this question.

THE SPEAKER: The question before the House is on the motion of the gentleman from Lincoln, Mr. Thombs, that the House recede and concur with the Senate in the passage of this bill to be engrossed without the amendment. The gentleman asks for a division of the House.

A division being had, the motion prevailed by a vote of 70 to 31.

From the Senate: Resolve in favor of the State House employes for extra work incurred during the session of this Legislature.

On motion by Mr. Swift of Augusta, the resolve was laid upon the table.

Passed to Be Enacted.

An act to legalize and confirm the action of the Litchfield Plains Cemetery Association in its annual meeting on the 7th day of December, 1912.

An act defining the terms "veterans of the Civil War in the service of the State."

An act to regulate the sale of morphine and other hypnotic or narcotic drugs.

Finally Passed.

Resolve in favor of Donald Gates, page to the press room.

Resolve in favor of C. A. Gage for services as clerk and stenographer to the committee on banks and banking.

Resolve in favor of Cassie K. Turner for stenographic services to the committee on salaries and fees.

Resolve relating to the amendments to the Constitution providing the time for elections for adopting said amendments.

THE SPEAKER: This resolve on its final passage requires a two-thirds vote, two-thirds of those present, providing a quorum is present. All those in favor of the final passage of this resolve will rise and stand in their places until counted.

A division being had, 104 voted in the affirmative and none in the negative.

So the resolve was finally passed.

Orders of the Day.

On motion of Mr. Austin of Phillips, House Document No. 333, bill, An Act relating to the protection of moose, was taken from the table.

Mr. Austin then moved that the bill be indefinitely postponed.

MR. AUSTIN: I will say for the explanation of the members of this House that this is the bill which received so many amendments back and forth between the two bodies, and which as it stands allows the killing of cow moose. The moose bill is now included in the revision of the fish and game laws, which has been passed by both branches to be enacted.

The question being on the motion that the bill be indefinitely postponed,

The motion was agreed to.

On motion by Mr. Plummer of Lisbon, bill, An Act defining intoxicating liquors within the meaning of the Constitution and providing for the regulation of the sale of certain liquors containing alcohol, was taken from the table.

Mr. Plummer then offered House Amendment A, and moved that the same be adopted.

The motion was subsequently withdrawn:

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

In Convention.

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, Bither, 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, Dunbar, 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, Jennings, Sen. Jillson, Johnson, Jones, Kehoe, Kelleher of Portland, Kelleher of Waterville, Kimball, Lawry, 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, 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, Sanceron, 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, Stanley, Sen. Stearns, Stetson, Stevens, Stuart, Sturgis Swett, Swift, Taylor, Thombs, Tobey, Trimble, Tryon, Twombly, Umphrey, Violette, Sen. Walker, Washburn, Waterhouse, Wheeler, Winchenbaugh, Sen. Wing, Wise, Yeaton.

ABSENT:—Brown, Sen. Clark of York, Donovan, Sen. Emery, Gardner, Hodsdon, Leader, Leveille, Morneau, Ramsay, Thompson.

Mr. PRESIDENT: A call of the roll discloses the presence of 171 members of the convention. Is there any further evidence to be presented by either side?

Mr. PATTANGALL: Mr. President, in Brother Gulliver's opening the vote for sheriff in 1912 in Cumberland county was given, but it does not appear in evidence, and with the consent of the attorney general I would like to have it made a part of the record, that the vote for sheriff in Cumberland county in 1912 was as follows: Moulton, 9519; Trefethen, 6224; Norcross, 281; Graham, 4361. The detailed vote of the towns is not important of course. House Document No. 667 has been referred to in cross-examination at least, if not in examination, and I should like to have that also admitted as part of the case, if there is no objection.

ATTORNEY GENERAL WILSON: Of course that is in being one of the House records.

Mr. PATTANGALL: So that I would have the right to refer to it in argument.

The SPEAKER: Having been referred to in that way it might be made a part of the formal case, but need not be printed again.

Mr. PATTANGALL: Oh, certainly not.

The SPEAKER: And it may be arranged so that each counsel may refer to it as a part of the case.

Mr. PATTANGALL: There is no need that the papers which show the details of the seizures in Portland from time to time and which we have referred to in cross examination should be put in so that they would have to be printed, but counsel on both sides wish to refer to them in argument, and I understand that is agreeable to Brother Wilson.

The SPEAKER: It may be so understood.

Mr. PATTANGALL: Brother Wilson also suggests that any special act, for instance, the city ordinance of the city of Portland, or the address of the Governor, or any public document that he would desire to refer to, or that I would desire to refer to may be considered part of the case for the purpose of argument.

The SPEAKER: Very well, it may be so agreed.

Mr. PATTANGALL: Mr. President, I want at this time to present a final motion for the record, and it will take but a moment to read it. I suppose it is assumed that the several roll calls by the secretary are a part of the record.

The SPEAKER: They are, yes.

Mr. PATTANGALL: I now wish to present 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 during the entire progress of the proceedings that a large number of members of the joint convention have been absent from the said convention for a long space of time during the taking or production of evidence and that those members who have been absent, as aforesaid, will, in substance, vote on the guilt or innocence of the defendant, although they, the said absent members, have not heard all of the said evidence for the prosecution or for the defense and that, therefore, any vote taken by this convention in convention assembled or any vote taken by either branch of said convention with respect to the charges brought against the said defendant will be manifestly unfair and prejudicial to the rights and privileges

of the defendant, which are saved and guaranteed to him under the Constitution of the State of Maine and of the Constitution of the United States, notwithstanding defendant has seasonably objected to this convention, as is more specifically set out on the record of said convention, against members being absent from the convention during the progress of this action.

WHEREFORE, defendant come and objects and therefore moves against the said convention, or the separate bodies of the Senate and House of Representatives making up said convention, taking any vote wherein the truth or falsity of the charges as set forth in House Document No. 665 is in issue and further protests against the separate bodies taking any action tending toward addressing the Governor for the removal of the defendant from the office of sheriff of Cumberland county for the reasons above set forth and further moves that all proceedings hereunder be vacated, quashed and that the said charges be dismissed.

(Signed)

LEWIS W. MOULTON.

By WILLIAM R. PATTANGALL,
WILLIAM H. GULLIVER.

IRVING E. VERNON,

His Attorneys.

Mr. President, I would like to have the motion made a part of the record, and also made a part of the record as to its allowance or otherwise.

The SPEAKER: The secretary will make the motion a part of the record, also the fact that the motion is denied.

Mr. PATTANGALL: And from the denial of the motion we respectfully ask an appeal to the convention.

The SPEAKER: The secretary will make a record of that appeal, and also the further fact that the appeal is refused for the same reasons previously given by the Chair in similar cases.

Mr. Pattangall then addressed the convention in the way of argument as follows:

Mr. President and gentlemen of the convention, I realize only too well that this convention is anxious to complete its work and adjourn, and that to listen to any argument of counsel either on behalf of Mr. Moulton or on

behalf of the State is perhaps even a more disagreeable burden to you than it is to the attorney who is compelled to deliver the argument; nevertheless, I should not feel that I was doing my duty toward my client or toward this case if I did not ask you to bear with me for a brief time at least while I presented to you some matters which seem to me to be worthy of your serious attention, even in these late days of the session.

I realize also that while this convention as a whole sits as a judicial body, and while as a whole its members take unto themselves their duties as jurors and judges seriously, that there is a comparatively large fraction of this convention to which it is folly to attempt to address any argument. I do not say that in criticism of the convention. I have the usual senses possessed by man; my hearing is good; my sight is good; and no man having his senses, in the ordinary term, and possessing ordinary intelligence, could fail to know that the minds of many of this convention had been closed to argument long ere this.

I regret that, but, nevertheless, I realize the fact. To that fraction of this convention I have no argument to address; it would be futile to address one to it. To the members of the convention who state, as has been stated in the hearing of many of us in at least semi-public places long before the evidence closed in this case, that they were anxious only to vote because their minds were made up, it would be useless to address argument; but to that large body of the convention who are fair-minded and who sit here with the full sense of their responsibility upon them, and who desire to do no injustice to anybody but to fulfill to the highest extent the duty which they owe to the State, Mr. Moulton, and all of us, I do desire to address some argument, today.

I want to call your attention first, before going over the evidence here or even addressing myself to the general principles involved, that in your action, today, you have no right to be guided or influenced by anything ex-

cept your desire to render as true and just a verdict as though you were sworn jurors, sitting in a regularly constituted court of law trying a case of great importance involving money, reputation, involving all that is of value to the man against whom charges have been preferred here; you have no right to think for a moment of how your action is to be taken in your constituency; your constituents are not voting here, you are voting; you have no right to vote one way or the other because you believe it to be popular, either here in the heated atmosphere of Augusta or in the cool atmosphere of your homes.

Popular causes may or may not be just; popular clamor may or may not be properly regarded. I remember in reading the history of this State that Maine was once represented at Washington in the Senate of the United States, the highest and most powerful Legislative body in the world, by a great statesman, William Pitt Fessenden. And in the stormy days after the close of the war it appeared that public clamor called for the impeachment of Andrew Johnson, attacked by the press, vilified by his enemies, charged with everything that man could be charged with, attempted to be dragged down by those who disagreed with his public policy. The people of Maine to a large extent, in combination with a great majority of the people of the United States, believed that the wise and proper thing was for the Senate of the United States to impeach Andrew Johnson of high crimes and misdemeanors, and expel him from the office of President of the United States; and the history of our State tells us that when that trial came to be had in the Senate of the United States, forgetting the desire to be popular at home, forgetting the desire to be popular throughout the country, that great senator from Maine interposed his vote between Andrew Johnson and impeachment, and saved his party and this nation from committing an enormous infamy. Maine did not applaud him at the time. Had he desired to come home and have for the moment

faced his constituents he would have yielded, but great man as he was, he stood up in his place in the Senate of the United States and voted honestly and conscientiously for what he believed to be the best interests of his country, not only then but for the future. And although at the time he failed to gain popular applause, today his memory is honored by all the citizens of Maine, by all the students of history in the country, by everybody who admires a brave and honest man.

I call his example to your attention, because I know the temptation that comes to men to yield their opinion to the opinions of others, and to vote not as they think they ought to vote but as they think somebody at home or some newspaper published in their home may give them credit for doing right in voting.

I want to call your attention in a sentence only to the importance of this case. I suppose you realize it; I suppose it is an insult to your intelligence almost to even suggest the importance of it; and yet I can but think that here and there among you, not many but a few, are men who have not approached the trial of this case with quite a due sense of its importance. I may wrong even that few in saying that, and if I do, I beg your pardon. I can but think that those who through the proceedings saw nothing in them apparently but a sort of humorous proceeding, and that those who saw no effort to be made by counsel or anybody else in the case that they would justify excepting the effort to hurry and get through as quickly as possible, perhaps forgot for the moment the importance of this case. Now, I suppose the least important element in the case is the element of money; and yet I am going to call your attention to that minor element and suggest to you that the removal of Sheriff Moulton, receiving the salary of the sheriff of Cumberland county, involves just a little bit, a financial matter of \$7000 of official salary. Now, that does not amount to much, and yet there is not one of you but what if you were sitting on

a jury or as referees in a case involving \$7000, would approach its decision with great care and would forget what party you belonged to, would forget what anybody else was going to think of your decision except yourself, and would try to get at it right.

I say, the sum of money involved, while in ordinary circumstances that would be considered a large element in the case, is the smallest element in the case so far as Sheriff Moulton is concerned, because the case strikes at his character—at his reputation, rather—I think no verdict of any kind could injure a man's character, he builds his own; his reputation is made for him by his neighbors, and it strikes at his reputation.

Recall, if you please, when you come to vote upon this matter, that your resolve under which Sheriff Moulton is being tried is so framed that you charge him with having by wilful negligence or refusal or corrupt negligence or refusal failed to fulfill the duties of his office; and the drawer of that resolve so combined negligence and corruption that they are indivisible; and if you vote to remove him you leave upon the records of your House and Senate forever your approval of a charge of corrupt action on his part when no man connected with this case, Sturgis deputy, liquor spotter or whatnot, dared to present any charge of corruption against him.

I entered a feeble protest against the charges as they were framed, and would like to have had them divided so that you could vote specifically upon the different charges, for there is a vast difference between negligence and corruption; but the wisdom of the framers of that resolve, the wisdom of this convention in permitting rules which could not be changed—all those things were arrayed against me, and you are placed where because of your own act and not because of mine or because of Sheriff Moulton's, you are obliged if you vote to remove him to give your sanction to the proposition that he has corruptly conducted the affairs of his office, when there is not a single man among you who has any right to believe any such thing, and if you do believe it you do not believe it on account of any evidence presented here. I would like to

have you think of that. It may be as well worth thinking about as what your constituents will think about your vote, or what any political party will think about your vote.

I want to ask you as a matter of fair conscience, as a matter of honest dealing between man and man, if you think you have any right to spread upon the records of this State the fact, and it will appear if you ask for Sheriff Moulton's removal, and must appear under the rulings of the Chair and under the order of this convention, that Lewis W. Moulton was guilty of corrupt action in his office. The attorney general, fair-minded lawyer that he is, won't argue to you for a second that he has offered any proof of corruption; nobody will argue it; nobody has said it; and yet you present that in your charges and you fix up your charges so that you cannot divide them yourselves; you have got to vote on them altogether, and you have got to vote yes or no on the question of whether you would remove Lewis W. Moulton from office for some reason, for, under the Constitution of this State, even this convention cannot remove him without assigning some reason, and when you assign the reasons you have said for corruptly conducting himself in office, and you refuse to divide your charges. You have got to vote, as I say, on it as a whole, and there isn't one of you, I don't care who he is, I don't care how prejudiced he is, I don't care how much he may dislike the defence, I don't care how much he may wish he were at home, that can say to himself, much less to his neighbor, that he has any right to stamp Lewis W. Moulton with the charge of corruption or that he may or that he can found it, if he votes to remove him, on the charge which you have filed against him. I would like to have you think of that; it may be of some importance to you.

One other matter I would like to go into briefly before I reach the discussion, and my discussion of the detailed evidence will be very brief.

Before I reach that part, I want to call your attention to the fact that these proceedings in the latter days of this session of the Legislature strike fundamentally at the very basis of the form

of government under which you and I were born and have lived up to last week. We have in Maine a Constitution. There are several sections in that Constitution besides the one forbidding the manufacture and sale of intoxicating liquors. That is not all there is to the Constitution. Aside even from the preamble and the prohibitory clause there are a number of important clauses in the Constitution of Maine. And among others is this: That the sheriffs of the 16 counties of Maine should be elected by the people. Away back, in 1820, before you had a Progressive party, before the clarion voices of men like La Follette, Bryan and Roosevelt had aroused the people to the fact that they were losing their liberties, somebody had sense and judgment enough to see that the people of the various counties of Maine should have something to say about their local government.

And back there you fixed it so that the people of the counties of Maine should elect their own sheriffs, not by statutory enactment, but by constitutional law you made your sheriffs elective officers. What are your proceedings leading you to now? You have found in some isolated cases where corruption and vicious actions existed; where a sheriff has deceived his people, and you have removed the sheriff in order that some temporary change may be made. You are asking now in the last days of this session to remove sheriffs by wholesale, and to in effect make the sheriff's office in Maine appointive. That is what you are asking to do.

The people down in Cumberland county thought they had a right to elect Mr. Moulton sheriff. They knew him. They had lived under him two years. They knew whether they wanted him or King Graham when they voted and gave him 9500 votes and gave King Graham something like 4000. I do not care about the figures, about half as many as they gave Mr. Moulton. They knew what they wanted, and they knew just how Sheriff Moulton was enforcing the prohibitory law. They knew more about that than of you in Augusta, who do not live in Portland or Cumberland county, because they were about there every day and did not have to take the distorted view of the matter as present-

ed by Skillings or by Mr. Doherty or the other gentlemen.

They knew the conditions that existed, and they said: "Lewis Moulton suits us and we want him for sheriff." He went into office. Has he betrayed any promise that he made to the people of Cumberland in the three months that he has been in office? Has he conducted himself any differently than when he received the verdict which is known to all? Not at all. Has he betrayed any trust imposed upon him? Nobody questions it. I say that the people of Cumberland under the Constitution of Maine exercised their right to elect Lewis Moulton sheriff, not for three months, but for two years, and with no change in his administration with no change in the procedure, doing just what they knew he would do in the way they knew he would do it.

Are you men from Aroostook, from Piscataquis, from Somerset, from Oxford, from my own county of Washington, are you going to say: "We know better than the people of Cumberland who ought to be sheriff. We are better judges than the people of Cumberland as to how the sheriff should conduct himself, hence we will nullify the will of the people, which we have all shouted for during the last six months? We will nullify the will of the people and we will elect the sheriff of Cumberland or we will direct the Governor of Maine, who does not live in Cumberland, to appoint a sheriff for us, and who will suit us and never mind whether it suits the people or not."

Whom it would be we have no means of knowing. It may be our old friend, Sturgis, who once undertook to regulate the people of Maine by statute, and who pretty nearly wrecked his party by doing so. It appears that he has been active in these matters. Then there is Mr. Oliver. It may be a man like him. No matter whether it is a man better or worse than Lewis W. Moulton; no matter whether he gives a better or worse enforcement. That has nothing to do with the proposition laid down to you. I wish to say that it is a gross use of the power never intended to be exercised under Section 5, Article 9 of the Statutes, that you are to constitute yourselves a body to start

in three months after the first of January and indirectly through your Governor dictate to the people of the various counties of Maine who they shall have for sheriffs, when they spoke last September on that subject. If Mr. Moulton had never been sheriff, and never tried—if he had changed his course of procedure, if he had promised something and had gone into office and had done something corrupt, my argument would be absolutely valueless.

Knowing what he was doing and what he would do, trusting in his honor and integrity, trusting in his ability to do what the people of Cumberland county wanted done, and believing it right, they elected him sheriff. Who will say to them nay? This body or any other body of rightminded men hardly will. Who will say them nay? I saw in the press, this morning, a statement of the feeble effort the counsel for Mr. Moulton had made to preserve such rights as we believed he had, without avail. And another of the wise men said that we had no other court to appeal to. My friends, we have, the court which is the court of last resort to all matters pertaining to government, a court greater than this, a court greater than the supreme court of the United States at Washington, the court of the people. The court of public opinion, where all wrongs in the end are righted. And you cannot afford to enter any decision here that will be overturned in that court when the sober second thought of the people of Maine has had a chance to get to work, and when instead of being invested with arbitrary power, men, official citizens of Maine, living quietly at home with your neighbors, come to think.

You have power to do wrong. You have no idea I think of doing wrong; no intention of doing wrong, but you have to be aware sometimes a little when you have power that you do not use it ill advisedly.

Remember that the great questions involved in these proceedings in the long run are not settled here in the heated atmosphere of the State House, in the last moment of the session. They are finally settled in the cool, calm

judgment of the most intelligent electorate on the face of the earth, the people of the State of Maine. And to that court appeals lie from any action taken here, should your action be adverse to us. I pray you not to take such action, that no appeal be taken, but that your action here, should it finally be adjudged by the final court, may be adjudged to be right.

Let me come to some of the details in this case. Let us see what you ask of a sheriff, for upon that rests the result of this case.

I take it that you would not ask impossibilities of him. I take it that even if in the Statutes and the Constitution of Maine there are clauses which place upon sheriff's impossible duties, you would not ask him to perform them or ask for his removal because he did not perform them, because you would accomplish nothing by so doing. I think you would ask if there were impossible things for the sheriff to do that he would be excused from performing them. Hence I take it you only ask the sheriff to perform the duties put upon him by the Statute as fairly, as honestly and as reasonably and as well as an honest man acting intelligently could perform them. I think you would all agree with me in that.

It has been said, I think, perhaps, not in these proceedings, but in proceedings preceding these, and it is proper to quote the Statute here for it has been referred to, that these proceedings are brought really under Chapter 41 of the Laws of 1905. Chapter 41 of the Laws of 1905 is a repetition of Section 69 of Chapter 29 with the addition of what is known as the Oakes law. I will refer to the Oakes law briefly, if I do not forget to do so, a few moments later.

In Section 69 of Chapter 29 we read this clause: "Sheriffs and their deputies and county attorneys shall diligently and faithfully inquire into all violations of law within their respective counties and institute proceedings in cases of violation or supposed violation of law, and particularly the law against the illegal sale of intoxicating liquors and keeping drinking houses, etc."

Now there is the amendment of that I have not referred to, the amendment

of 1905. That is another law altogether. This is the portion of the law upon which this resolve is based. Now note: "Sheriffs and their deputies and county attorneys shall diligently and faithfully inquire into all violations of law within their respective counties, particularly the prohibitory law." But as to the violations of that statute, if the sheriff or his deputies diligently and faithfully inquire into the violations of any law within their respective counties, would you hold for a moment—now be fair about it—would you hold for a moment that a sheriff ought to be removed from office if it was shown that he had not diligently inquired into all violations of law within his county?

Mind you, from the point of view of the prosecution, that does not mean that he would satisfy the law if a complaint was brought to him that there was no trouble about. From the point of view of the prosecution, it is the sheriff's duty to go about the county either by himself or by his deputies, and find if he can, search if he can, for violations of the prohibitory law. If that is true, then it is his duty to have either directly or through agents, to have diligent inquiry made as to all other violations of law, not examining cases, not going with summons, but searching for the commission of crime.

Now you do not ask that of the sheriff. You never did ask it of a sheriff, and you never will outside the time when you are sitting in convention in the city of Augusta. Let us see, there are other crimes and misdemeanors in Maine besides liquor selling committed. We have laws against various things, various sorts of crime. For instance, there is a law in Maine against adultery. That crime or misdemeanor is punished in our courts at times, and when complaints are made of course the sheriff goes about and gathers evidence to convict on such a crime, but I never heard at any time, not even in the columns of the most moral paper in Maine, the Portland Press, that it was the duty of Sheriff Moulton either directly or through his deputies to search the streets of Portland to see if he could find someone committing adultery.

I never heard of that, but that is the

theory of this prosecution, that it is the duty of the sheriff to diligently inquire whether any violation of law is going on in his county.

That is the theory of the prosecution, that the duty of the sheriff is to diligently inquire whether any violation of the law is going on in his county. Think of it! Nobody ever heard such an idea advanced from any standpoint, for any purpose, except in connection with the prohibitory law. Nobody ever did. You would not dream of it. No.

I suppose there is gambling going on in Cumberland county. I don't know. I am not allowed, I believe, to argue what goes on in other counties, but I believe there is occasionally, possibly, gambling going on in Cumberland county. Now, if there was a gambling place in Cumberland county, on which complaint was made, you would expect the sheriff to assist in gathering evidence to convict, to bring those people before the court. But assume, purely for the sake of argument, assume that in some of the higher toned, social clubs of Portland, where governors that have been, and governors that are, and governors that will be, meet and associate in friendly intercourse—suppose that in such a club there should occasionally be a game of cards going on, would you expect the sheriff of Cumberland county to be diligently inquiring into that and trying to search out who played a game of pitch or poker, the night before within his dominion and promptly arrest the rascal who did that? Why, it is ridiculous! It is so ridiculous that the gentlemen who smiled so freely when any evidence came up against Sheriff Moulton, sit with long faces when I make the suggestion.

You don't ask it of the sheriff. If you did, you could not get a decent man to take the office. And right here, let me suggest to you that continue these proceedings three days more, go down through your docket, continue to the end of it sometime next week, and you never will get a decent man to either be sheriff or candidate for sheriff on any ticket except possibly the Prohibition ticket—never get any decent man unless he is a fanatic, never in the world, to accept an of-

office where you expect such things of him as this.

Now what confronts the sheriff with regard to the prohibitory law? Let us speak of it frankly, let us speak of it squarely. Let us evade nothing. Let us meet the issue like men. What confronts the sheriff of Cumberland County with regard to the enforcement of the Prohibitory law? and what did Sheriff Moulton do or fail to do in connection with that enforcement?

And let me say right here lest comment should be made because Sheriff Moulton did not take the stand—I think it is fair for me to say that Sheriff Moulton has not for some time past been in good health and that it was by my advice that the strain of coming here and testifying was not put upon him. There was nothing he could add in matters of fact. There was nothing that had been put in that any lawyer who took the view point of the case that we do considered worthy of contradiction, and I did not desire to see this man, who has been honored by his townsmen, who has been honored by his party, who has been hold in high esteem by the people of the metropolis of Maine and of the metropolitan county of Maine, humiliated by being put out here as though he was some common criminal, to be jeered at by those who see but one side of this sort of a case. I speak of that because I do not want it to be thought that he shrank from the ordeal. Rather, that I as his counsel, assumed that responsibility and assume it now.

Now let me go back. What is the condition that confronts the sheriff when he undertakes his office in the city of Portland and the county of Cumberland as regards the Prohibitory law? You will agree with me, my friends, that it is not the same situation that exists in Franklin county, or the same that exists in Somerset county, or even the same as exists in Kennebec county, where difficulties enough, God knows, beset the men who are charged with the enforcement of the law. There is no other county in Maine that has with-

in it a great city. Waterville, Augusta, Gardiner are little cities here on the Kennebec, are only slightly overgrown country towns. Portland, with 60,000 people, with a suburban population right immediately in touch with it of 40,000 more, and with a floating population of 15 or 20,000 more, presents a different problem than the enforcement of the law in some small country place, an absolutely different problem.

And outside of Portland, the sheriff is charged with the enforcement of this and other laws. And don't forget the other laws, I pray you. Don't get it in your minds that all the sheriff and his deputies have to do is to look after the prohibitory law. Remember that he has to do other work. He has to look after his duties not only in the city of Portland, with its casual and regular population of 100,000, more people than there are in any other county in Maine but he has the city of Westbrook, the city of South Portland, the great town of Brunswick, large enough to be a city, the towns of Bridgton and Windham—all those large towns and the great surrounding country.

Now right here, not one single particle of complaint is made but that the sheriff enforced even the Prohibitory law all over that broad domain outside of the city of Portland.

Something was brought in about Westbrook, but what was it? That in December there were some places in Westbrook that were conducting badly, no complaint to the sheriff and no chance that the sheriff knew anything about it so far as the evidence goes. The complaint was made by some citizens and they were closed. They have remained closed, and Westbrook, so far as the records show, is as free from liquor selling during the year 1913, and that is the year you were trying Sheriff Moulton on, as is the smallest country town in Maine. South Portland free from trouble. Deering, now a part of Portland, not referred to. Brunswick, in the first place, in—taken out of the case by the absence of witnesses. No complaints about Bridgton. No complaints about

Gorham—any of those towns—not a single complaint. Outside of that great metropolis, he has managed, through himself and his deputies to enforce the prohibitory law, even to the satisfaction or at least no dissatisfaction is expressed by the officers of the Civic League, the most exacting people on the face of God's earth with regard to the duties of others, no matter whether they perform their own well or ill, or not. He has looked out for that whole great county so that even Ed. Emery, my old friend, whom I have met often times before and whom I have learned, if not to regard, to respect, so that even he, found no fault. Mr. Skillings, who had been a deputy sheriff, found no fault. Mr. Doughty, who had been a deputy sheriff and a Sturgis deputy, found no fault. And none of the \$2.00 a day laborers who were sent out with odd change in their pockets to buy rum ventured outside of the precincts of the city of Portland to bring in any samples of goods sold in Cumberland County outside of that city.

You must assume that Sheriff Moulton has accomplished in Cumberland County more than any other sheriff in Maine in any county, for barring his city, he still has a population and a territory to govern equal to almost any county in Maine. How many counties have cities larger than Westbrook or South Portland, towns larger than Brunswick or Gorham, or the other towns I have mentioned? Very few. How many sheriffs have kept the territory that I have mentioned so dry that no complaint could be made in regard to it? I know of none. He has done certainly his full duty outside of the city of Portland.

Now let us come to Portland. Not in the spirit in which some of the investigators of this case went to Portland on March 18th. Let us come to Portland not with an idea of searching out the bad places in the town, and see if we could find some little thing to pick. But let us go down in our minds to that great city, the finest city in New England, a city of which all men are proud, a city with a splendid future before it, and a glorious past behind

it, a city that is enjoying today a splendid present—let us go down there and see how things are managed there and see whether they are so managed through the sheriff's department that you, sitting here in solemn convention, forgetting for the moment, your mock session and your songs, but sitting here as jurors and judges, let us see if you are going to say that you will remove from office the man who has made conditions as good as they are in Portland now under the circumstances under which he worked.

And what did he have to do? He had the law to enforce, all law, the whole of it, from murder and adultery, clear down through, he had them all to look out for in a city of 60,000 people, and he had the prohibitory law. Now you know, and every human being in Maine who has common sense, knows, that with any force that he could command, at any expense that the county of Cumberland could stand, it was an absolute impossibility to entirely suppress the sale of liquor in Portland. That could be done by no power outside of Almighty God. No human power could do it.

You have tried everything, from electing prohibition minister sheriffs, to creating Sturgis Commission, and you never have found a time, and nobody claims you ever did, when the law administered by anybody suppressed entirely, or any where near entirely the sale of liquor in the city of Portland. He had then to do what? To do the best he could. Now what was that best? Oh, meet that question like men, and not technically. Don't hunt for something to dodge behind that will give you for the moment a sanctimonious feeling and then leave a bad taste in your mouth a half an hour afterwards. Don't do it. Meet it like men.

He had to decide between one of two courses, either to direct his energies toward driving out the business of beer or whiskey in the first place. The man in Maine who knows more about enforcement than anybody else, the strongest man in the Republican party of Maine elected Governor during my time, after a rich and varied experience, said that one immediate re-

sult of attempted strict enforcement was to put beer out of circulation and bring in whiskey. Now, everybody knows that. The clergymen of Portland realize it. They realize it to such an extent that, not knowing the law, I presume, two of them went to the mayor and suggested establishing under municipal authority beer clubs on Exchange street so that men would drink beer instead of whiskey.

Now you can attempt a kind of enforcement—it is not enforcement, but you call it that—that will drive beer out and let whiskey in. Why? Because beer is bulky and whiskey is not and whiskey can be brought in in small packages, by secret channels, while beer has to be brought in through the freight depot. I know the feeling that went over this assembly or some of them, and the pretended feeling that went over others, when it appeared here that large quantities of beer were being brought into Portland for Thomas Browarig and Patrick Sullivan, to wholesale to their trade, I presume. I noticed that that evidence was deemed of great importance. Now I submit to you that Sheriff Moulton could have, if he had directed his attention solely to that evidence, and had employed his liquor deputies solely for that purpose, that he could have precluded anybody bringing in beer in large quantities into the city of Portland. I haven't any doubt of it. And instead of the beer coming in in large bulk, the whiskey would have come in in smaller bulk and you would have seen, as my friend, Leroy Sanborn, said, as many drunks at least, and drunks of a different character.

He had another course open to him. He could station at the doors of bar-rooms which were conducted in at least semi-decency—I now there are men so straight-laced that they cannot stand the word decent as applied to a bar-room but you and I as practical men know that there is a vast difference between both the men and the places who are engaged in the liquor trade. And that there is a condition of at least semi-decency in certain places and of absolute indecency in others,— He could establish his men so that they could have forced

out of the business unquestionably some of the men whose names have been mentioned here as liquor dealers in Portland. I have no doubt of it.

What would have happened? While he was taking care of them, the kitchen barrooms, the boot-legger, the backyard peddler would have flourished. He could not do both. He could not do both with an army. He could not do both with the wealthy Carnegie behind him. Not because Portland differs from other large cities, but because so long as there is in the mind of human beings a desire for drink, so long will somebody cater to that demand and attempt to supply it. By no possible practicable means, could he enforce the law with absolute strictness against both the lower places and the better places. He protected nobody. And nobody dares say he did. He granted no favors to anybody. And nobody dares say he did. But he took his liquor deputies and attacked what he thought was the worst end of the evil. He cleaned up the worst places. He arranged so that night places were closed, but, they say from this evidence, that he didn't enforce, because the barrooms didn't run nights. That is evidence against him. The barrooms didn't run Sundays, they say. That is evidence against him. And what did they want? To make a perfect sheriff according to the idea set up here, the barrooms ought to have been running full blast Sundays and nights. He kept them down just as well as he could, under the circumstances, with the force at his command, and with conditions as they were. And he brought into court—and mind you, I want this to sink into your minds—he brought into court at some time, during the last year, every single offender as I recall it, who has been named here—old-timers and all. I will retract that, I don't know that they were brought in by name. I will say the places that they have mentioned here were all searched by his deputies at some time during the year with the exception of No. 9 Exchange place and that is a place at which it is admitted they never knew liquor was sold and of course if that is a fact, there was no wilful negligence on his part

in not attending to that place. Every single place was at some time raided. What do you make of that? Why, you say, of course they raided Brownrig's place and the Gaff Tepsail, or any of those other places that have been mentioned, raided it once. Yes. When? The attorney general asked him the question. Well, last November. "Have you raided it since?" "No."

Now there has been a court since. There was a court there in January. The raids of November were brought to the attention of the courts between then and January. And what do you expect of a sheriff, do you expect him not only to bring cases but do you expect him to go before the grand jury and perform the duties of county attorney and indict the man? And then do you expect him to throw the judge off the bench and go up and sit on it himself and sentence the men? Oh, no, treat him fairly here. Even those fellows who testified here and who would be willing to lynch a sheriff and glad to lynch one if they an opportunity, said they were perfectly satisfied with County Attorney Bates, that he was a good fellow. I think he is. I mean no reflection at all on him when I say that when they produced in evidence against a sheriff a list of United States liquor stamps and say that gave him notice that these people were all in business, hence he ought to have put them out—I say that that evidence is more applicable twice over to the case of the county attorney who could readily have gotten from Portsmouth that same evidence and presented it to the grand jury and indicted all of them if he had been disposed to. I say further that when Mr. Moulton shows you that from January 1, 1912, to March 30, 1913, he and his deputies made 397 search and seizures of liquor, 107 only against persons unknown, and 290 in which arrests followed, that if the prohibitory law was not enforced in Cumberland county, it was not because he was not doing his part.

Why, they say, such a man came into court, Brownrigg or whatever his name is, or Sullivan, came into court last year and paid a fine, or McGlinchy paid a fine, and went right back to selling. Yes, but do you think the sheriff's department had anything to do with that? Nobody

is going to criticise Judge Connolly. Everybody has seen him; he is the peer of any judge in Maine, the superior of any man of his age ever elevated to the bench in the history of Maine, but when this evidence came before Judge Connolly, he exercised that wise discretion which he had a right to exercise. Suppose he had sent one of them to jail for a year. Then he wouldn't be back in business. You know, you lawyers pretty well, you laymen fairly well, that to get what we call enforcement, and I am going to speak of just what we call enforcement in a moment, that you have got to have the co-operation of your sheriffs, of your county attorney, of your judges. They must work together. There is no use for one to go off on a tangent and try to do different than the others, and you know by the court records of Cumberland county that your sheriffs, your county attorneys and your judges have been working together, and when you condemn Sheriff Moulton for the course that he has taken, you are too sensible and too fair men to do as Mr. Ed Emery did, in the same breath to condemn Moulton and to scatter flowers over the county attorney and the court.

I am not criticising the county attorney or the court; I am simply saying that they all work together, not to violate the law, not because they have not as much respect for law as you, not because they have not as much respect for law as every individual member of this convention, and I think more than this convention has collectively shown once or twice during these proceedings, if you will pardon my comment. They have every respect for law, but they have to work it out as some of you worked it out when you were placed as they are placed, when you weren't working on ideals, when you were down in the pit, working as best you could, when you weren't trying to make fun, either for yourself or your party, but when you were laboring as public officials in other spheres, tryinig to do what you knew to be right, and your duty as a public officer.

What is the highest duty of a public officer? Is it to hunt up the statute and study its details, and see if he can conform to the exact letter of it? No, the

highest duty of a public officer is to work under the laws of the State for the good of the community, to do his best to bring about the best conditions that he can under the law, and there in Cumberland county, the judge, the county attorney, and the honest sheriff—and no man dare gainsay that adjective—they work together to do what is right, they work together and make it the foundation of their administration to make Portland the splendid city it is, the cleanest city, the decentest city of its size on the whole Atlantic coast. Could they have worked on any better lines?

Take the history of Portland as told by Skillings in the old days when fanaticism reigned, when ramrod enforcement was rampant through the State, when they were having it as some of you would like to have it again—but you only think you want it, after you have got it you will go back again just as quickly as you can. Think of the conditions Skillings told you about! No white-coated bartender—oh, no! But in their places women going around with whiskey secreted in their skirts to sell to loafers on the streets. No place with tile floors—oh, no! Not at all! But in the kitchen that Doughty visited, while the woman combed the little girl's hair, the man stood peddling out whiskey out of a bottle to a neighbor who came in. No bar room where they had faucets from which they could draw beer—no indeed! but in the back yard teams driving hurriedly in, and the whole neighborhood, its girls, women and all, coming in to get it.

Those were the ideal conditions which existed in Portland under the Sturgis deputies as described by Skillings. I couldn't get it from anybody else—the rules of evidence forbade it. But Skillings I could cross-examine, and Skillings—honest fanatic that he is, trying to do good in his own way, sometimes wasting his time, such as passing little tracts around among the members here, all meant well, but wasting his time in his good work—gives you as good a description of those times, and as good a comparison of them as compared with these times, as could be given. Do you want them back again?

Ah, if you were sheriff, any one of you, of Cumberland county, would you

like to so conduct your office that you might close every place in the city where beer was sold, you might not only close the places that my brother has settled upon, but you might close the social clubs, you might go way up to the seats of the mighty and fix it so that no citizen in Portland could get any liquor except in his own home—and you might even make that difficult under the Webb law—and bring about again the time when you had bootleggers on the streets of Portland, and then you could say: "Thank God, I have done my duty, I have driven Tom Brownrig and big Pat Sullivan out of business, and I have put 100 women in it. I have accomplished something for the aggrandizement of the State and the good of human nature." How proud you would feel when you got through your work, and when you came to think, my friend, when you found what honest Pearson found, the minister sheriff of Cumberland, who took that place believing honestly that he could secure absolute enforcement, and who died in office—I have no doubt crushed beneath the weight of official care and disappointment—when you find what he found that after construing that law literally you were bringing about a condition that was worse than anything that ever existed under any other arrangement, would you, as an honest man, keep it up? No, you wouldn't. With the mayor, with the officers of the city, with the county attorney, with the court, you would do what I have known some of you to do in a like case—for there are ex-sheriffs, and ex-county attorneys in this body, and they were human when they held those places—you would strive to do the best you could to bring about the best conditions you could under the law, which applies with greater ease to certain communities than to others. You would do just as you do in all practical matters of that kind.

I want to call your attention to another thing. In all the evidence produced about Portland under the administration of Sheriff Moulton, did you hear rom spotters, from ex-Sturgis deputies, from anybody, a single word about social vice, about houses of ill fame? Not a word! That statute from which I read applies as well to houses

of ill fame as it does to liquor places, and I have not heard one single iota of evidence that that exists in that great clean city, kept clean, not by the Pearsons or the Dunns, not by the hired men who go about for \$2 a day liquor spotting, not by the ministers, but by the officials to whom the popular will has given the power to run their enforcement. In that city are 80 police. The chief of police, Mr. Dresser, was named, I find, on House Document No. 665 when that came into the House, a document which is familiar to you, and which I have been allowed to use for the purpose of argument in this case. When this document was presented to you a solemn message from the Governor of Maine, calling to your mind the condition in Cumberland county, and suggesting conditions in others, a list of witnesses was printed, and you were told that they were witnesses who could be brought here to testify and it was suggested that each resolve should be accompanied by the names of witnesses who would in good faith come here and testify, and I find on that list the name of Walter H. Dresser of Portland, chief of police of the city, not in that place because of the mere vote of the city, because under some statute law he has held over from four years ago, but a man who has been in office a long time there.

There was a man who knew Portland, not a man of Mr. Moulton's party, not a man who had anything to do with Mr. Moulton's office, but a man who for four long years has known Portland as only a chief of police can know his city, and the Governor sends his name to you as one who will tell you of conditions in Portland. I want to ask my brother, the attorney general, and my brother, the learned counsel, Judge Cleaves, why, if conditions are bad in Portland, they did not bring to you the Governor's witness, the chief of police, Mr. Dresser, and if he told you what he knew about it, for he knows more about it than any other man living on the face of God's earth—he wouldn't have to start out on the 18th day of March to buy a half a pint of whiskey to find out what was going on on Fore street or Center street or Commercial street, he knows the city, whether it is

clean or unclean, decent or indecent. His name has its place in your record. His absence speaks louder, with more eloquence, than he could if he were here. I would like to ask you to give some consideration, if you will, to that matter.

I have a few words more to say. I want to ask you to pardon me for having addressed you at length. I know you are growing impatient. It is growing difficult for you to listen with patience, but I know that the more thoughtful among you, in spite of the efforts that a few members of this convention are making to hurry this procedure, in violation of all decency and all fairness—I know that the more thoughtful and more conscientious among you are willing to have addressed to you any evidence or any argument that may appeal to you as reasonable or proper.

In deciding this case, in deciding any case like this, let something weigh with you more than the hurry to do something towards somebody. Why, I heard an expression yesterday that shocked me from a member of this convention, an expression that the convention should hurry to a vote without wasting time for evidence or argument, from a member who sits here under his oath doing duty here today. I was astounded. That is not the spirit of a Maine Legislature. That was the spirit of the old French Convention when administered by the Commune of Paris, attempting to sentence a man to death without a hearing. It is not the sentiment of America. You are going to give on the facts and on the evidence a fair hearing. I know it. If I didn't know it, I should lose my faith in mankind.

I want to recapitulate just a few figures. I want to call your attention to the fact that the seizures that I have mentioned, the 260 seizures and arrests, and the 107 other seizures, were all made in the year and three months all by the sheriff's department. I want to call your attention to the fact to the matter of the crimes among Italians, that Sheriff Moulton gave attention to certain Italian resorts and stamped them out

of existence and that as a result although for term after term, there had been Italians in the criminal courts charged with various offences, at the last term of court there were none. I want to call your attention to the fact that in January, 1911, there were over \$7000 collected in liquor fines, \$5600 at the next term, \$3800 at the next, \$3049 at the next, \$2198 at the next, and this very last January \$6610, and the May term right at hand. I want to call your attention that these proceedings on which these fines were collected were every one of them brought from the sheriff's office not by anybody else, through his liquor deputies whom you saw upon the stand, and that these prosecutions originated with the exception of a very small number, 5 or 6, at Westbrook, and possibly Judge Merrill said a half a dozen more is his court. I want you to remember this, I am not going into the detail of that. I am not going to take up with you what I would have a right to, the matter of the enforcement of the blue laws of Maine, the old Sunday laws that you all know are out of date, and that the sheriffs in technical violation of the law passes by. There is no need for me to call your attention to that. You are reasonable men.

Now, let me call one matter to your attention. In 1905 the impression got abroad that sheriffs and county attorneys were corruptly neglecting their duties. Every once in a while we have a spasm of that kind of legislation; some one who can't think that anybody ever did anything in such a way unless they did it their way, and unless they do what they wanted done, has an idea that some one else is dishonest; and in 1905 we had a spasm of that kind, and the Legislature passed as a panacea for all evil what is called the Oakes Law. It is an amendment to the old prohibitory law and provides—and I won't take the time now to read it—the amendment provides that any sheriff, deputy sheriff or county attorney who wilfully or corruptly—just the language of your charge—refuses or neglects to perform any of the duties re-

quired by that section shall be punished by fine not exceeding \$1000 or by imprisonment not exceeding one year. That provision was placed in your statute in 1905, and it has been law ever since; it is the law, today, and if these proceedings here have any virtue in them, the same proceedings could be carried out in a more deliberate manner under the rules of court from which appeals do lie, against Sheriff Moulton right down in Cumberland county.

If you have a right to remove him here for wilful negligence or corrupt negligence then the grand jury of Cumberland county would have the right to indict him and the judge of the superior court of Cumberland county would have the right to fine or imprison him. You cannot assume that Judge Connelly would not honestly do his duty; no man dares to assume that of Judge Connelly; you cannot assume that Samuel F. Bates won't do his duty because the sworn testimony in the case is that he will and is doing that. You must assume that, if there is any virtue in this case at all against Sheriff Moulton, that there was provided by the law of 1905 a proper tribunal to try that case before, in which no political prejudice could enter, where he would be tried by a jury of his peers; where the jury that tried the case would sit in its seats during the entire trial, where the rulings of the trial judge if wrong in law might be excepted to, where the case could be fully, honestly and impartially tried; you did not need to be impanelled here to try the case under the law, and, with all due respect to you, you are not the proper tribunal to try such a case before, because it is impossible for many of you to hear the evidence even as witnesses utter it in this large room.

I say to you, that should you fail to remove Sheriff Moulton, should you vote not to remove him, as you ought in my opinion to vote, if there is any virtue in this case at all, and if the Governor of Maine even thinks he has a case, and if the attorney general believes that in law and fact he has a case, the courts of Cumberland coun-

ty are open to them and we will be only too glad to try before a jury of Cumberland county the question whether Lewis Moulton is honest, the county in which he has lived his life in the open light of day before all men and kept an untarnished reputation; we would be glad to go down into that court and make our defense in law before it.

Tell me, my friends, you who are anxious to go home and who are needed at home, you who have given to the State all the service that it has a right to demand of you, why you should stay here and try a case after a case where under the statutes of this State the case exactly described in your resolve is made a case for the grand jury and the criminal court? I can understand why men are tried for impeachment, why it is desirable to remove from office men guilty of high crimes and misdemeanors; I can understand how a corrupt official should be removed, even though there was some penal offense for which he may be also prosecuted; but when you are asked to base your request for removal upon evidence of nothing but wilful neglect, and the statute says for that wilful neglect Lewis W. Moulton may be fairly and honestly and decently tried in a court fitted to try him and made up for that purpose and organized for that purpose, and not for legislative work, I cannot understand why any honest man should hesitate to say—we will not drive the Governor to remove him but we will say to counsel for the prosecution and to the Governor of Maine, if you have a case against this man take it to a proper tribunal, present it there, place him under the protection of the Constitution and the laws, guarantee him a fair trial and give him the same right that we would ask were we in his place.

And, gentlemen, Lewis W. Moulton asks no favors of this body or of any other body of men, or of any man, he has no need to, he stands on his own feet, fair and square to the winds of Heaven, a man who has lived a decent, manly, honest life all his life long; he asks no favors but he has a right to

demand something, and he demands of you that no one of you by your vote place against his name on the records of this House that he be removed from office for corruptly administering the affairs of his office when no living human being, from Doughty up to the Governor, has intimated any corruption against him.

I thank you, gentlemen, very much for having listened to me so patiently. I felt when I began that I ought not to talk at all to you, and that you would be impatient of argument, and that you might even believe I was talking simply for the purpose of delay. I did not know how you might feel about it; but you have been kind to me and you have listened to me fairly and fully, and I believe you are giving the case in your mind and are going to continue to give it that honest, fair and square consideration that such a case demands, and that when you have decided what to do you won't say: "I did so and so, but I regret it;" but whatever you do I trust it will have the approval of your consciences, and that you won't be looking for anything but the approval of your conscience; and that you won't be swayed in making your decision by any feeling of politics or prejudice; that you will treat Lewis W. Moulton as you yourselves would desire to be treated were you in his place. I thank you, my friends. (Applause.)

On motion by Mr. Smith of Presque Isle the convention at this point took a recess of five minutes.

After Recess.

Attorney General Wilson then addressed the convention by way of argument as follows:

Mr. President and gentlemen of the convention, I realize the lateness of the hour and the great stress under which you have all been during the course of these proceedings, and I assure you that I shall be as brief as I possibly can consistently with the importance of this case which is now before you. I trust that you will bear with me as patiently as possible because you, too, must realize that counsel for the State has a heavy burden resting upon him, not only with reference to the cases which have already been presented to you but with

reference to the cases which are to come. Now, just a word before I enter upon the discussion of the facts of the case, in reply to the proposition which counsel for the respondent presented to the convention as one of the reasons why you ought not to take any action in the matter of the resolve which is before you; and that is on account of the existence of a statute in this State under which sheriffs and their deputies and county attorneys who fail to diligently and faithfully enforce the law may be proceeded against in the courts of the State and a fine imposed upon them. I just want to call your attention to the fact that that law has been upon the statute books of this State for a period of eight years and for some reason, whether on account of the impracticability of enforcement or by reason of the fact that county attorneys are usually friendly with the sheriffs and of the same political party that notwithstanding the nullification and non-enforcement of this law that has existed in the State of Maine during that length of time, yet not a single action has been brought under this statute for the purpose of convicting and fining any sheriff within the State for the non-enforcement or the unfaithful enforcement of this particular law.

So that, with that fact in mind, gentlemen, it seems to me that you can readily see why the present Chief Executive of Maine finally concluded that the only court to which he could appeal was this Legislature itself, and that is the reason for his appealing to this body.

Now, I do not intend to chide any of the members of this convention for anything that has happened in the course of these proceedings. I don't know, I have not taken the trouble to find out whether any of you gentlemen on the one side or the other have already made up your minds as to your final action in this case. And so far as I am concerned, I am going to assume that you gentlemen all intend to do your duty in this solemn matter, honestly, and impartially.

Now, I am free to say that when I and my associate counsel started in the preparation of these cases we hardly

expected to drive counsel for the defence into position which it has assumed in this case, and that is that the laws of this State and the Constitution of this State could be interpreted by the Executive or administrative officers of the State to suit their own views and policy. I listened with a great deal of interest and admiration to the eloquent appeal of the learned counsel for the defence here, particularly his appeal to your independent spirit and invoking the case of the great Fessenden and his action in the impeachment of President Johnson; but I wonder, gentlemen, what that same great statesman, that great constitutional lawyer would have said to my Brother Pattangall if he had presented to him such an interpretation of the Constitution of Maine and of the statutes of this State as he has been presenting to this convention here, today, and on which the defence in this case has been based.

Why, gentlemen, that great constitutional lawyer would have said to my Brother Pattangall: "Mr. Pattangall, such a theory as that, such an argument as that might do upon the stump but it never would be received before any judicial body in the land."

Now, gentlemen, what is the question that is before you for consideration in these proceedings? My brother has commented upon the language of the resolve and upon the Statutes in order that you might consider as to just what your action would result in if you favorably acted upon this resolve. It is true that the resolve says that the respondent here has wilfully or corruptly failed to perform his duties. I want you to note, gentlemen, the words "wilfully or corruptly," particularly the word "or," and therefore your action in this case does not necessarily find, although you may be convinced of it, that a respondent is guilty of wilful and corrupt failure to enforce the law, but that he is guilty of either one or the other. Now, the section of the Statutes to which this resolve refers, as my brother has already read to you, is Section 69 of Chapter 29, and it was read to you in the other case.

I also wish to call your attention to the fact that while that resolve or that section of Statutes says that the sher-

iff shall diligently and faithfully inquire into the violations or supposed violations of law, it goes further and says that he shall specially inquire into the violations of that particular chapter which relates to the sale of intoxicating liquors. There is a special burden placed upon him in relation to these particular laws, and from the investigations and the burden of inquiry he cannot escape.

With those facts in mind, gentlemen, let us see just what the conditions are in the city of Portland, or what they have been during the present term of office of Sheriff Moulton. We have produced before you a number of witnesses who have testified to the conditions that have existed there since the first day of January. Mr. Doughty went on the stand and told you that he made calls at these numerous rum shops or saloons very early in January; Mr. Skillings testified that in February he made a call at 40 different places, and you heard what he testified about them. Then within the month of March we produced a number of witnesses from the city of Portland including clergymen, if you please, and I submit that at least clergymen are presumed to tell the truth about what they see; and they testified as to the actual conditions that were existing in the city of Portland at that time. Now I do not suppose, considering the attitude which the defense has taken in this case, that there can be the slightest question in the mind of any member of this convention but that certain saloons, certain particular saloons have been running openly and freely and without being disturbed by the sheriff's department in the city of Portland since the first day of January.

In addition to that, gentlemen, if you needed any more evidence here is also the evidence from the shipping department or the receiving department of the Boston & Maine Railroad, that to two wholesalers in the city of Portland there has come into that city since the first day of January approximately 75,000 gallons of beer or ale. Now, that to my mind indicates that there has been more or less of open and illegal traffic going on in the city of Portland. If you needed any more evi-

dence, notorious as it is, there being licenses existing with reference to these several places and the fact that the sheriff's attention was called to one or more of them, and that he has virtually conceded by directions to his deputies that he knew liquor was being sold in the city of Portland. I submit upon those facts, thus far, at least, it does appear that the so-called prohibitory law has been openly and notoriously violated in the city of Portland since the first day of January, and that the sheriff of Cumberland county has known it and has done nothing whatsoever to stop it so far as those saloons are concerned; because the records show that practically not a single one of what is termed the old-timers, those particular saloons that were referred to by name and location, has had a single seizure made against them since the first day of January last.

Now, what is the defense to this proposition? I submit that those facts are proven, and practically admitted by the defense, so that you have in this case proven beyond any question that so far as the saloons are concerned in the city of Portland there has been an open and notorious violation of the law. But the defense comes in here and says, it is true that liquor is sold in the city of Portland, and you cannot stop it, and we claim the right by reason of the fact that the public has already approved of the election of Sheriff Moulton; or, first, that it is disproved according to their notion by the repeal of the Sturgis law, of the strict enforcement law, and that it is approved as to the course of Sheriff Moulton by his re-election, that therefore Sheriff Moulton has a right to exercise his discretion as to how he will enforce the law, against what places he will proceed, to what extent and how far he will go in closing them up and, if you please, in regulating the manner in which they shall sell.

That, gentlemen, is an astounding proposition that the counsel for the defense has brought in here and put up to this Legislature as a defense why the sheriff of Cumberland county should not be removed by the Governor for dereliction in the performance

of his duty. They practically concede that he has not perform his duties, as we understand the law he is bound to perform them; but they claim the right for him to exercise his discretion, and they don't tell you where he is given the power to exercise his discretion; they don't point out any provision of the Constitution of this State which says that any sheriff of any county is entitled to exercise his discretion in a matter of this kind, nor any section of the Statutes of this State which says that he shall exercise his discretion as to how and when and where he shall enforce any of the criminal laws of the State of Maine.

My brother in his opening, and it has been urged here in giving a history and in the slighting manner in which the prohibitory law has been referred to, that the repeal of the Sturgis law was an indication that the people of the State of Maine do not want a faithful and diligent enforcement of the so-called prohibitory law. If you admit or claim that that was an argument or a proof of any such position on the part of the people of this State, then I submit to you, gentlemen, the action of the people of the State of Maine a year ago last September and last September is more than conclusive proof that they have changed their mind and now desire a strict enforcement of the prohibitory law; so that so far as there being any disapproval of the action of the people, or the executive officials who desire the strict enforcement of the law, on the contrary, there has been a notice by the people of the State of Maine in the last two elections held in September, 1911, and September, 1912, that the people of this State now expect and demand that the executive officers of this State, including the sheriff of every county, shall faithfully and impartially enforce the law.

But they say that the course of Sheriff Moulton has been ratified by the people of Cumberland county, and therefore the Legislature of Maine should not undertake to interfere with them. What are the facts, gentlemen, in regard to that proposition? If the people of Cumberland county did not know any more than the witnesses which they produced here in defence as to what conditions existed in Portland, then they could

scarcely claim there was any ratification of the course which he was pursuing. There was not one of them, except possibly Mr. Lewsen and Mr. Waterhouse, who would admit that they knew anything about what was going on in these various saloons. How can they claim, therefore, that the people of Cumberland county ratified the action of Sheriff Moulton without knowing the conditions, if they did not know any more than the witnesses whom they have produced here in defence?

Go further than that, if you please, and examine the returns of the elections which have been presented here in evidence, and instead of it appearing that a majority of the voters of Cumberland county approved the action of Sheriff Moulton in the last two years, on the contrary, there was more than 1000 votes against him; a majority of the voters of Cumberland county were opposed to the method which he had pursued in the administration of his office during the previous two years. So much for that proposition.

Well now, let me call your attention for a moment to what this exercise of this discretion which he assumed to you in this case has resulted in down there in the city of Portland.

You will remember that the liquor deputies who testified here yesterday produced some very interesting information upon that point. Their position is that by reason of the conditions which exist through the sale of liquor, that the conditions are bettered so far as intoxication is concerned, and that social conditions are better and that therefore they have a right under the statutes and the Constitution to enforce the law in such manner as would produce the best conditions, and that this will have the result of liquor being sold openly in saloons properly regulated and under proper conditions, with white coated bartenders, instead of driving the business into kitchen barrooms.

Well, now, the discretion which the deputy sheriffs exercised in the city of Portland resulted in this: They made a seizure down on Pleasant street by Jim Welch's place, upstairs in some tenement house, as Deputy Sheriff Hartford testified, last night, but they never went into the saloon right underneath it on

that corner, one of the most notorious rum shops in Portland where rum has always been sold as Deputy Sheriffs Skillings and Doherty told you.

And those deputy sheriffs, if you believe what they told you, in the exercise of that beautiful discretion, seized in the tenement house upstairs where presumably liquor was being sold by a woman, or by a man while his wife was combing his daughter's hair, and yet they never so much as entered the place underneath where the witnesses have told you there was a long bar with mirrors behind it, and glasses tastefully arranged and pyramided. That is one of the results of the exercise of this wise and proper discretion as to the enforcement of the liquor law in the last few months. They did not search McDonand's place at 20 Center street, nor those on Cotton street, barrooms which they say do not exist when you have your saloons running openly and under the conditions at Portland. But it appeared from the testimony that more than two-thirds of the seizures since the first of January were in those same kitchen barrooms, so that apparently the evil exists just the same, and to a greater extent that it ever existed while Mr. Doherty and Mr. Skillings were following them up as they did in years past.

They made a seizure at Mary Dunphy's place on Center street, yet never went into a place since the first of January, not a single one of those saloons on the corner of Center and Fore or on the corner of Center and Free streets, another fine example of the discretion used in the enforcement of the liquor law.

They made a seizure at 9 Danforth street, Annie Joyce; and at Sullivan's, who receives 50,000 and 60,000 gallons of beer a year, they have not been there since the first of January. They made a seizure at McGuire's, 272 Fore street, yet the testimony shows that practically the whole length of that street is lined with well known saloons, with open bars and white coated bartenders. They made a seizure at Jennie Stein's on Salem street, and yet the liquor deputies did not even go to Brownrig's place at 45 Commercial street. They had heard of the place but whether he kept the place at 45 Commercial street they did

not know. Mr. Rozino Verbano was visited by these deputies since the first of January, and yet Andrew Egan's place and Judge Mulkern's place and others on India street have not received the attention of even a call from Sheriff Moulton's deputies since the first of January.

Further than that, the testimony shows, as I have already stated, that these several deputy sheriffs, four of them, in their impartial enforcement of the law since the first day of January have visited 48 kitchen barrooms in that time, and only 20 shops which they could dignify by the title of saloons, and they have not made a single visit down to that magnificent rum palace on Preble street, 102, where there are Mosaic floors, brass railing on the bar and mirrors behind, with glasses tastefully arranged. If the conditions were as stated by Deputy Sheriff Hartford, it would not have taken a great while to have made a seizure there. They would not have had to spend much time in finding liquors at Mr. Hollywood's place, if such conditions exist as they stated, or in the Preble House bar. I apprehend that the deputy sheriffs of Sheriff Moulton would not have had much trouble in cleaning out the Preble House bar. I do not suppose it would have taken a great deal of time to go to Free and Temple streets and pay a visit to those saloons and make seizures there if they actually started out to do anything, if they really meant business.

If the rum sellers of Portland did not understand some way that they were to be free from calls of the sheriff, do you suppose they would have conducted their business as has been testified to here today and yesterday? They would not have had their liquor out openly if they did not know as a matter of fact that they were immune from seizures, that would do any harm as to their going to jail. Even Mr. Pattangall did not object to the testimony of Mr. Skillings and Mr. Doherty. And he harped upon the fact that these saloons had been open all these long years, meaning and intending to convey the impression that he could not close them up, therefore the officers were doing their duty. When he got through, it appeared that while

deputies were down there, there were very many white coated bartenders in many of the places, and that there were not many bars with brass railings around them, and not very many bottles of whiskey behind them. As a matter of fact, this was emphasized in a way that we could not emphasize it in any testimony that we could introduce, that when the liquor deputies are concerned, the liquor sellers, when the law is well enforced, close their doors; they put out watchers and they take down all the paraphernalia, and conduct their business in secret.

And while these places have been used all these long years to conduct business in this manner, still there is a vast difference in the way it was conducted when times were not so easy, and when they know what they are doing as far as the sheriff is concerned. And that fact was brought out so clearly that it must have emphasized the testimony we put in as to how liquor was being sold since the first of last January.

Did they undertake to show, when they really got to putting their witnesses on—they really did not have the effrontery to rely on his discretion in the power that they have for the enforcement of the law or as an excuse why they were not closing up all those shops. They saw why these liquor deputies had been obliged to go over the county for the enforcement of law, and why the county commissioners did not want to pay them; if they did not have better success, in locating criminals in the country than they had in locating rum sellers in Portland, I do not wonder the county commissioners did not want to pay them, for they could not have been of the slightest use in locating any criminals.

Now there was something came out about the sheriff asking the county commissioners for another deputy. It appears that the sheriff sometime during his administration requested that he might have an additional deputy to close up certain places down in Boothby Square, and from the testimony, that must have been a kitchen bar room that they were anxious to close on account of the great care and trouble that arises from the operation of those places. The county commissioners naturally objected

to bringing in a country deputy to close up one place, and they informed the sheriff that if he wanted to close up all the places, to go ahead and they would furnish what force he needed, even going to the extent of saying "We will furnish you 100 men if you will do your duty and close them all up." What excuse have they for bringing in the fact that they have only four deputies for transacting all this business in regard to the enforcement of law in Cumberland county?

They say that public opinion is back of the sheriff down there, and that the opinion of the people of Portland in reference to the manner in which the sheriff has been enforcing the law is an approval of that method. And they bring in here Mr. Winslow, Doctor Gordon and Mr. Frank, and they say the conditions are good in Portland. You heard their testimony and their opportunities for observation, and how far they investigated the conditions of the different saloons. Then they bring in Mayor Curtis and Assessor Jordan, and then City Clerk Waterhouse, and they also testified that they considered the conditions good. Mr. Waterhouse threw some interesting light upon the attitude of the defendant's witnesses as to what they considered good conditions. Mr. Waterhouse was a very frank and honest witness. I have known him before and I was satisfied that Mr. Waterhouse would tell the truth in regard to his opinion of the situation. And Mr. Waterhouse said that what he meant by good conditions was that those saloons were well regulated, that they did not sell on Sunday, that they closed on holidays and that they observed the 10 o'clock rule at night, and conducted their business as proper and well regulated saloons should, and therefore he thought for that reason, that conditions were excellent in the city of Portland, so far as the enforcement of the prohibitory law is concerned.

Mr. Lewsen throws another side light upon the kind of testimony and the source from which the defense was drawing it, to convince this convention that Mr. Moulton had been properly enforcing the law. It seems that Mr. Lewsen—and they say they enforced the law because when a complaint was made, the

sheriff closed up the place—Mr. Lewsen, it seems, made a complaint, and a seizure was made in the Lafayette hotel. Mr. Lewsen allowed that he had visited one other bar room in the city of Portland, and that was the Preble House bar, and there they were selling in a fairly open way. It was not open on the street and for that reason, he did not consider it any of his business to make a complaint in regard to that bar, and he never made any further examination as of the other places where it is acknowledged they are selling beer and whiskey.

Then they bring in three or four lawyers who testify here as to the number of cases they had before the municipal court, and the great difficulty they had in getting their clients off or not sentenced to jail. There have not been such a tremendous number of jail sentences. Most of the jail sentences were due to the fact that they could not pay their fine, and considering the manner in which they were enforcing the law, the kitchen bar room has not been very profitable.

So that the fact is that they could not pay their fines and got into jail that way. These lawyers undertook to tell you that the sheriff had been enforcing the law because he said all their clients were going to jail. In practically every instance the clients were Italian women or kitchen bar rooms. If Mr. Hollywood's place, a well known bar, or the Preble House bar, or the Temple street place, or the place at 9 Exchange street, or Pat Sullivan's place—it would seem to me that if they were brought into court, that the attitude of the sheriff's office would have been shown by the prosecution of these places.

Now with reference to complaints, they undertook to impress upon this convention that if a complaint was made, the sheriff was willing and anxious even to listen to it and close up the place. Mr. Lewsen says that he made a complaint to the sheriff and within a few hours the place was closed up. And Mr. Carleton says he made a complaint and they closed upon the place. Mr. Maher says that he made a complaint and it was not two hours before the place was closed up.

It appeared from these complaints

and the proceedings under them, that it was not such a difficult matter to close these places when they wanted to. It did not take but two or three hours to close up the Cotton street bar-room. It was a very significant thing, a very unfortunate thing for the city of Portland, that nobody made any complaints of these open and well-known and notorious rum shops that have been testified to here.

They have undertaken to criticize this kind of evidence, and the Governor, because the name of the city marshal of Portland was included in the petition or House Document, and because we did not bring him down here to tell the conditions of Portland. As a matter of fact, it did not seem as though we needed any more testimony from Portland or anywhere to convince this convention of the conditions in Portland.

I want to read to you briefly what the charter of the city of Portland says as to the police department of Portland and it may account for the lack of activity in that department.

Section 5 of the charter of our city says that the executive department of the city generally and the administration of the police and health department, etc., except as modified by this act, shall be invested in the mayor and aldermen of the city of Portland. They came down here, the mayor and one of the aldermen, and testified as to the conditions in Portland. The mayor said that they are the best that they ever were, and Mr. Jordan comes in and is very much surprised that any such conditions exist in Portland as have been testified to.

The enforcement, he told this convention, has been a charge upon his mind by reason of the fact that the statutes of this State place a fine of \$50 upon him if he does not do his duty in this respect, that he has been investigating these conditions, that he has had in mind that he would look out for the infractions of the liquor law in the State of Maine and city of Portland—and he tells this convention that in all his travel around the streets of the city of Portland, in the discharge of his duties as alderman in that city, in going about in the discharge of the duties of the various committees that he has been on,

that he never has seen in any of these places any signs of violation of the liquor law in that city in the last year and three months; and that he, although he had this keen interest in the city's welfare—and he feels it, and it was apparent by his testimony—that he never has undertaken to investigate to the extent of entering any of these well-known places. Well, now, I don't apprehend there is any gentleman that has been around the police department, as he says he has been around there, or who has had to do with city affairs, as he says he has had to do, who has tramped by every single one of these places that are enumerated in this long list, for the last 15 months, who does not know where the rum shops of Portland are located when they are running in the manner they have been running in the last three months, and it is no use for any witness—I don't care whether he is a clerk of the Casco National Bank, I don't care whether he is an alderman, a member of that distinguished body in the city of Portland—to come down here and undertake to tell a convention made up of reasonable and experienced men such as this is that he didn't know that any such conditions existed in the city of Portland as have been testified to here in the last two or three days, and he was very pained, indeed, to find it out.

Now, just another point I want to call your attention to. I know there will be a great many things that I shall omit in the testimony on account of the lack of time, but you will remember it all in its application and I cannot take up your time to discuss it all and the bearings of the law on it. But I want to take up another point, to which my colleague has called my attention, in relation to the performance of their duties by these same deputy sheriffs in the last three months, as bearing upon the amount of time devoted to, and the diligence with which they have enforced the law during that period against the various places where liquor is sold in our city.

We have taken the trouble to go over these various seizures which they have printed here upon this sheet, and we find that during the month of January these four liquor deputies worked in seizing

liquors—at least they made seizures for only 10 out of the 31 days of January. On the other 21 days, so far as any of the records show, they were not doing a single thing to enforce the liquor law in the city of Portland. It would not appear as though they were giving a great deal of their time to the enforcement of the liquor law. I don't believe, even with the general testimony they gave in here, that any of you believe for a moment that their other duties that they had to perform in the county of Cumberland took two-thirds of their time in the month of January. In the month of February there were 1/ out of the 28 days that they did not make any seizures. Only on 11 days did they work in the diligent and faithful enforcement of this law. And in March, there were 13 days that they did no work, or 18 in which they worked—13 out of 26 days—the figures only go to that extent—in which they did any work in seizing of liquors. So that you see that they have not been devoting all of their time or any large part of their time to the seizing of liquors in the city of Portland during the last three months.

Now I do not propose to take up much more of your time in the discussion of this case. It seems to me that the facts that have been brought before you must convince all of you gentlemen whose minds are open, who propose to treat this question sincerely and honestly and in the faithful discharge of the duties that are imposed upon you as representatives of the people of the State of Maine; and I propose to bring the few remarks that I shall make to a close in a very short time.

Now if these conditions such as I have related and pointed out to you actually exist, and you feel they exist, is there any escape from the proposition that the sheriff of Cumberland county has either wilfully or corruptly been negligent in his duties in this respect? Of the general conditions that exist there, there can be no question. There is no question but what the sheriff knew of them, and while my brother says that on account of ill health and for other considerations he did not place the respondent on the witness stand, yet I apprehend there will be in your minds no question as to what he

would have said as to why the enforcement of the law in Cumberland county was carried on in the manner in which it has been carried on during the last three months. And it may be that you are of the opinion, as I am of the opinion, that it was wise advice that his counsel gave to him in that respect.

And it also appeared that when they proposed to introduce the evidence in relation to the number, or rather the places of these seizures, they wanted the counsel on this side of the case to admit this without having anybody testify as to their correctness, and when I told them that I would admit them if they would put one of their liquor deputies on in order that I might cross-examine him and see what kind of places they had been seizing, then they backed out, and finally put on a man reluctantly who kept the office accounts and the office records, as they were obliged to do in order to get their evidence into the case. There was an apparent, I say, an apparent reluctance to place them on the witness stand here, in order that we might cross-examine them and have them tell to this convention their reasons for the manner in which they had been enforcing the law in Cumberland county during the last three months.

Well, now, the evidence that is in the case in regard to the manner in which it is regulated down there, as to the times when they closed, and the days on which they closed, and the regularity and obedience of these so-called regular liquor sellers, and the failure I say of the sheriff himself and his deputies to go on the stand and testify voluntarily and willingly, seem to point out conclusively to every fair-minded man the manner in which this law has been enforced down there, or rather in which there has been no enforcement and these places have been allowed to run in the manner in which they, have,—and that there has at least been a wilful neglect to faithfully and diligently enforce this law.

Now, gentlemen, to my mind, the prohibitory law is not on trial at this time. All of the arguments and much of the testimony that has been introduced here in the defence has related

solely to the proposition of whether you think that a State-wide prohibitory law is the best method of regulating the traffic, or handling it, or whether you prefer local option. Well, now, that is not the question in the slightest degree that is before this convention at this time.

On the contrary, the sovereignty of the State of Maine is on trial now, as to whether or not her laws shall be respected and enforced and obeyed, not only in the city of Portland and in Cumberland county, but throughout the length and breadth of our State. Why, it is futile and absurd for any attorney of the ability and experience of my Brother Pattangall to come in here before a convention of reasonable men and argue that there can be any discretion left to an administrative officer, or that a convention sitting as you gentlemen are sitting, sworn to do your duty under the Constitution of this State, can for a moment relax the laws of this State in any community and say because the people of that community do not happen to approve of that particular law therefore the officer of that community need not enforce it if he sees fit. The Constitution of Maine, adopted by the people of this State nearly a century ago, and into which they placed 25 years ago a declaration that intoxicating liquors should not be sold within the limits of this State,—the statutes of this State say that it is illegal for any one to sell intoxicating liquors within the limits of the State of Maine. They do not say they can be sold down in Portland or Lewiston or any other place in violation of the law, simply because the people of that city or any portion of them would like to have them sold in that way. The laws of this State, without regard to place, without regard to person, say unequivocally that no intoxicating liquor shall be sold in any place in the State of Maine. And you, gentlemen, are not representing the people of Cumberland county, you are not representing the people of Sagadahoc county, or the people of Bath, or the people of Lewiston, or the people of Bangor,—you are representing here,

in convention solemnly assembled, representing the people of the State of Maine, the whole people of this State, whom you and your predecessors in office represented when they placed these laws upon the statute books of this State.

If the people of this State do not want these laws, let them repeal them, not nullify them, and let no action of yours in this convention disgrace the people of the State of Maine and the sovereignty of our State by saying to the people of this State, of this county—why, some of our officials, in some communities in the State, because the people in that particular community do not want this law enforced, may do as they see fit about it.

Why, instead of criticizing the Governor of the State of Maine because he has brought these proceedings, the people of the State ought to rise up, every good citizen in the State of Maine ought to rise up and uphold him for his courage in presenting to this convention and to this Legislature, these officers herein named who have deliberately and wilfully neglected to perform the duties which are imposed upon them by this State. And I have the feeling that every member of this convention, when you come to consider this question, will not treat it lightly, that you will not treat it as any partisan matter, but that you will treat it as citizens of Maine, as representatives of the citizens of this State, in the manner in which it is entitled to be considered, on account of the importance to the enforcement of all laws and to general social conditions in our beloved State. (Applause)

The PRESIDENT: Members of the convention understand that immediately following the dissolution of the convention, the House will sit in this room and the Senate in its own room for the purpose of voting upon the address to the Governor.

The purposes for which this convention was formed having been accomplished, the convention is dissolved.

The Senate thereupon retired to the Senate chamber.

IN THE HOUSE.

Mr. SMITH of Patten: Mr. Speaker, I move that this House now go into executive session for the purpose of considering the adoption of an address to the Governor for the removal of Lewis W. Moulton, sheriff for the county of Cumberland.

The motion was agreed to.

The SPEAKER: In accordance with the vote of the House the galleries will be vacated, spectators will retire from the floor of the House and the door-keepers will take charge of the entrances.

In Executive Session.

The SPEAKER: It has been suggested to the Chair by some of the counsel engaged in this trial, so-called, that for the purpose of completing the legality of the proceedings, or preventing any possible question, that a vote should be passed to the effect that the records of the convention should be spread upon the records of the House.

Mr. THOMBS of Lincoln: Mr. Speaker, I move that the records of the convention in these proceedings in the matter of resolve for the adoption of an address to the Governor for the removal of Lewis W. Moulton, sheriff of the county of Cumberland, be spread upon the records of the House.

The motion was agreed to.

Mr. SCATES of Westbrook: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman will state his point of order.

Mr. SCATES: The point of order is this, that whereas the gentleman from Fort Fairfield, Mr. Haines, the gentleman from Topsfield, Mr. Taylor, and the gentleman from Whiting, Mr. Gardner, by an order of this House were excused from further duty during this session, whether it is the opinion of the Chair that they have a right to vote?

The SPEAKER: The Chair has examined into the matter briefly because the gentleman from Westbrook, Mr. Scates, was kind enough to inform the Chair that the point would be raised, and it seems to the Chair that the matter of excusing a member is a privilege accorded him which he may or may not take advantage

of, and that it does not debar him from exercising his constitutional rights to take part in the proceedings of the House if he cares to do so; that is, he may or may not accept the privilege offered to him; if he accepts it and goes home he has certain rights in regard to pay, which he otherwise would not have, but he is not obliged to take that, or he is not obliged to continue to accept it, but may return it. That is the judgment of the Chair in respect to that matter; and therefore the Chair would rule on the point raised that members who have been excused have a right to return and participate in the proceedings, and the Chair would overrule the point of order.

Mr. NEWBERT of Augusta: There is another small matter which I wish to call to the attention of the Chair, and that is as to the arrangement of pairing between the gentleman from Whiting, Mr. Gardner, and the gentleman from Topsfield, Mr. Taylor, both of whom were excused by order of the House and went home. Now I do not know all the facts; I simply know that I understood from the gentleman from Whiting, Mr. Gardner, himself before he left the House, because I had asked him some questions and rather objected to his leaving so early in the session, and he told me that he had paired with Mr. Taylor of Topsfield on every question that came before the Legislature until its close. The gentleman from Whiting, Mr. Gardner, does not appear to be present, and the gentleman from Topsfield, Mr. Taylor, is here, so that it is a question in my mind as to whether the gentleman from Topsfield, Mr. Taylor, under the circumstances should vote. I don't know how either member would vote under this condition or any other; whether he should vote at all is the question I raise.

The SPEAKER: The Chair has some knowledge about that particular matter gained from the fact that both of the gentlemen spoke to the Chair at the same time in relation to the matter of their going away. As the Chair remembers it, and the gentleman from Tops-

field (Mr. Taylor) will correct the Chair if it is stated wrong—as the Chair remembers it, the immediate occasion of their going was the matter of the compensation bill, although it was understood that other things were doubtless involved; but there was a condition that in case either of the men notified the other, they could return; and the Chair is informed by the gentleman from Topsfield, Mr. Taylor, that he has notified the gentleman from Whiting, Mr. Gardner, and as a matter of fact the Speaker took the responsibility of telegraphing to the gentleman from Whiting, Mr. Gardner, that he should return, and a response came back from the operator, yesterday, that he had returned, and the Chair supposed he was in his place, this morning, or would be in his place. In regard to the pairs, the Chair does not know any rule of the House, and would like to inquire if the gentleman from Augusta, Mr. Newbert, has familiarized himself with it sufficiently to know of any rule in regard to pairs in this House.

Mr. NEWBERT: I will say, Mr. Speaker, I do not know of anything; I never have taken pains to look it up.

The SPEAKER: In the United States House of Representatives there is a special rule in regard to pairs; there appears to be none in the rules of the House, and the Chair would not feel any authority to prevent any person constitutionally a member of this House from voting, who himself decided that he had a right to vote. In the question which arose in the early part of the session Mr. Stanley was somewhat in doubt about voting, and the President of the Senate ruled that it was up to the gentleman himself to decide, and that there was nothing in the rules of the Legislature to prevent him from voting if he so desired; and the Speaker would take the same position, that there is nothing in the rules and the Constitution to prevent a man from voting under those circumstances. Under some conditions there is a rule which prevents him from voting; if he has an interest in a particular matter he may be prevented from voting, otherwise the Chair knows of no way to prevent the member from voting.

Mr. NEWBERT: I appreciate the po-

sition of the Chair. I presume the House will be entirely satisfied with the statement of the gentleman from Topsfield (Mr. Taylor) himself.

The SPEAKER: Will the gentleman from Topsfield, Mr. Taylor, make a statement for the benefit of the House.

Mr. TAYLOR of Topsfield: Mr. Speaker and gentlemen of the House, as soon as I attended to the business for which I found it was necessary for me to go home at the time the gentleman from Whiting (Mr. Gardner) and I paired I discovered that there were other things arising in the House, and my constituents thought it was necessary that they should be represented here, and I immediately telephoned to the gentleman from Whiting (Mr. Gardner) and discovered that he lived three miles from the telephone office, and for fear that I might not be able to get him I wrote him a letter and registered it on the morning of April 4th. I have here a copy of the letter I wrote him, which is as follows:

"Topsfield, Me., April 4, 1913.

Hon. Hollis Gardner,
Whiting, Me.

The present conditions now existing at Augusta, Me., to my mind, as well as for the people of my district, I feel it is my duty to be present and hear the investigation of the several sheriffs which will begin, today; also to express by my vote my standing on this very important question, the enforcement of the prohibitory law. I hope this will not make any hardship for you, as I believe you are anxious to do the bidding of your people as you see it, as well as I wish to do for my people.

For fear you may not get this letter in season I will telephone you so you may be able to come to Augusta on the night train, as I expect to go home.

Thanking you for past favors, I remain,

Yours truly,

O. H. TAYLOR."

That letter was mailed on April 4th, on the morning train, so that it would in all probability arrive in Machias on that day. I also telephoned to the gentleman and received a telephone answer on the same day, at 4 o'clock in afternoon, about two hours before I

started for Augusta. Of course I didn't know about how far he had to travel, but I think he understood definitely in regard to the matter and he said he would be on that same train. That is all I know from my own personal knowledge. I registered this letter so that there would be nothing to come up on my part, and I also telephoned him on the same day. I would be glad to answer any questions which the House may see fit to ask.

The SPEAKER: The House hears the statement of the gentleman from Topsfield, Mr. Taylor. The question before the House is on the adoption of an address to the Governor asking for the removal of Lewis W. Moulton, sheriff for the county of Cumberland, in the following form:

"Resolved, That both branches of the Legislature, after due notice given, according to the Constitution, will proceed to consider the adoption of an address to the Governor for the removal of Lewis W. Moulton, sheriff for the county of Cumberland, for the causes as following:

First, because the said Lewis W. Moulton, who is now holding the office of sheriff for the county of Cumberland, and who has held said office continuously since the first day of January, A. D., 1913, wilfully or corruptly refuses or neglects to perform the duties required of him as such sheriff by Section 69 of Chapter 29 of the Revised Statutes of this State as amended by Chapter 41 of the Public Laws of 1905, and particularly his duties as said sheriff in enforcement of the law against the illegal sale of intoxicating liquors and the keeping of drinking houses and tippling shops.

Resolved, The House of Representatives concurring, that these resolutions and statements of causes of removal be entered on the Journal of the Senate and a copy of the same be signed by the President of the Senate and served on said Lewis W. Moulton by such person as the President of the Senate shall appoint for that purpose, who shall make return of said service upon his personal affidavit without delay, and that the first day of April, at 11 o'clock in the forenoon, be assigned as the time when the said Lewis W.

Moulton may be admitted to a hearing in his defense."

Mr. SMITH of Patten: Mr. Speaker, I move that when the vote is taken it be taken by the yeas and nays.

The SPEAKER: Those favoring the demand for the yeas and nays will please rise.

A sufficient number having arisen, The yeas and nays were ordered.

Mr. NEWBERT of Augusta: Mr. Speaker, because of the lateness of the hour I think the House might desire to limit debate, if there is to be debate. I do not wish to put any restriction upon any member, but possibly a limit might well be set at five minutes or something like that. I do not wish to say any more about it unless some member wishes to take the matter up, but it seems to me if there is to be debate there might be some limit of time.

The SPEAKER: The Chair will state that if debate appears to be prolonged the previous question can be moved. Is the House ready for the question? Those in favor of the adoption of this address to the Governor for the removal of Lewis W. Moulton, sheriff of the county of Cumberland, when their names are called will answer yes; those opposed to the adoption of this address will answer no.

Mr. PLUMMER of Lisbon: Mr. Speaker, as I was unable to be present during the taking of the testimony for the State, with the exception of the last witness as I remember it, I ask to be excused from voting.

The SPEAKER: The rules provide that this may only be done by vote of the House. Every member who shall be in the House when a question is put, where he is not excluded by interest, shall give his vote unless the House for special reason shall excuse him; and when the yeas and nays are ordered, no member shall leave his seat until the vote is declared.

Mr. SMITH of Patten: Mr. Speaker, in response to the request of the gentleman from Lisbon (Mr. Plummer) I move that he be excused from voting.

A viva voce vote being taken,

The motion was lost.

The SPEAKER: The question before the House is on the adoption of this address to the Governor. Those in favor of the adoption of the address when their names are called will answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Allen, Bass, Benn, Benton, Bither, Bowler, Bragdon of Sullivan, Bragdon of York, Butler, Chick, Cochran, Cook, Dunton, Durgin, Eastman, Emerson, Farrar, Folsom, Greenleaf of Auburn, Greenleaf of Otisfield, Haines, Harman, Harper, Higgins, Hutchins, Irving, Jenkins, Johnson, Jones, Kimball, Lawry, Marston, Mathieson, McBride, McFadden, Merrill, Metcalf, Mitchell of Kittery, Mitchell of Newport, Mooers, Morrison, Morse, Nute, O'Connell, Peacock, Peaks, Pendleton, Peters, Peterson, Richardson, Ricker, Roberts, Rousseau, Sanborn, Sanderson, Sargent, Skelton, Skillin, Smith of Auburn, Smith of Patten, Smith of Pittsfield, Smith of Presque Isle, Spencer, Stevens, Stuart, Sturgis, Swift, Taylor, Thombs, Tobey, Trimble, Tryon, Twombly, Umphrey, Violette, Washburn, Waterhouse, Wheeler, Winchenbaugh, Wise—80.

NAY:—Austin, Boland, Boman, Brennan, Bucklin, Chadbourne, Churchill, Clark of Portland, Clark of New Portland, Connors, Crowell, Currier, Cyr, Davis, Descoteaux, Doherty, Dresser, Dunbar, Eaton, Eldridge, Elliott, Estes, Farnham, Franck, Gallagher, Gamache, Goodwin, Gordon, Hancock, Harriman, Haskell, Hogan, Jennings, Kehoe, Kelleher of Portland, Kelleher of Waterville, Leader, Leary, LeBel, Libby, Mason, Maxwell, Maybury, Mildon, Morgan, Morneau, Newbert, Packard, Pitcher, Plummer, Price, Putnam, Quinn, Reynolds, Robinson, Rolfe, Scates, Sherman, Snow, Sprague, Stanley, Stetson, Swett, Yeaton—64.

ABSENT:—Brown, Donovan, Gardner, Hodsdon, Leveille, Ramsay, Thompson—7.

The SPEAKER: Eighty having voted in the affirmative and 64 in the negative, the address has received adoption in concurrence with the Senate.

Mr. Austin of Phillips moved that the proceedings in this executive session be made a part of the proceedings of the House.

The motion was agreed to.

Mr. NEWBERT of Augusta: Mr. Speaker, I move that the injunction as to secrecy in the proceedings taken in executive session in the matter of John W. Ballou, sheriff of the county of Sagadahoc, be removed so that the record of the yea and nay vote will go into the record.

The motion was agreed to.

The following is the result of the yeay and nay vote taken in executive session of the House on Friday, April 4th, 1913, in the matter of resolve for the adoption of an address to the Governor for the removal of John W. Ballou, sheriff for the county of Sagadahoc:

YEA:—Allen, Bass, Benn, Benton, Boman, Bowler, Bragdon of Sullivan, Bragdon of York, Brennan, Butler, Cnck, Cochran, Cook, Crowell, Cyr, Davis, Duntun, Durgin, Eastman, Emerson, Estes, Farrar, Folsom, Greenleaf of Auburn, Greenleaf of Otisfield, Harman, Harper, Higgins, Hutchins, Irving, Jenkins, Johnson, Jones, Kimball, Lawry, Leveille, Marston, Mathieson, McBride, McFadden, Merrill, Metcalf, Mooers, Morrison, Peacock, Peaks, Pendleton, Peters, Peterson, Pitcher, Richardson, Ricker, Roberts, Rolfe, Rousseau, Sanborn, Sanderson, Sargent, Skelton, Skillin, Smith of Auburn, Smith of Patten, Smith of Presque Isle, Spencer, Stevens, Stuart, Sturgis, Swift, Thombs, Thompson, Tobey, Trimble, Tryon, Twombly, Umphrey, Violette, Washburn, Waterhouse, Wheeler, Winchenbaugh, Wise—81.

NAY:—Austin, Boland, Bucklin, Chadbourne, Churchill, Clark of New Portland, Connors, Currier, Descoteaux, Doherty, Dresser, Dunbar, Eaton, Elliott, Farnham, Franck, Goodwin, Gordon, Hancock, Harriman, Haskell, Hodsdon, Kehoe, Kelleher of Portland, Leader, Leary, LeBel, Libby, Mason, Maxwell, Maybury, Mildon, Mitchell of Kittery, Morneau, Morse, Newbert, Nute, O'Connell, Packard, Plummer, Putnam, Quinn, Reynolds, Robinson, Scates, Snow, Sprague, Stanley, Swett, Yeaton—50.

ABSENT:—Bither, Brown, Clark of Portland, Donovan, Eldridge, Gallagher, Gamache, Gardner, Haines, Hogan, Jennings, Kelleher of Waterville, Mitchell of Newport, Morgan, Price, Ramsay, Sherman, Smith of Pittsfield, Stetson, Taylor—20.

On motion by Mr. Smith of Patten, the House came out of executive session.

IN THE HOUSE.

On motion by Mr. Newbert of Augusta, the House voted to take a recess until 3 o'clock in the afternoon.

After Recess.

On motion by Mr. Smith of Patten, it was

Ordered, the Senate concurring, that 300 extra copies of the Legislative Record be printed covering the Legislative Sessions from April 4th to the end of the session, inclusive.

On motion by Mr. Clark of Portland, it was

Ordered, that 500 extra copies of Senate Document No. 646, as amended, be printed for the use of the Legislature.

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 read the resolve under which the convention is formed.

The secretary then read the resolve for the adoption of an address to the Governor for the removal of Adelbert J. Tolman, sheriff for the county of Knox.

THE PRESIDENT: Before any further proceedings are had 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, Bither, Boland, Boman, Bowler, Sen. Boynton, Bragdon of Sullivan, Bragdon of York, Brennan, Bucklin, Sen. Burlleigh, Sen. Chase, Chick, Churchill, Clark of Portland, Clark of New Portland, Cochran, Sen. Colby, Sen. Cole, Sen. Conant, Cook, Crowell, Cyr, Descoteaux, Doherty, Dresser, Dunbar, Duntun, 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, Jennings, Sen. Jillson, Johnson, Jones, Kehoe, Kelleher of Portland, Kimball, Leary, LeBel, Libby, Sen. Mansfield, Marston, Mason, Sen. Maxwell of Sagadahoc, McBride, McFadden, Merrill, Metcalf, Mildon, Sen. Milliken, Mitchell of Newport, Mooers, Sen. Morey, Morrison, Morse, Sen. Murphy, Newbert, Nute, O'Connell, Sen. Packard of Knox, 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, Sanderson, Sargent, Scates, Sherman, Skelton, Skillin, Sen. Smith of Penobscot, Smith of Auburn, Smith of Patten, Smith of Presque Isle, Spencer, Sprague, Stanley, Sen. Stearns, Stetson, Stevens, Stuart, Sturgis, Swett, Swift, Taylor, Thombs, Tobey, Trimble, Twombly, Umphrey, Sen. Walker, Washburn, Waterhouse, Wheeler, Sen. Wing, Wise, Yeaton.

ABSENT:—Brown, Butler, Chadbourne, Sen. Clark of York, Connors, Currier, Davis, Donovan, Sen. Emery, Gardner, Hodsdon, Kelleher of Waterville, Lawry, Leader, Leveille, Mathieson, Maxwell of Boothbay Harbor, Maybury, Mitchell of Kittery, Morgan, Morneau, Sen. Moulton,

Packard of Newburg, Price, Ramsay, Smith of Pittsfield, Snow, Thompson, Tryon, Violette, Winchenbaugh.

The PRESIDENT: A call of the roll discloses the presence of 152 members of the convention. Appearances may now be entered.

Hon. W. R. PATTANGALL: Mr. President, assuming that the Knox county case is to be heard in the unavoidable absence of Mr. Tolman, I should like to have the appearances entered merely for the purpose of having certain motions made and recorded and a protest entered. The appearances may be entered on the part of the respondent of W. R. Pattangall, B. F. Maher and Frank B. Miller, and Brother Maher will present the several motions before proceeding.

ATTORNEY GENERAL WILSON: The following appearances may be entered in behalf of the prosecution: Scott Wilson, Attorney General, Benjamin F. Cleaves, E. K. Gould and M. W. Weymouth.

The PRESIDENT: The secretary of the convention will now read the rules of procedure.

(The secretary then read the rules, the full text of which will be found on Page 1485 of the Legislative Record.)

The PRESIDENT: The Chair understands there are motions to be made.

Mr. MAHER: Mr. President, I wish to present the following:

In proceedings against Adelbert J. Tolman, sheriff of Knox county.

Proceedings brought under the provisions of Section 5 of Article 9 of the Constitution of Maine and in which proceedings certain rules of procedure have been adopted which are more specifically set out on the records of the joint Convention of the 76th Maine Legislature.

And now comes the said Adelbert J. Tolman, and says that he should not be placed on trial under said rules for that said rules are repugnant to a fair and impartial trial by a jury of his peers or by the law of the land, and that he is liable to be deprived of his property or privileges, without due process of law and in violation of the rights guaranteed to him under the

Constitution of the United States, and moves for specifications of charges against him.

ADELBERT J. TOLMAN,
By W. R. PATTANGALL,
BENEDICT MAHER.

The SPEAKER: Mr. Attorney General, have you any specifications to file.

ATTORNEY GENERAL WILSON: No, Mr. Speaker, there has no notice been given to me, and my reply would be the same, if it had been, as in the preceding case.

The SPEAKER: The secretary will enter that the motion is denied.

Mr. MAHER: And from that ruling, Mr. Chairman, I will ask an appeal to the convention.

The SPEAKER: The secretary will also make an entry that an appeal was asked for and was refused.

Mr. MAHER: And from that ruling, Mr. Chairman, we would ask that a recess be taken in order that the appeal may be entertained by the separate branches constituting this convention.

The SPEAKER: Does counsel wish a recess for the purpose of entertaining an appeal? The only way that an appeal could be entertained would be to modify the rules of procedure that have been adopted.

The convention has heard the motion of counsel representing the sheriff of Knox county, and the request made by him that the convention take a recess for the purpose of modifying the rules adopted for the proceedings of the convention, in order that an appeal from the ruling of the Chair may be entertained under the rules. Does any member of the convention desire to make a motion.

In the absence of any motion the Chair has no option but to proceed with the hearing.

Mr. MAHER: We file a further motion, if it is in order.

In re-proceedings against Adelbert J. Tolman, sheriff of Knox county.

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

First: That the charges as are set out in House Resolve Number 699 are

generally vague, indefinite, uncertain, ambiguous and contradictory and to which charges the defendant has seasonably 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 reasonably objected, which objections were overruled and from which rulings 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 powers which the said convention was without right to so surrender or delegate and to which the defendant has seasonably objected, which objections were overruled and from which ruling the defendant was denied the right of appeal.

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

Fifth: 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 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."

Sixth: 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 or 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 No. 665 be forthwith dismissed and that he be not called upon to say or answer further in his own behalf.

ALBERT J. TOLMAN,
By W. R. PATTANGALL,
BENEDICT F. MAHER,
FRANK B. MILLER.

The SPEAKER: The Secretary will make an entry that the motion is denied.

Mr. MAHER: And from that ruling, Mr. Chairman, we ask an appeal to the convention.

The SPEAKER: The Secretary will make an entry of the appeal requested by counsel representing the sheriff, and that the appeal was refused.

Mr. MAHER: And now, Mr. Chairman, the next document which we will file will be separate, but is a part of a petition. It is an affidavit, and while it is not attached we will make it a part of the motion which will follow. I will read that affidavit first, while it may be a trifle out of order.

The SPEAKER: Just the way that counsel desires.

Mr. MAHER:
I, Dr. J. W. Wilde, Secretary of the Board of Health for the city of Rockland, Maine, on oath depose and says:

That on Saturday last I caused Martin S. Britto, janitor of the county buildings, to be quarantined at his home in this city as he had a well de-

finer case of smallpox, previous to which time and on said day he had been and was attending to his duties as janitor of both jail and court house. As the April term of the Supreme Judicial Court was in session, a large number of persons were exposed to the contagion, especially A. J. Tolman, sheriff of the county, whereupon I at once quarantined Mr. Tolman in his residence at the jail, together with his son and house-keeper.

On April 3d instant, Austin M. Titus, a deputy sheriff, residing at East Union, and who had been exposed to the small pox at North Appleton, came to Rockland, visited the court house and entered upon the discharge of his duties as such. During the day he visited Mr. Tolman at his residence, and delivered to him, I am informed, some books which he, the said Titus, had previously borrowed of Mr. Tolman.

April 4, I received a telegram from Dr. Young, secretary of the State Board of Health, respecting the exposure of Mr. Titus to the contagion, a copy of which telegram is hereunto annexed and made a part of this deposition.

Mrs. Frank Stevens, who lives in the rear of Berry Bros.' stable, has developed a well defined case of smallpox, and I am credibly informed that her son was in attendance on the court nearly every day last week. I have also quarantined the Stevens house.

In this connection I wish to state that the quarantine on the jail residence of Sheriff Tolman will not be raised before Monday, April 18th, 1913, believing that the good of the public demands such action on my part.

J. W. WILDE,
Sec. Board of Health.

Subscribed and sworn to before me,
this eighth day of April, A. D., 1913.

FRANK B. MILLER,
Notary Public.

438 RN 114 N. L.
Augusta, Me., April 4, 1913.
Dr. J. W. Wilde,

Health Officer, Rockland, Maine.

March 29 Austin Titus Deputy Sheriff
Knox County went to the home of Wm.

Brown N. Appleton to serve two sheriff papers for attendance at supreme court in Rockland His attention was called to the smallpox tag on the house but he went into the kitchen and served the papers then he went to the home of Charles Towle where they have had smallpox He took one of their children to his home in E. Union He sent the child to school in Union but the teacher sent him home Austin Titus is now attending court in Rockland Better see Judge Savage and probably arrest and quarantine Mr. Titus.

MR. MAHER: Now, Mr. Chairman and Gentlemen of the Convention, as a part of this motion we have incorporated that affidavit.

Whereas, by virtue and pursuant to the Constitution of the State of Maine there has by joint resolution of the Legislature been formulated certain charges against Adelbert J. Tolman, sheriff of the county of Knox, in the State of Maine, which charges are before the aforesaid Legislature for consideration in order that this honorable body may determine whether or not to pass an address recommending his removal from office, and

Whereas, the said Adelbert J. Tolman has been served with notice of the time and place of the hearing thereon, in order that he may be admitted to be heard in his own defense thereon, now through counsel said Adelbert J. Tolman says:

First: He is desirous of being heard in his own behalf, pursuant to his rights under the Constitution of the State of Maine.

Which constitutional guaranty in part is as follows:

Article IX. Section 5. 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.

Article I. Section 6. * * * He shall

not be compelled to furnish or give evidence against himself, nor be deprived of his life, liberty, property or privileges, but by judgment of his peers or by the law of the land.

Second: He is desirous of being heard in his own behalf pursuant to his rights under the Constitution of the United States. Article V:

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentation or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; (a) nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property, without due process of law; (b) nor shall private property be taken for public use, without just compensation."

Third: That he is desirous of being heard in his own behalf pursuant to the Rule Third of the Joint Convention, which rule is as follows:

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

Fourth: The said Adelbert J. Tolman solely by reason of a quarantine imposed upon him by the duly authorized and legal officers of the city of Rockland is deprived of his liberty and it is made thereby impossible for him to appear before the Legislative Convention on this ninth day of April, A. D. 1913, as more fully appears from an affidavit of the secretary of the Board of Health of the city of Rockland filed herewith and made a part of this petition.

Wherefore:

The said Adelbert J. Tolman through counsel respectfully petitions and prays this Honorable Convention that such further and other time may be fixed for a hearing upon the aforesaid charges as will permit him to enjoy and exercise his legal and constitutional rights of personal defence guaranteed by the Constitution of the United States, State of Maine, and Rule Third of this convention itself.

The said Adelbert J. Tolman, through counsel, protests against any proceedings of this convention affecting his rights or privileges while he is unable to be heard in his own defence.

W. R. PATTANGALL,
BENEDICT F. MAHER.

The SPEAKER: Does the Attorney General desire to make any statement?

Attorney General WILSON: I think there is nothing more that the Attorney General can say at this time than was stated in the convention, yesterday. I had a conference with Dr. Young, who has been in conference with the physician on the Board of Health, and if the convention so desires, I have no doubt that Dr. Young would come before the convention and state what he understands the condition to be.

Mr. PATTANGALL: I don't think there is any controversy that we would raise or that the Attorney General would care to raise, with regard to matters of fact concerning the condition at Rockland. Those things seem to be unimportant, except the one fact that neither Dr. Young nor anybody else that I know of can deny that at the present time Sheriff Tolman is under quarantine. Whether that is necessary or not, I don't know, and I don't care. That is something over which I have no control, and over which this convention, with all its great powers has no control. The health officer of the city of Rockland **has absolute control of that situation.** Our position in the case is simply as stated in the motion, that under the **Constitution of this State**, these proceedings must be carried on at such a time and in such a way that the party accused may appear in his own behalf and in no other way under the Constitution. Notice shall be given, the Constitution says, that he may appear, and that assumes notice in point of time so that the respondent could appear. It assumes on the face of it that if any physical impossibility, as to distance or anything of that sort kept the respondent from appearing, that a convention such as this would have no power to act.

Conditions are such that Mr. Tolman cannot be here and won't be here. Under those circumstances no counsel who had any respect for himself would sit here and try the case in his absence—I mean for the respondent, I don't refer to counsel for the prosecution, of course—so that if the convention should decide to go ahead and try Mr. Tolman after it has learned through sworn evidence that he is under a law of the State, practically under arrest and unable to be here, that would be nothing that we could help. Under those circumstances of course, counsel would simply withdraw and permit the State to put in its case in its absence, assuming that a convention made up of two houses of the Maine Legislature should decide to try the case in that way.

Mr. DUNTON of Belfast: Mr. Speaker, I would like to inquire of the Chair what action could be taken for a continuance, if the two bodies so desire.

The SPEAKER: The Chair understands that the only motion that can be entertained would be to take a recess for the purpose of having the two houses meet separately and make any change that they may see fit to make in the rules of procedure, which are now binding, of course, upon the convention, until changed, and upon the presiding officers.

ATTORNEY GENERAL WILSON:

I was simply going to state, Mr. Speaker, that of course the counsel for this side are not in any way insisting upon going ahead with this proceeding in the absence of Mr. Tolman. We had no option but to prepare the case and present it in its order. Of course, we do not wish the convention to understand that we are insisting upon trying the case in the absence of Mr. Tolman.

The SPEAKER: Doubtless the convention understands that the attorney general and his assistants are here by order of the Legislature. They have no option in the matter whatever.

On motion of Mr. Dunton of Belfast, the convention took a recess for 30 minutes.

IN THE HOUSE.

On motion by Mr. Smith of Patten, it was

Ordered, the Senate concurring, that committee of five on the part of the House, with such as the Senate may join, be appointed by the Speaker to confer relative to a modification of the rules of procedure governing the convention of both Houses provided by the resolve relative to the charges against Sheriff Tolman, and that such committee make any recommendation to the Legislature that it may see fit.

The Speaker thereupon appointed as such committee on the part of the House Messrs. Smith of Patten, Dunton of Belfast, Smith of Presque Isle, Newbert of Augusta and Wheeler of Paris.

On motion by Mr. Wheeler of Paris the House voted to take a recess for five minutes.

After Recess.

Mr. SMITH of Patten: Mr. Speaker, the committee appointed by joint order of the House and Senate on the modification of the order in the matter of the adoption of an address to the Governor for the removal of the sheriff of Knox county, have had the matter under consideration and report as follows, recommending the adoption of the following order:

Ordered, the Senate concurring, that the order of procedure in the matter of the adoption of an address to the Governor for the removal of the sheriff of Knox county be so modified that the hearing thereon shall immediately follow the hearings upon similar proceedings in the cases of the sheriff of Penobscot county, the sheriff of Androscoggin county and the county attorney of Androscoggin county, which other cases shall be heard in the order named, beginning Thursday morning, April 10, at half past 9 o'clock in the forenoon, and that the attorney general be directed to inquire into the facts in relation to the quarantine of the sheriff of Knox county, and report to the joint convention.

The order received a passage.

The SPEAKER: The Chair will state that in the matter of proceedings in connection with the sheriff of Sagadahoc county heard, last week, in which the House voted in favor of an address to the Governor, that at that time it was stated that the formal address would be sent to the House by the Senate in

case the Senate had passed a similar vote. The formal address has now come from the Senate passed in that branch.

The Speaker then read the address.

Mr. Smith of Patten moved that the address be adopted by the House in concurrence with the Senate.

The motion was agreed to.

The SPEAKER: Unfinished business this morning was bill, An Act defining intoxicating liquors within the meaning of the Constitution and providing for the regulation and sale of certain liquors containing alcohol. The pending question is the motion of the gentleman from Lisbon, Mr. Plummer.

Mr. PLUMMER: Mr. Speaker, several days ago I introduced this bill into the House. Since that time my attention has been called to the fact that the statutes already define intoxicating liquors in a general way. According to a ruling of the court intoxicating liquors are held to be any liquors containing over 3 per cent. of alcohol. My object in introducing this bill is to raise the percentage of alcohol from 3 to 5 per cent.

It is unquestionably within the jurisdiction of this Legislature or of any other to define intoxicating liquors for constitutional purposes and for the purposes of the statute. The effect of the amendment which I have offered is merely to put that definition into the statute, containing over 5 per cent. of alcohol. The amendment which I have offered inserts the following words: "containing over 5 per cent. by weight of alcohol." I have also offered this amendment for the purpose of giving local option practically in the sale of liquors containing not over 5 per cent. of alcohol; also for the purpose of providing a punishment or penalty for the sale of any liquors even containing less than 5 per cent. of alcohol except as provided in this bill.

If I have made myself clear you will understand the purposes of the bill. It seems to me at this time after we have listened here for the last several days to the testimony which we have heard in relation to the sale of liquors in a few of the counties of the State, and with the prospect that from several other counties we shall listen to a similar tale, it is about

time that the people of the State of Maine sat up and took notice of something beside the idea that in places where liquors are wanted, where certain liquors are wanted, that you can make any kind of a law that will be enforced for any continuous length of time that is not in accordance with the general spirit or the general idea of the community.

It seems to me, Mr. Speaker and gentlemen, and it is my idea that the proper place to draw the line between intoxicating liquors and non-intoxicating liquors, is not so much of itself as to their effect—and it is probably true that any percentage of alcohol, even so low as three per cent. as has been ruled by the court to be within the law—it is probably true that a sufficient quantity of that liquor would intoxicate most anybody. But as I say, the proper place to draw the line between intoxicating and non-intoxicating liquors is at the point where men begin to drink liquors for the purpose of intoxication.

I submit that while it is true that men in this State and in other states may occasionally get highly, or even perhaps considerably intoxicated by the use of ales and beers containing about five per cent. of alcohol, it is also true that hardly anybody, or you might say nobody who wishes to get intoxicated, ever bothers very much with these malt liquors when they can get the distilled spirits. It is probably true that a large percentage of the people of Maine drink more or less of liquors, and probably largely beer. As far as the evidence which we have heard was concerned it appeared that the people of Portland and the surrounding towns must have drunk on an average about a gallon of beer and ale per capita since the first day of January, according to the figures which were shown here by the agent of the Boston & Maine Railroad. The bulk of that liquor was not drunk because people wanted to get drunk; the bulk of it was drunk because people liked what most of them term a refreshing glass, and also with the idea in mind of good fellowship, same as perhaps many of us go to a soda

fountain or eat ice cream, or even sit down to a banquet, or something of that kind; but very little of it was drank with the direct idea in mind that intoxication would ensue.

It is my judgment and I think it is the judgment of a good many men perhaps in this House, it is the judgment of a good many people in the State of Maine, and I was impressed here by what the Mayor of Portland said when he stated that certain clergymen had come to him and wanted him to establish a municipal bar-room. The drinking of these soft liquors is of advantage in the way that it makes conditions where people will not seek the hard liquors, and that the more difficult you make it to get the soft drinks or the malt liquors, beer and ale, the more likely people are to use the hard liquors, whiskey, brandy, etc., from the kitchen barrooms and other places.

I don't know whether any other members of the House wish to say anything upon this matter; but I submit to you that in the light of our experience during the last few days, we should take a reasonable view of this proposition, and instead of trying to enforce something which we cannot enforce, to at least give the people or put upon the statute books a law which we might reasonably expect might be enforced. I therefore trust, Mr. Speaker, that the amendment will be adopted, merely because of the fact of putting the bill into a more nearly proper shape, and afterwards I will move that the bill have its several readings.

Mr. SCATES of Westbrook: Mr. Speaker, I would like to ask the gentleman from Lisbon (Mr. Plummer) a question through the Chair: If under this bill it would not be necessary for anyone who wanted to sell even Uno beer to get a vote of the town in order to have them do it?

Mr. PLUMMER: I will say, Mr. Speaker, in answer to the question of the gentleman from Westbrook (Mr. Scates) that I think not, because no penalties are imposed by the bill for the sale of liquors containing less than 3 per cent. of alcohol.

Mr. COOK of Vassalboro: If it is in order, Mr. Speaker and gentlemen, I move that we substitute the goods for the bill. (Applause)

The SPEAKER: The motion of the gentleman from Lisbon, Mr. Plummer, appears to have precedence. Is the House ready for the question?

The question being on the motion that House Amendment A be adopted, A viva voce vote being taken, The motion was lost.

Mr. SWIFT of Augusta: Mr. Speaker, I move to take from the table resolve in favor of the State House employes.

Mr. PLUMMER of Lisbon: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman will state his point of order.

Mr. PLUMMER: House Document No. 717 is before the House.

The SPEAKER: The point of order is well taken. The question now is as to the disposition of House Document No. 717, which is the bill to which an amendment was proposed.

Mr. Plummer moved that the bill receive its three several readings and be passed to be engrossed without reference to a committee, under suspension of the rules.

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

Mr. Jones of China moved that the bill be indefinitely postponed.

A viva voce vote being taken,

The motion was agreed to, and the bill was indefinitely postponed.

On motion by Mr. Swift of Augusta, resolve in favor of the State House employes was taken from the table.

THE SPEAKER: On this resolve the report of the committee, reporting "ought not to pass," was accepted in the House, and in the Senate accepted in concurrence.

On motion by Mr. Swift, under a suspension of the rules the vote was reconsidered whereby the report of the committee was adopted.

On further motion by Mr. Swift the resolve was substituted for the report of the committee.

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

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

In Convention.

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

THE PRESIDENT: The Chair wishes to announce to the convention that during the recess of the convention the Legislature has adopted the following order:

"Ordered, the Senate concurring, that the order of procedure in the matter of the adoption of an address to the Governor for the removal of the sheriff of Knox county be so modified that the hearing thereon shall occur following hearings upon similar proceedings in the cases of the sheriff of Penobscot county, the sheriff of Androscoggin county and the county attorney of Androscoggin county, which other cases shall be heard in the order named, beginning Thursday morning, April 10th, at half past nine o'clock in the forenoon, and the attorney general shall be directed to inquire into the facts in relation to quarantine of the sheriff of Knox county, and report to the joint convention."

In pursuance of the terms of this order, this convention having been formed for the purpose of hearing in the matter of a proposed address to the Governor for the removal of Sheriff Tolman, will be dissolved. The convention tomorrow morning will be the convention for the purpose of hearing the Penobscot county case. So soon as that shall have been disposed of the next case in order will be that of the Sheriff of Androscoggin county, and the next case following that

will be that of the county attorney of Androscoggin county; and then in accordance with the terms of this order, as understood by the presiding officers, after the case of the county attorney of Androscoggin County shall have been disposed of a new convention will be formed for the purpose of hearing in the matter of a proposed address to the Governor for the removal of Sheriff Tolman of Knox county. With that understanding, the purposes for which this convention was formed having been accomplished,

On motion by Mr. Wheeler of Paris the convention was then dissolved, and the Senate retired to the Senate Chamber.

IN THE HOUSE.

Report of the committee of conference on the disagreeing action of the two branches of the Legislature on bill, An Act providing temporary compensation for the recorder of the Houlton Municipal Court, reporting that they had been unable to agree, the report being signed by Messrs. Wing, Colby and Dutton, on the part of the Senate, and by Messrs. Putnam, Smith and Mooers, on the part of the House.

On motion by Mr. Putnam of Houlton the report was accepted.

On motion by Mr. Mitchell of Kittery,

Adjourned until tomorrow morning at 9 o'clock.