

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

IN THE HOUSE.

Thursday, April 10, 1913.

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

Prayer by the Rev. Mr. Pinkham of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills on First Reading.

An Act to appropriate monies for the expenditures of government for the year 1913. (On motion by Mr. Thombs of Lincoln the rules were suspended and the bill received its three several readings at the present time and was passed to be engrossed without reference to a committee, in concurrence with the Senate.)

Resolve providing for the payment of certain deficiencies accrued prior to January 1st, 1913. (On motion by Mr. Connors of Bangor the rules were suspended and the resolve received its two readings and was passed to be engrossed without reference to a committee, in concurrence with the Senate.)

From the Senate: Report of the committee of conference on the disagreeing action of the two branches of the Legislature on bill, An Act relative to compensation to employes for personal injuries received in the course of their employment, and to the prevention of such injuries, reporting that they cannot agree.

In the Senate that branch voted to discharge the committee from further consideration of the measure; in that branch on further motions the vote were reconsidered whereby the bill was passed to be enacted and whereby it was passed to be engrossed, and Senate Amendments O and P were adopted; further on motion by Senator Wing the matter was laid upon the table; the next day on motion by Senator Wing the bill was taken from the table, Senate Amendment Q was adopted, and the bill was passed to be engrossed as amended by Senate Amendments O, P and Q; the

Senate also voted to insist on its action and asked for a new committee of conference, the President of the Senate appointing as members of such committee of conference on the part of the Senate, Senators Wing, Bailey and Conant.

The question before the House being concurrent action with the Senate in the appointment of a new committee of conference,

Mr. Marston of Skowhegan moved that the former committee of conference which has reported that they cannot agree, be discharged from further consideration of the measure.

The motion was agreed to.

Mr. DESCOTEAUX of Biddeford: Mr. Speaker, would it be in order to have the amendments printed?

The SPEAKER: The Chair will state that the amendments could be printed after action is taken on the request of the Senate for a new committee of conference.

Mr. MOOERS of Ashland: Mr. Speaker, if it is in order I will make a motion that the House adhere to its former action.

Mr. MARSTON of Skowhegan: Mr. Speaker, I will say that there are a great many opponents of the bill who are absent at this time, and if the motion is insisted upon I shall insist upon the question of the presence of a quorum; and I will request the gentleman to withdraw his motion, on the ground that there is not a quorum present.

Mr. IRVING of Caribou: Mr. Speaker, I feel that if the members of the committee of conference on the part of the Senate had entertained the amendments along the lines which they have recommended in the Senate session, that in all probability the report of the committee of conference would have been different from what it was. It seems to me now that they are inclined to meet on a level or to meet on some proposition nearer to one in which it may be possible for the Legislature to create and pass a bill that will be fairly satisfactory to all parties. For my part, I wish to say to the members of the House that

as far as committees of conference are concerned, I want no more part in it on this measure; and the motion that I shall make, and I wish it to be understood that I shall not be included in the committee of conference if such a committee should be appointed—I believe this measure to be an important matter and a matter that this Legislature ought not to adopt without sufficient consideration and deliberation in this body; I believe it is of sufficient importance to every member of this Legislature that it should be followed until we find something that is satisfactory, if not in this body and if not in this Legislature, then at some future Legislature; and I believe that the inquiry and the research made by this body should not be lost, and that the benefit of it should be given in some way to that body which may enact such a law; and in view of the fact that it may be possible to meet upon some plan by which this matter can be perfected for the benefit of the employers and the employes of the State of Maine; and I move that the House concur with the Senate in the appointment of a committee of conference.

The SPEAKER: This motion has precedence over the motion to adhere. Is the House ready for the question?

A viva voce vote being taken,

The motion was agreed to.

The Speaker thereupon appointed as such committee of conference on the part of the House Messrs. Peacock of Readfield, Kimball of Bridgton and Dresser of South Portland.

On motion by Mr. Marston of Skowhegan the rules were suspended and that gentleman was permitted to introduce out of order resolve in favor of A. E. Hayes, for services as assistant messenger of the House.

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

Orders.

Mr. MOOERS of Ashland presented the following order:

Ordered, whereas the present session of the Legislature has been protracted beyond the usual time of adjournment, and whereas certain cases concerning the alleged neglect of various officials to enforce the prohibitory law have been heard by the Legislature, and certain other cases are pending before the Legislature which will, if heard, occupy considerable further time, and

Whereas it is probable that more of such cases might properly be brought before the Legislature,

Be it ordered, the Senate concurring, that a joint special committee consisting of three members on the part of the Senate and seven representatives be selected to investigate the conditions concerning the enforcement of the prohibitory law throughout the State, and report their findings to the Governor of Maine on or before January 1st next, in order that he might if he deems it well to do so, convene the Legislature in special session to act on such report or take such other action in the premises as he sees fit; and that the cases now pending before the Legislature involving charges against Adelbert J. Tolman, sheriff of Knox county, Wilbert W. Emerson, sheriff of Penobscot county, Hewitt W. Lowe, sheriff of Androscoggin county, and William H. Hines, county attorney of Androscoggin county, be referred to such committee; such committee is hereby given power to summon and require the attendance of witnesses and cause the production of books, papers and documents at such times and places as said committee may assign therefor upon proper notice to the persons interested.

On motion by Mr. Newbert of Augusta the order was laid upon the table.

Passed to Be Enacted.

An act to amend Section 50 of Chapter 51 of the Revised Statutes, as amended by Chapter 165 of the Public Laws of 1911, relating to the duties of railroad commissioners.

An act for the better protection of automobile garage keepers and owners.

Finally Passed.

Resolve in favor of Fred F. Lawrence, for services as stenographer to the joint special committee on public utilities.

Resolve in favor of H. D. Maxwell, for

stenographic services for the committee on public health.

From the Senate: Report of the committee on State prison, which was instructed by an order of the Legislature to inquire into the expediency of allowing time convicts in the State prison a small compensation for their work and labor performed while in said prison, reporting legislation inexpedient.

The report was accepted in concurrence.

From the Senate: Report of the committee on State prison, which was instructed by an order of the Legislature to investigate the books of account and financial conditions of the Maine State Prison, and report at once to this Legislature by bill or otherwise, submitting report and resolve.

The report was accepted in concurrence.

Accompanying the report of the committee on State prison was resolve for the payment of debts of the Maine State Prison.

In the Senate the resolve received its two readings and was passed to be engrossed under a suspension of the rules.

On motion by Mr. Sturgis of Auburn the resolve received its two readings and was passed to be engrossed without reference to a committee, under a suspension of the rules.

From the Senate: An act to amend Section two of Chapter 250 of the Public Laws of 1909, relating to the payment of fees accruing to State institutions and departments.

In the House this bill was passed to be enacted, as amended by House Amendment A, and came from the Senate in that branch amended by Senate Amendment A.

On motion by Mr. Higgins of Brewer, under a suspension of the rules, the votes were reconsidered whereby this bill was passed to be enacted and whereby it was passed to be engrossed.

Senate Amendment A was then adopted in concurrence, and on further motion by Mr. Higgins the bill was passed to be engrossed as amended by House Amendment A and Senate Amendment A.

Mr. BOMAN of Vinalhaven: Mr. Speaker, I will ask if the report of the committee on State prison will be printed.

THE SPEAKER: The Chair will state that the rules do not provide for the printing of such a report.

Mr. Boman then moved that the report of the committee on State prison be printed.

The motion was agreed to.

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

In Convention.

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

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

PRESENT:—Sen. Allan of Washington, Sen. Allen of Kennebec, Allen of Machias, Sen. Bailey, Bass, Benn, Benton, Bither, Boland, Boman, Bowler, Sen. Boynton, Bragdon of Sullivan, Bragdon of York, Brennan, Bucklin, Sen. Burleigh, Butler, Sen. Chase, Churchill, Clark of New Portland, Cochran, Sen. Colby, Sen. Cole, Sen. Conant, Connors, Cook, Crowell, Currier, Cyr, Davis, Des-coteaux, Doherty, Dunbar, Dunton, Durgin, Eastman, Eaton, Eldridge, Elliott, Estes, Farnham, Farrar, 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, Hutchins, Irving, Jenkins, Jennings, Sen. Jillson, Johnson, Jones, Kehoc, Kimball, Leary, Libby, Marston, Mason, Sen. Maxwell of Sagadahoc, Maxwell of Boothbay Harbor, McBride, McFadden, Merrill, Milton, Sen. Milliken, Mitchell of Kittery, Mitchell of Newport, Sen. Morey, Morgan, Morrison, Morse, Sen. Murphy, Newbert, Nute, O'Connell, Sen. Packard of Knox, Packard of Newburg, Sen. Patten of Hancock, Peacock, Peaks, Pendleton, Peters, Peterson, Pitcher, Putnam, Sen. Reynolds of Kennebec, Reynolds of Lewiston, Sen. Richardson of Penobscot, Richardson of Canton, Roberts, Robinson, Rousseau, Sanborn, Sanderson, Sargent, Sherman, Skelton, Skillin, Sen. Smith of Penobscot, Smith of Auburn, Smith of Patten, Smith of Presque Isle, Snow, Spencer, Sen. Stearns, Stevens, Stuart, Sturgis, Swift, Taylor, Thombs, Tobey, Trimble, Tryon, Umphrey, Violette, Sen. Walker, Washburn, Waterhouse, Wheeler, Winchenbaugh, Sen. Wing, Wise, Yeaton.

ABSENT:—Austin, Brown, Chadbourne, Chick, Sen. Clark of York, Clark of Portland, Donovan, Dresser, Sen. Dutton, Emerson, Sen. Emery, Sen. Flaherty, Gardner, Hodson, Hogan, Kelleher of Portland, Kelleher of Waterville, Lawry, Leader, LeBel, Leveille, Sen. Mansfield, Mathieson, Maybury, Metcalf, Mooers, Morneau, Sen. Moulton, Plummer, Price, Quinn, Ramsay, Ricker, Rolfe, Scates.

Smith of Pittsfield, Sprague, Stanley, Stetson, Swett, Thompson, Twombly.

The PRESIDENT: A call of the roll discloses the presence of 139 members of the convention. Before reading the resolve under which this convention is formed the presiding officers desire to express to the convention their appreciation of the attendance and devotion to duty under difficulties that the members of this convention have shown in the cases that have been heard. We personally realize that every member of the convention is giving his attendance here at the cost of personal inconvenience and the sacrifice of business interests; and we think it is due to you to understand that we appreciate it, and we believe the people of the State appreciate it. We wish to assure you that the presiding officers, and they have the assurance of the co-operation of counsel, will do everything in their power to see that these hearings to come are put before you expeditiously, and will make the situation as easy for the members of the convention as possible; and we trust that now, after a few hours' rest, we shall all take a new grip upon our courage and show the same patience and devotion to duty that we have shown, and hope that in that way we may get through with what remains to be done in a very few days.

The secretary of the convention will read the resolve under which this convention is formed.

(The secretary then read the resolve in favor of the adoption of an address to the Governor for the removal of Wilbert W. Emerson, sheriff for the county of Penobscot.)

The PRESIDENT: Appearances may now be entered.

ATTORNEY GENERAL WILSON: For the purpose of presenting the evidence in support of the causes assigned the secretary of the convention may enter upon the record with the name of the attorney general the names of Benjamin F. Cleaves and George E. Emery of Biddeford and A. L. Blanchard of Bangor.

Mr. CHARLES J. DUNN: Mr. President, the respondent is present with his counsel, Hon. Louis C. Stearns, George E. Thompson and myself. And by way of answer to the charges preferred, he

makes a general denial, all of which it is respectfully requested may be entered upon the records of the convention.

The PRESIDENT: The secretary will enter the appearances of counsel upon both sides as requested, and the secretary will also enter a general denial. The secretary will now read the rules of the convention.

(The secretary then read the rules of the convention, being similar to the rules found on Page 1485 of the Legislative Record.)

The PRESIDENT: Are there any motions to be made by counsel?

JUDGE STEARNS: We have no motions, Mr. President.

The PRESIDENT: The attorney general may then proceed.

The following opening statement in behalf of the prosecution was then made by Mr. Cleaves:

Mr. President and gentlemen of the convention: If I am unusually brief in calling your attention to some of the things with reference to Penobscot county you will, I think, understand that it is in the interest of promptness rather than on account of a lack of material. This case, so far as Penobscot county is concerned, and so far as the investigation by the attorney general and his assistants has developed, is no different from the cases already heard, excepting that the present respondent has only been in office since the first day of January; otherwise I think we shall demonstrate that the case in Penobscot county is just exactly the same as it was in the case of Cumberland county, and more flagrant than it was even in the case of Sagadahoc.

We shall call your attention to the payment of 97 straight liquor taxes in the city of Bangor alone, something like 140 or more, as my recollection is now, in the entire county; we shall call your attention to the various places through witnesses rather than by my designation, and to the fact that ever since the first day of January and up to so recent a period as last Saturday morning, liquor was as openly sold in the city of Bangor as were groceries or any legitimate commodities. Stocks of all kinds up to a week ago, last Friday, after the message from the Governor came to this Legislature were in these va-

rious and many bar rooms in the city of Bangor, stocks of goods which were unusually large, unusually large I think even for Bangor, displayed so openly that in many of the places to which your attention will be called there was no attempt made at concealment between the street and the bar, excepting the door which you had to open in order to get in, and whenever the door was opened and a person went in or came out, such was the openness and the flagrancy of the violations of law which were constant and continuous, that the people passing along the street not only could see but did see many people in the act of drinking intoxicating liquors.

Until a week ago, last Friday, ale upon draught was the rule, and we think we shall be able to show you directly and directly connect the sheriff with the order to shut off at that time ale on draught. A great many places did shut off at that time; some did not, and as I say, as recently as last Saturday morning, after the resolve had been presented and after one sheriff of this State had been placed upon his trial and the trial of another was then going on for the very offense charged in this resolve, ale upon draught was being sold openly in the city of Bangor.

I have said, gentlemen, that this case differs from the others only in the respect that the present sheriff was not his own successor in the office, and in fairness to him and to this body I feel it my duty to say that if Sheriff Emerson had shown during these three months any decent effort to enforce the prohibitory law, the attorney general and his assistants, as well as you, would have felt that he was entitled to at least a reasonable and decent opportunity to relieve conditions which perhaps had existed before his time; and if that were the case I would state it to you fairly; but such evidence as comes to us indicates that there has been no change, and as one of the evidences of that absence of change we shall call your attention to the many, many bar rooms that have been openly run in the city of Bangor and to the fact that during all of that time vast quantities of intoxicating liquors of all kinds, including beer in barrels, have been not only shipped into the city of Bangor but in

cartloads have been hauled openly in daylight through the public streets; so that our evidence shows that upon one occasion the police patrol wagon was held up, and I am not sure that the ambulance ever had to give way to beer wagon; but it has been openly hauled through the public streets and backed up to the doors of the well-known places, and practically no effort made to suppress that practice.

In addition to that, there have been about 50 efforts, so far as the records of the court disclose, in the form of complaints and warrants and attempts to seize during the 90 days that have elapsed since the first day of January. I think you will be satisfied and amply satisfied that there has been no day during that 90 days but what the sheriff of Penobscot county could have made double that number of seizures within the city of Bangor alone; and we call your particular attention to the absence of any apparent effort, persistent, continued and continuous effort to close up these places and relieve the condition and the situation which have existed there.

Now, we have had put upon the wall here a map or plan—and by the way, perhaps I ought to call your attention to the fact that the blue part of the plan represents water, and I call your attention to that now because perhaps water won't be mentioned again during this hearing. (Laughter.) The red marks upon the plan might indicate at a distance that they were seals and have a legality, rather than the opposite. My interpretation of it is that they show a consideration moving from one party to the other; and practically they represent various places in the city of Bangor, within that portion or district of the city where we shall give you some evidence with reference to each place of violations of either the prohibitory law or the law with reference to the maintenance of houses of ill fame. Among the particular places to which we wish to call your attention would be those leading from the railroad station, shown here in the region of Exchange street, places which have been open and notorious; the same is true in reference to this section which I indicate with my pointer, one of which is a shack that was built very shortly after the time of the big

fire in Bangor, and consists merely of a rough board place that has nothing and never had anything in it but a bar. It is not fitted up as well as some that we shall call your attention to, but it is a place where intoxicating liquors have been so openly sold that people coming down the declivity or standing upon the steps above have been able to tell and will testify to the continuous and open violations of the prohibitory law.

These other two places, the Jameson place and the other one which I do not recall by name, are nothing but bar rooms, and you will have a description given to you of these places, and of the furnishings which will equal, if not excel the description of that in some of the places in Portland. Another place in that locality is what we may call a gem of a bar, small but elegant, with a marble top to it, and violations of law are open and flagrant there. In this region about Pickering and Haymarket Squares, all these places are open and notorious liquor saloons. This locality is a particularly notorious place, where the violations are and have been very flagrant. Down in this locality where I am indicating is a section known as the Devil's Half Acre. I shall not need to say anything about that, but the testimony will prove that the name is well applied. I think, briefly, that is enough to call your attention to the salient and particular features so that you may fully understand the evidence as it comes in.

Mr. William E. Southard, having been duly sworn, testified as follows:

Examination by Judge Cleaves.

Q. Your name is William E. Southard? A. Yes, sir.

Q. And you are a civil engineer of Bangor? A. Yes, sir.

Q. And did you prepare the plan and map which appear at the rear of the House? A. I did.

Q. Was that drawn to an actual scale? A. It was copied from records in the city engineer's office, yes, sir.

Q. Have you placed upon that map in red ink or some red substance the various places to which your attention was called and which you were requested to place upon the map? A. I have.

Q. And are those places located with approximate correctness upon the streets and where they appear to be? A. They are.

Q. The scale of the map is indicated upon it, one inch equal to 40 feet? A. Yes, sir.

Q. And by the scale upon that map one inch to 40 feet distances between any points can be very readily ascertained? A. Yes, sir.

Cross-Examination.

By JUDGE STEARNS.

Q. You live in Bangor? A. Yes, sir.

Q. How long have you lived there? A. Since 1899.

Q. Did you enter all those places you have marked upon the map, enter the buildings where the marks are placed representing shops? A. No, sir. Not any of them.

Q. Who pointed them out to you? A. I located 52 of them from my—well, from travelling around Bangor and what I noticed, and from the outside appearance, and then I gave the small plan to a gentleman and he went out and brought in 16 additional.

Q. Did you see those 16 additional ones? A. I located them afterwards. Yes, sir.

Q. On the face of the earth? A. Yes, sir.

Q. Or did you take their word? A. I located them on the face of the earth.

Q. But you entered none of them? A. No, sir.

Mr. C. E. OWEN, having been duly sworn, testified as follows:

Examination by Judge CLEAVES.

Q. Your name is C. E. Owen? A. Yes, sir.

Q. You are a resident of Waterville? A. Yes, sir.

Q. Have you in your possession and before you an examined transcript of the record of internal revenue taxes for liquor dealers in the county of Penobscot, which you have personally examined? A. I have.

Q. And how recently did you make that examination for the purpose of additions or corrections? A. The last addition was made on the second day of April.

Q. So that it is corrected up to April 2nd? A. Yes, sir.

Q. Will you read the list of those people in Bangor who pay a retail liquor dealers' tax? A. The names of the persons or of the places, or both?

Q. I think you may read the names and the places. A. I may not be able to pronounce these names, but I will do the best I can. AuCoin, Camille, 11 Union street, Stanley House. Paul AuCoin, 215 Broad street. Michael J. Buckley, Queen Street Hotel. William Bureau, 46 May street. John Burke, 225 Broad street. Buckley Drug Company, James E. Buckley, Proprietor, 27 Hammond street. John A. Burns, 181 Exchange street. Leo J. Buckley, 113 Exchange street. Odilon Burdreau, 11 Broad street. J. W. Cratty, 37 Harlow street. Richard D. Crows, 53 Pickering square. P. H. Connors, 137 Broad street. A. M. Cox, 75 Pickering square. Victor H. Chaisson, 91 Exchange street. Curtis & Tupper, 5 Hammond street. Daniel O. Cannon, 114 Haymarket square. John E. Daley, 108 Pickering square. Cornelius Donovan, 31 Hodgdon street. John P. Delaney, Exchange street. W. A. Davis, 33 Pine street. N. H. Davis, 35 Front street. Andrew Erickson, 227 Broad street. Eiks Club of Bangor, Club building, Main street. Essex Pharmacy Company, 125 State street. John D. Foley, 106 Pickering square. H. S. Fifield, 263 Main street. Thomas Edward Foley, 126 Third street. John P. Frawley, 73 Main street. Maurice P. Gallagher, 29 Water street. James A. Given, 111 Exchange street. John H. Gordon, 223 Broad street. Daniel H. Golden, 221 Broad street. Samuel Ginsberg, 21 French street. William Goodson, 40 May street. Patrick F. Grozan, 29 Harlow street. John C. Hurley, 171 Exchange street. James P. Holland, 41 Pickering square. Louis H. Hann, 18 Hammond street. Fred T. Hall & Co., 202-206 Exchange street. M. J. Hennessey, 33 Hancock street. Essie M. Harmon, Maplewood Park. Mrs. Patrick Igo, 329 Main street. John M. Jameson, 228 Harlow street. Joseph D. M. Jameson, 40 Hammond street. Frederick Johnson, 20 Central street.

M. C. Konaley, 365 Main street. M. J. Kelley, 14 Haymarket square. Patrick J. Lousy, 27 Union street. Frank T. Largay, 92 Washington street, Riverside Hotel. James Leeman, 76 Hancock street. Frank Lasier, 27 Union street. James J. McCann, 87 Pickering square. William McGuire, 92 Pickering square. T. P. McAloon, 80 Pleasant street. John E. Mitchell, 207 Broad street. E. F. McHugh, 83 Pickering square. Charles H. Milan, 139 Main street. Eugene McCarthy, 12 French, Waverly House. Peter W. Morrill, 494 South Main street. A. A. McIntire, 197 Exchange street. J. F. Morris, 124 Haymarket square. Dennis McGuire, Eagle House. Patrick H. McNamara, 73 Exchange street. P. J. McAuley, 17 Franklin street. Peter Mogan, 16 Union street. P. A. McNamara, 91 York street. John McAloon, French street, Hotel Royal. Michael McInnis, Railroad street, Brunswick House. Moon & Cratty, place not given. Reginald McDougal, 16 Hodgdon street. Pope McKenno. Globe Hotel. Henry K. Priest, 215 Harlow street. The Pastime Club, 89 Main street. Ross Bottling Works, 173-175 Broad street. Elie Richards, 140 Hancock street. Joseph Rich, 236 Hancock street. Nicholas Rogers, 270 Hancock street. John H. Russell, 206 Exchange street. John H. Sullivan, 154 Main street. Roger Staples, 36 Central street. William M. Smith, 33 Hancock street. John H. Shannon, 122 Broad street. C. C. Smith, 499 Main street. Alex Savoy, 203 Broad street. The Caldwell Sweet Company, 26 Main street. George W. Townsend, Stillwater avenue, Townsend House. Hugh F. Thompson, 28 Hodgdon street. Edmond Tardiff, 89 Exchange street. P. W. Towle, 99 York street. Chris Toole, Saint James Hotel. Tarratine Club, Club House. Fred D. Wyman, 81 Exchange street. Fred White, Hancock and Oak streets. William A. Withie, 153 Broad street. Louis Jacobson, 227 Broad street.

Q. How many does that make that pay a liquor dealers' tax? A. Ninety-seven.

Q. How many wholesalers among that number? A. Six.

Q. Are there any wholesale malt liquor dealers? A. Five.

Q. Have you a similar list of Old Town corrected to the same date? A. I have.

Q. Will you read the list of licenses in Old Town? A. William Bernier, Centre street; J. P. Beaulieu, South Side Union street; Joseph St. Beaulieu, Union street; E. E. Boucher, Water street, New Era Restaurant; H. M. Burnham, Main street, drug store; Fred Bell, Commercial hotel; John English, Water street; Joseph Cotter, Main street; Talien Dumont, 14 Water street; Fred English, Bosworth street; John L. Ferguson, Commercial Hotel; Alex Fraser, Water street, City Hotel; J. Millie Fisher, Old Town Exchange; Joseph H. Grover, Center street, west end of bridge; Mitchell Groneau, Water street, City Hotel; William Green, Main street, Old Town Exchange; Joseph H. Heald & Co., Crock Hotel, Water street; Louis Jam. Polk store, west side Main street; M. A. Kane, The Willows, Court street; J. F. Kennedy, Sherry Place, west side Water street; Fred E. Lovejoy, Main street. That, however, is a malt liquor license, and should not have been read. Josian Mishou, Cousins Hotel; W. Clement Mutty, Main and Court streets, Mutty's pharmacy; A. G. Perry, Water street, Riverside House; P. H. Shea, Water street; Joe J. Saindon, Water street; Mike Sherry, Water street, Sherry's store; Omar St. Louis, east side Front street; Paul and Sophia Thibodeau, Front street. That completes the list for Old Town.

Q. How many in that list at Old Town? A. Retail liquor dealers in Old Town, 29.

Q. Any wholesalers among that list? A. Two wholesale liquor dealers.

Q. And any wholesale malt liquor dealers? A. No.

Q. Have you a list for Brewer? A. I have.

Q. Read that list, please. A. Leon A. Boynton, 23 North Main street; Willis G. Barker, 103 Center street; the Merrill Drug Co., 204 Penobscot square; T. A. Seymour, 554 South Main street. Those are all in Brewer proper. There are some in South Brewer.

Q. You will read those, please. A. Joseph E. Cluett, 19 King street;

William Andrew Kiah, 15 Oak street. That, however, is a malt liquor tax. Fred Succé, 23 1-2 Oak street; Fred D. Wyman, 557 South Commercial street. charge of the work.

Q. Have you a similar list with reference to Dexter and Lincoln, is there any such list? A. Yes, sir.

Q. Will you read the Dexter list first?

A. George E. Brewster, Main street; D. M. Cleveland, Exchange Hotel; Albert L. Davis, Main street, Blithier block; W. L. Davis, Dexter House; George Ranco, Church street; W. T. Springall, 14 Main street.

Cross-Examination.

By Judge STEARNS.

Q. Mr. Owen, did you make personal visits to Portsmouth to get this information? A. Yes, sir.

Q. And you examined the books yourself? A. Yes, sir.

Q. When were you there last? A. The 2nd day of April.

Q. You have no means of knowing, I suppose, how many of those licenses were issued to apothecaries or drug stores? A. They are not indicated on the books.

Mr. ARTHUR L. THAYER, having been duly sworn, testified as follows:

Examination by Judge CLEAVES.

Q. What is your full name? A. Arthur L. Thayer.

Q. You are an attorney at law? A. I am.

Q. And practice in Bangor? A. I do.

Q. And for how many years? A. Since a year ago last February.

Q. Now since the first day of January, this year, have you made any personal investigation and observation in regard to the sale of intoxicating liquor in the city of Bangor? A. I have.

Q. Will you state your investigation to the convention, mentioning places where you went and what you saw at each place and about the time, speaking so that everyone can hear. A. Soon after the first of the year, when Sheriff Emerson came in, he made, as I remember, several search and seizures. I was out of town and came back and heard about it and was interested to know what he was actually doing, and I took particular pains, the latter part of

the afternoon and in the evening to go about the city of Bangor and the places that I knew where liquor had been previously sold, to see if it was true. I found that most of the places, that evening, were closed. Very few of the places where they had been selling previous to that day were open. The next week I took particular pains, after conversation in regard to the matter, to go around again to see what the change had been. Every place that I visited, and I visited about 25, the following week, was open, and men were drinking in every place that I visited; liquor was on the shelves in practically every saloon, and in most of them you could see the liquor from the streets through the swinging doors.

Q. Just let me interrupt you a moment. Were those places to which you have called attention on some of the principal streets of Bangor? A. Yes, sir.

Q. And where people were almost momentarily passing along the sidewalk? A. Continually.

Q. And if I understood you correctly, when a person went in or out of those places so that the door was momentarily open, the conditions were such that you, standing on the sidewalk, could see in and see the parties drinking some sort of liquor and see the display of liquor and bottles plainly exhibited on or about the bar? A. Yes, sir, and you could also see into each one of those saloons. There is generally when you enter a cigar stand—some of the places are restaurants—and back of the cigar stand there is a place where they go through to the room where the liquor is kept, and in many saloons that door is kept open so that you can see from the street the bottles on the shelves and see the people drinking. And in one or two, the windows are so arranged that you can see the bottles on the through the windows.

Q. When was this time? A. In January.

Q. What part of January? A. The early part. The week after the raid.

Q. Now will you designate where some of those places were, and let me point them out so that you will not have to leave the witness stand? A. You begin on Harlow street. The first is a

shack; that is the only thing it was built for, a liquor saloon, and that has a window so that you can see the men drinking and see the bottles displayed as you go down the street. The next one is one of the best in Bangor, and that has been open and was open while I was in Bangor.

Q. This place next to the shack, if I understood you correctly, was open when you left Bangor, yesterday, or how recently have you seen it open? A. Day before yesterday.

Q. Will you describe the interior of this place? Is that the Jameson place? A. I think so. But I do not know the owner of any.

Q. This is next to the shack? A. Yes, sir.

Q. And so that the convention may hear each word, will you describe that place? A. This is a new brick building that has been erected since the fire and the entire lower floor was used for beer. As you enter, there is a place for cigars on the left, and a plate glass window and a door occupies the entire front of the building. That floor is used for the saloon. As you enter, I should say about 15 feet from the door is a swinging door in a partition that divides the saloon from the cigar part. The saloon part is as well furnished as any I ever saw in Boston or New York for the size of it. When I was in there in January, the shelves back of the bar contained bottles of whiskey, cocktails, and other ingredients used in mixing drinks. When I was there, Saturday and last Tuesday, they contained pop beer and ginger ale. The hard stuff was not apparent. As you go in, the bar is on the left, and it is of splendid hard wood, looks like mahogany with a nice brass rod around it. On the right is a table and, last Saturday and Monday, that table contained about seven different kinds of things like salted crackers and pretzels, that would tend to create an appetite for strong drinks like those usually sold in liquor saloons.

Q. Now while we are upon this Jameson matter, since that time in January, early in January, when you say you went about after raids, have you been into that place and seen any intoxicating liquors being sold? A. I

was in that place, last Saturday, about 12 o'clock, and I saw about 10 men. There were from 8 to 10 men. Every man was drinking. And at the same time, I procured a half pint bottle of whiskey.

Q. From that place? A. From that place.

Q. And upon last Saturday, did you see the evidence of any watchers anywhere? A. There were none when I was there.

Q. And was the door locked or unlocked as you approached? A. Wide open.

Q. Open? A. Open.

Q. And these men who were in there you say were drinking some sort of a liquid? A. They were. The different men were drinking different liquids. Some of them were pouring liquor—when a man would order whiskey, they would put the bottle on the table and he would help himself. It was in bottles marked "whiskey," looked like whiskey, it certainly smelled like whiskey.

Q. On any other occasions since the first of January, and last Saturday, have you been in that same place? A. I have.

Q. Now will you give the convention an idea whether you were there in the month of March, this year? A. I couldn't say definitely, that I was there during that month.

Q. Were you either in February or March? A. I was in there in February.

Q. Now upon that occasion what did you notice in regard to the presence of intoxicating liquors, and what can you say as to whether people, while you were there, asked for anything and were served? A. While I was there, there were—in February, the particular occasion I refer to, there were I should think about 15 people in the room and every man was drinking some sort of liquid.

Q. Did you see any of them drinking out of small glasses? A. Yes, I did.

Q. Did you hear anyone call for any particular liquor? A. I did.

Q. What did you hear them call for? A. I heard them call for whiskey and beer. Those are the only two that I remember distinctly.

Q. And was there at that time any

open display of liquors in the barroom? A. There was on the shelf.

Q. Now upon last Saturday, when you made this purchase of a half pint of liquor and heard others call for and be served with whiskey, where did the bartender procure the bottle or bottles from which he served you and the others? A. Underneath the shelves over which the mirror is are cupboards and he took the bottles as he opened these cupboard doors, they were full of bottles of different sorts, marked whiskey of different kinds, and it was from one of the cupboards near the center of this set of cupboards that he took this bottle of whiskey.

Q. So that the change which you noticed, early in January and last Saturday, was that the liquors which had been openly displayed upon the shelves adjacent to the bar had been from that place removed and put in these cupboards just below? A. They had.

Q. With that exception did you notice any change in that particular place? A. I did not.

Q. Now will you state some other place that you visited and designate? A. The best place is the Manhattan Cafe between State Street and York street, where your pointer is now placed.

Q. Did you visit that in January? A. I did.

Q. Describe it as it then existed? A. The Manhattan Cafe is different from most of the bars in Bangor, in that the front part of it is a very good restaurant, one of the best in Bangor, and it is probably 25 feet from the door as you enter the Manhattan Cafe back to the swinging doors that divides the Cafe part, the food part, from the drink part, and as you enter from the doors into the place where the liquor is sold, the bar is on the right and it is a much shorter bar than in most of the saloons in Bangor, but a much better one having a marble top and a better brass rail and a better mirror. In January and part of February—I didn't visit this after February—there was liquor displayed on the shelves behind this bar and last Saturday when I secured a pint bottle of whiskey at this bar, there were no bottles displayed, no bottles

of liquor displayed on the shelves of this bar. The bottles were similar to those in the other saloons. Simply pop and light soft drinks.

Q. Now you say you did upon Saturday last call for and procure a pint of whiskey from this Manhattan Cafe? A. I did.

Q. And where did the bartender get the supply from? A. When I went into the cafe, I asked him for a pint of a certain kind of whiskey. He said I would have to wait a moment. I waited and he went downstairs through a door to the left as I entered the saloon and in a few moments he returned with a basket, I should say hold about a bushel, filled with bottles of various kinds, and on the top of these bottles was the bottle that I procured, a pint bottle of very good whiskey—a half-pint bottle of very good whiskey.

Q. With the exception of this bushel which you saw last Saturday

Q. What, if any, display of liquors that you saw in that place? A. No I did not because they took the bottles in this bar from underneath, from what would be the front bar as we stand here (indicating) the bottles were taken from down under here, instead of back there.

Q. At that time, last Saturday, did you see customers being served with hard liquors which were obtained from bottles just behind the top of the bar? A. I saw customers served from bottles marked "whiskey" and with cull bottles of beer, and some of them had mixed drinks of some sort.

Q. Now upon Saturday last in either the Jameson place or the Manhattan Cafe, how many barkeepers were there on duty? A. There was one at the Jameson place and there were about three at the Manhattan Cafe.

Q. Did they have any distinctive uniform? A. White coats.

Q. And will you mention any other place that you made several visits to? A. The ones that I have made the most visits to are the Hammond street, near the corner of Hammond and Main—I pass that every day I go to the office—

Q. And am I pointing to that place now? A. You are.

Q. And that is on this plan the next place to City hall as shown here, at this mark. A. It is in the building.

Q. And is that known as the Jameson place to you? A. It is.

Q. Now when did you visit that place first this year? A. I visited it the week following the raid.

Q. And did I understand you, you go daily by that place? A. Every day.

Q. Now describe that place as it existed early in January this year. A. This is a much smaller place than the others and as you enter there is a very short cigar counter on the left. The window is decorated similar to the other windows of the other saloons, or the windows of the other saloons, and then there is a sort of screen and on the right that comes nearly across the room but there is no swinging door there—there wasn't when I have been in,—it may have been barred back, but I saw no swinging door, because the bar is hidden by this screen that comes nearly across the room and back of that screen, parallel to the street is a short bar. And whenever I have been in there up until last Saturday there were always bottles of whiskey and other liquors in plain sight.

Q. And upon last Saturday, what change if any did you notice? A. I could not get any there last Saturday.

Q. Was the place open? A. It was open and men were drinking but they hadn't what I wanted.

Q. Did you hear any person call for any liquor while you were in last Saturday? A. No, I did not.

Q. But you saw them drinking some sort of liquids, and you called for some particular thing and they didn't have it? A. I did, and I saw them drinking what was to me whiskey, looked to me like whiskey.

Q. Out of small glasses? A. Out of small glasses—a small glass of liquid and a glass of water with it.

Q. And did you see the bottle from which that was poured? A. I did not.

Q. Now upon other occasions during the present year when you have

been in there or by there, what do you say in regard to a bartender, or bartenders, whether they had any, if so, how many, and how they were dressed? A. Why they have always had one or two whenever I have been in there. Sometime they have had on a white coat, and other times, simply dressed in ordinary uniform.

Q. Now at both the Jameson place on Harlow and the Jameson place on Hammon street, corner of Main, up to your visit last Saturday, have you seen ale on draught? A. There was ale on draught in the one on Harlow street when I was in there in January. The other one I haven't seen ale drawn. I don't know whether there is ale drawn back there or not.

Q. You have gone back and forth daily by this Jameson place—what have you observed, if anything, from the street as you have gone back and forth? A. Well, the most noticeable thing I have observed is a very strong odor of intoxicating liquor as I have passed the door.

Q. And has that been continuous or occasional? A. Well it depended on whether the wind was blowing or whether it was a quiet day or not, but as a rule you can smell liquor when you pass that door.

Q. Now what have you noticed if anything in regard to people in considerable numbers congregating there, noises, if any, that you have heard from within, and whether their condition was intoxicated or otherwise as you have seen them? A. Well, I have seen a great many people go in and out there and at times the room seems to be filled with men as you pass and there is always more or less—I wouldn't say always—there is at times more or less what appears to be gambling, dice throwing and card playing on the counter outside of the bar part.

Q. Now will you mention another place? A. There is a place on Franklin street, way up between Hammond and—

Q. Where I am now pointing? A. Yes, sir.

Q. And by what name will you designate that place? Or have you heard

it designated? A. I don't know the name.

Q. We will call it the Pete McAuley place—and I am pointing to the place that you refer to? A. You are.

Q. Now will you give your experience in that place during this present year. A. Well, that place is one that is as well kept as any of the others. Instead of the tobacco signs in the windows, there are nice imitation palm trees in the outer part, and in the rear part is a well equipped bar from which I have had no trouble to secure whiskey at any time and I have never been in there when I haven't seen other men there and at all times drinking what appeared to be whiskey and beer.

Q. Now how recently have you made a purchase of intoxicating liquors at the Pete McAuley place? A. Not since February.

Q. Have you been in there since February? A. Yes, I was in there in March.

Q. And how late in March, what portion of March? A. About the middle of March I was there.

Q. More than one occasion? A. I went in there the week following the raid and then once in March, and I couldn't get in Monday, it seemed to be closed.

Q. Now in March when you were at that place what did you observe in regard to display of liquor and the service of people? A. The liquor was openly displayed when I was in there in March.

Q. And that you think was about the middle of the month? A. It was.

Q. And that is relatively located to the county jail, is it? A. It is.

Q. And is the county jail the place where the sheriff has been living during this year as you understand it? A. I understand so.

Q. Now did you go to the place opposite there on Central street. A. That is the Johnson Cafe, I think. If that is the Johnson Cafe, I have.

Q. Well that is the Johnson Cafe. Now how frequently have you been in that place? A. I have been there often for meals.

Q. Now have you ever been in the barroom itself? A. I have not.

Q. How often do you go there for meals? A. Why I should say an average of once a week, perhaps.

Q. And have so continued up to the present time? A. Yes, sir.

Q. While you have been there at your meals what if anything have you noticed in regard to people going through the dining room to a back room? A. I have noticed them doing that.

Q. In how large numbers, few or many? A. Well, I wouldn't say that it was many, occasionally men that I know that I have seen go through and I have been invited to go in with them.

Q. You never have been in the place yourself? A. No, sir.

Q. Now have you been to the Holland place in Pickering square? A. Well, I must confess that those places in Pickering square, I don't know the name of one. I simply know the different saloons that are there. I have visited several of those saloons at different times.

Q. Was one of the saloons that you visited located where I now point and which is marked "Holland"? A. Yes, sir, the first one as I came by on the street.

Q. Will you describe that place and your several visits, if there were several? A. No, I have been in there only twice just to see if liquor was being sold.

Q. When was it? A. Soon after the raid and last week—Monday of this week, I beg your pardon.

Q. Monday of this week? When you went into that particular place what, if anything, did you see in regard to the sale or use of intoxicating liquors in that place? A. Liquor was being drunk. There was none apparent other than that that was being served over the bar.

Q. Now were the liquors being served beer, or were there hard liquors being served? A. Whiskey and beer.

Q. That was Monday of this week? A. It was.

Q. And where, if you noticed, did the supply of liquor with which the

customers were being served came from, where was it being kept in the barroom? A. Well, I saw but one bottle in that place and that was taken from underneath the front of the bar.

Q. Were there any watchers at that place? A. Not that I know.

Q. Was the door open or locked? A. It was so I could open it and enter.

Q. How many men should you say you saw in there on Monday of this week? A. Monday morning, about five men, five or six besides the bartender.

Q. And did he still have on his uniform? A. He did not.

Q. Taken that off. Did you visit—

JUDGE STEARNS: Judge Cleaves, now I want to be fair and I want you to be fair with this respondent, that was not a proper remark for you to make.

JUDGE CLEAVES: I think you are right, Judge Stearns, absolutely. It was not fair and I withdraw it.

Q. Did you visit a place which is below the Holland place which I will call the J. J. Crowe place, located relatively where I have my pointer? A. I did.

Q. And when was your last visit there? A. Last week.

Q. What if anything did you notice in regard to the service of intoxicating liquors in that place? A. In answer to that question, I will have to say that those saloons around in that section I visited one after the other simply to see whether men were there and whether they were drinking and my remembrance of all of them is general. I could not state anything particular except that I saw men drinking in practically every saloon around in that section.

Q. And drinking soft or hard liquors? A. Beer and whiskey seemed to be the liquor and mixed drinks, I don't know what, they called for a mixed drink.

Q. How many places in Pickering Square before you get to Water street did you visit there, Saturday or Monday? A. Well, I visited every one that looked like a liquor saloon. I don't remember the number.

Q. Were there more than the two I called your attention to? A. Oh, there are four or five there anyhow.

Q. You visited the whole and found the situation in each substantially as you

have described with reference to the two? A. I did.

Q. Did you go into any other place in the vicinity of Pickering or Haymarket square? A. I went into the places on Broad street and into one place on Union street, those places, that row of places where your pointer is now.

Q. Does that have any local name? A. I understand it is called the Devil's Half-Acre.

Q. And into how many places on Broad street known as the Devil's Half-Acre did you go? A. Eight—I beg your pardon—I went into nine, because there are eight in one street in a row.

Q. Eight in a row on Broad street? A. Yes.

Q. That was Saturday or Monday, or both? A. I went into a part of them on each day—I went into some of them on Saturday and all of them on Monday.

Q. Now from Saturday what did you observe in reference to conditions so far as intoxicating liquors are concerned in the several places you visited? A. The same general condition.

Q. That you have described? A. That I have described in the other saloons.

Q. Liquor—hard liquors being sold and consumed? A. Apparently.

Q. That is, something of a liquid nature that was being served in a small glass out of a large bottle? A. And a very strong odor of hard liquor.

Q. Now upon Monday with reference to the nine places, is the situation the same, the condition? A. Well, there were fewer men, hardly any men, in most of the places—there were fewer men in the places on Monday than there were on Saturday, but in practically every place there was an odor of liquor.

Q. Now what other places did you visit on Saturday or Monday? A. On Saturday I visited the several places, other places on Exchange street and on Washington street and Hancock street.

Q. Now let me call your attention to the McNamara place, and this place is the first one as you go from the depot on Exchange place, were you in that place? A. I was.

Q. Now describe to the convention what you saw there. A. I saw similar conditions to the other places that I had visited, other than that in several places there seemed to be more gambling and

dice; the drinking was just about the same. That was on Saturday.

Q. Now what other places upon Exchange street which appear upon this plan did you visit? Can you state? A. I visited all of them.

Q. Were there any of those places where you failed to observe hard liquor being sold or drank? A. There were one or two where no one was drinking hard liquor. They were simply playing cards or throwing dice. Simply the odor of liquor and the same general appearance there was in the places where they were drinking.

Q. How many places on Washington street did you visit? A. Two.

Q. And in those two places what did you observe in regard to hard liquors? A. In the one that is marked there near the center the same condition that existed on Exchange street, men were drinking both beer and whiskey, apparently whiskey.

Q. Now upon Hancock street did you visit one or more places? A. Two places.

Q. And what were the conditions there? A. They were—Saturday afternoon, they were well filled with men, every man apparently drinking a liquor of some sort.

Q. Did you go around on to French street? A. I did not.

Q. What other places did you visit in Bangor, either Saturday or Monday? A. There is one on the corner of Hancock and Oak streets that I visited. That one there (indicating).

Q. What is that, a shop or a tenement, or what is it? A. It was just a little corner store, looked like, seemed to be at one time apparently a store and now it is simply a place where evidently liquor is being sold. I visited that place and there was simply the odor—of liquor having been sold and the only man that was there was the bartender or the man in charge.

Q. Had you been in that place at any time previously during this year? A. I had in January.

Q. Had you in January visited all of the places to which you have called attention as having visited either Saturday, last week, or Monday, of this week? A. No, I did not because in January at that time I was not as much interested as I was, Saturday

and Monday. I simply went to probably a dozen or 15 of those places in January to see whether—what the effect had been of the search and seizure of the previous week.

Q. Bro. Thayer, how many purchases of intoxicating liquor did you make in Bangor, last Saturday? A. Four.

Q. And visited the places you have spoken of, Saturday and Monday? You visited the places that you have already spoken of? A. I did.

Q. At any of those places did you find any closed doors, any locked doors, fastened in any way, or any watchers? A. Well, I didn't visit a place that was locked. There were one or two of those marked on Exchange street that were closed on Saturday, the one next to the Jameson place on Harlow street, the shack, and the one next to it were closed, Saturday noon, Saturday evening; the best one and next to the Jameson place on Harlow street, was open.

Q. But did you find any watchers at any of those places that you visited? A. They were either absolutely closed or open and easily entered.

Q. And any time upon any of your visits during the present year have you found any fastened doors or observed any watchers at any of these places? A. None whatever.

Cross-Examination by Mr. Stearns.

Q. Do I understand, Mr. Thayer, that you are a Bangor lawyer? A. I am.

Q. Where is your office? A. 44 Central street.

Q. And in whose employment were you in making these investigations commencing last January? A. I was in the employ of no man.

Q. Do you mean to say that you did it voluntarily? A. I did.

Q. And when did you say you began? A. After the first raid that was made by Sheriff Emerson. I began this year after the first raid was made. I began some time ago to make these investigations.

Q. How long ago did you begin to make investigations? A. When I returned to Bangor about a year ago last November.

Q. Mr. Emerson wasn't sheriff then? A. He wasn't.

Q. And did you continue these investigations throughout the whole period until last February? A. If you call them investigations.

Judge CLEAVES: In the other case, Judge Stearns, there was some question as to whether we could compare conditions existing, this year, with those under some previous administration, and the Chair ruled that we should not put in any specified time to show what conditions were under any former administration, but of course in answering questions describing conditions some latitude is allowed the witness. Unless some reason appears under which conditions should be properly admitted, for the present the Chair will exclude testimony prior to January first.

Judge STEARNS: I might as well be heard at this point. If I understand the ruling to be this, that we shall not be permitted to show the conditions that existed in Bangor when this sheriff came into office, then I am very greatly surprised. Suppose the sheriff—I think the objection goes to exactly this point—suppose the sheriff had the task set before him to clean out the Augean stables, for example, as Hercules did, and you should say that he should not be permitted to show the condition of these stables and the amount of filth and refuse that would have to be removed. I say it is directly in point. It would be an injustice to this respondent, with this issue upon him, if he be not permitted to show the conditions that existed before the first day of January.

The SPEAKER: Mr. Attorney General, do you desire to say anything?

Judge CLEAVES: I will say, Mr. Speaker, in behalf of the attorney general, that we had no objection to the statement of facts, but it was comparing in his mind conditions existing, last year, with those existing, this year, and giving an impression whether they were better or worse.

The SPEAKER: The ruling previously made was that it is not admissible or permissible to testify or to bring in evidence to show whether or not conditions, this year, are better or worse than those existing under some other administration, the reason of that be-

ing that that doesn't get you anywhere, because to follow that out and know what the conditions really are, you have got to prove what they were under the administration referred to. Does the counsel see the point the Chair makes?

Judge STEARNS: Do I understand that we will be permitted—I will make it as brief as I can and as plain as I can—is it conceded that we shall be permitted to prove the conditions that existed at the time this sheriff took office?

The SPEAKER: The Chair had not finished stating his position. It is not permissible to bring in testimony to show simply that conditions are better or worse now than at another specified time. Under some circumstances it is admissible to show that conditions were bad on a previous date, with reference to the sheriff's attitude towards those conditions when he takes possession of his office. Now this condition right here, the question is whether or not he was familiar with the conditions existing previously.

(Question read by stenographer.)

The SPEAKER: Of course that question is admissible in cross-examination.

Judge CLEAVES: I want to say in behalf of the attorney general and in fairness to the other side that we do not object to facts which show conditions at the close of last year.

The SPEAKER: I don't think you properly could object to that. The Chair will exclude testimony, to compare conditions, whether better or worse but counsel and parties may show what conditions actually were prior to the first of January, when this man took possession, that is, whether they were bad or open or shut or otherwise.

Q. How much time did you spend in this first tour or round of visits to places, in January; A. About two hours.

Q. And do you know what places you visited on that occasion? A. In general I do.

Q. And how many were there? A. I should say about 15.

Q. Did you make any visit after that in the month of January to any place? A. Yes.

Q. When? A. I visited one on

Franklin street about the middle of January, and then I visited the one on Exchange street, the Manhattan cafe. I visited that several times, since January—the one on Hammond street, I have been there perhaps a half a dozen times, the Johnson restaurant I have been in perhaps once or twice.

Q. After that did you make any further visits? A. I made no further visits; I have been in them.

Q. What was your purpose on going in there, Mr. Thayer? A. I have often been with friends who went in to get liquor.

Q. You went with friends who went in to get a drink? A. I did.

Q. Did you drink with them? A. I did not.

Q. But your companions did A. They did.

Q. And you did that often? A. No, not often. I had also another purpose. I wanted to find out the actual condition of affairs in Bangor in the saloons.

Q. Did I ask you that? A. You asked me my purpose.

Q. That is right. And did you ever talk with the sheriff? A. I have.

Q. And you are acquainted with the sheriff personally? A. After he made his raid I went to him, I knew him by sight. I have spoken with him several times.

Q. Did you have any acquaintance with him before he was elected sheriff? A. I did not.

Q. Now there seem to be three places with which you claim to have special familiarity and acquaintance, and one of them you refer to as an especially well fitted, well furnished place, the Jameson place, and I understood you to say that it was fitted as well as bars in Boston and New York. A. Yes, sir.

Q. You are familiar with those bars, I suppose? A. I am.

Q. Both in Boston and New York A. I am.

Q. So that you compare this with those and say that it compares favorably? A. I do.

Q. How many times have you been in that place? A. What place?

Q. The place I inquired of, the Jameson place, that had a good bar.

A. I should say about four times. ance, and I went to those places to see
 Q. Did you visit it, in January? if I could get it, and I got it.
 A. I did. Q. What did you do with it? A. I
 Q. And the last time you went and have it here.
 visited it you say it was closed? Q. I understood you to say that one
 A. No, one side of it was closed. sample was good whiskey. A. It looked
 Q. One side of it was closed, and like good whiskey; it cost 40 cents a
 that was the thing you call a shack, I half pint.
 believe? A. There is a shack on one Q. You didn't taste it? A. I
 side and a good saloon on the other. haven't.
 They were both closed at that time. Q. But it looks like good whiskey?
 Q. Both the shack and the saloon? A. It does.
 A. And the one on the other side. Q. And that is the only means that
 Q. Now how many places did you you took by which to tell, was it?
 find closed altogether, last Saturday? A. It was.
 A. About six.

Direct Examination Resumed.

Q. Had you visited them within that Q. Just a single question, Mr. Thayer.
 week, these places? A. Previous to Your attention was called to the
 Saturday? six places that you say you found closed,
 Q. Yes. A. No, I think not. Saturday. How recently had you been
 Q. You don't know when they were past any of those places or into them
 closed? A. No, I do not. and found them open? A. The shack
 Q. Nor how long they had been was the first one that I found closed,
 closed? A. No, I do not. and as I remember it now about the
 Q. I understood you to say that you middle of February I was in that place,
 took your meals frequently at Johnson's and it was open then. The one next to
 restaurant. A. I took meals there fre- that, on this side, (pointing to map)
 quently. was closed, Saturday noon, and Satur-
 Q. And that is on Central street? day evening it was open. There was
 A. It is. one down on Exchange street, in that
 Q. Now, sir, do you say there is a last group of four, that was closed,
 bar in that place? A. There is a place both Saturday and Monday. The oth-
 to get liquor. I was asked if I went ers I simply found closed on that day.
 through the bar and I said I didn't. WALTER DANFORTH, called for
 Q. Do you know there is a bar there? the prosecution, sworn, in answer to
 A. I know there is a place to get liqu- questions by Judge Cleaves, testified
 or. as follows:
 Q. Have you ever been in that place? Q. Your residence is Bangor? A.
 A. To get liquor? It is.
 Q. Yes. A. I have been in with Q. You are the treasurer of the
 men who did get liquor. Bangor & Arcostook Railroad? A. I
 Q. But you haven't been in the place am.
 yourself where the liquor was procur- Q. For how long have you been
 ed? A. I have not. such treasurer? A. Since March 1905.
 Q. And you don't know just where Q. During the present year have
 it is? A. I do not. you visited for the purpose of obser-
 Q. You visited, as I understand, on vation any places in Bangor where
 your last round, which was Monday, two you have seen intoxicating liquors
 places where you said you bought sold? A. I have.
 whiskey? A. Saturday I bought whis- Q. When did you first go about?
 key at four places. A. About the middle of January.
 Q. Four places? A. Yes, sir. Q. And will you tell us first wheth-
 Q. Now, Mr. Thayer, what did you er you visited the place called the
 want of four particular brands of whis- shack and observed it about that
 key? A. I had heard that there was time? A. I didn't at that time.
 to be an investigation of Sheriff Emers- Q. What place did you observe and
 on. I went to the county attorney and visit in January? A. I didn't visit
 the assistant, who had been appointed the interior of any saloons in January.

My investigations were confined entirely to exterior investigations.

Q. Now where did you go? Upon what streets? A. Upon Exchange street, Hancock, Washington, Broad, Pickering Square, and a few others.

Q. Upon any of those streets, as you passed any of the places, did you see drinking and see bottles of liquor displayed openly in any of those places? A. In several.

Q. Now are you able to designate by name or location any of the places of which you made such observation? A. Only in a general way. One on Pickering Square and one on Exchange street, especially, that I saw from the sidewalk.

Q. What did you observe in those places from the sidewalk? A. I saw men entering and leaving those places. I detected very strongly the odor of liquors. I saw men intoxicated and in a partially intoxicated condition, and I could see men on the interior, and occasionally, as the doors opened into the place where the bar is, I would see men lifting something to their lips, drinking from a glass.

Q. Upon that occasion were you able to see into any of these barrooms and see the display of bottled goods anywhere about the bar room, from the street, I mean. A. I did not.

Q. Later, namely about a month ago, did you again make some investigations? A. I did.

Q. And was it in the month of March? A. It was.

Q. Now will you tell us first where you went? A. Practically over the same territory as on my earlier visit.

Q. Did you go into any of the places a month ago? A. I stepped into the front part of two or three, one on Exchange street, one on Pickering Square.

Q. Now in those places what did you observe in regard to intoxicating liquor? A. I saw men entering and leaving the place where the bar is located, and could detect the odor of liquor.

Q. Did you visit the shack, or have you been by it? A. Frequently.

Q. Now as you went by, or as you approached the place, what, if anything, did you see in regard to what

was going on inside? A. In the shack?

Q. Yes. A. I could see from the sidewalk through into the back room, and saw men lined up in front of what looked like a bar, and some of them drinking from glasses.

Q. Now do you know McNamara's place? A. I do.

Q. Where is that located? A. At the lower end of Exchange street, on the easterly side.

Q. Have you been into that place during the month of March, or the present one? A. I have.

Q. Which? A. Saturday last.

Q. Now upon Saturday last, you say you were at McNamara's place? A. I was.

Q. Did you go in? A. I did.

Q. State to the convention what you observed in regard to intoxicating liquor? A. I saw several men standing in front of a bar, drinking from a glass.

Q. And what kind of a looking drink was it? A. Dark colored, some of it had froth on the top of it.

Q. Did you see what kind of a receptacle it was poured out of? A. Not at that place.

Q. How many men were drinking at that place? A. Three or four.

Q. Did you see any signs of hard liquor there then? A. I did not.

Q. What other place did you visit? A. I visited the shack Saturday morning.

Q. What did you observe there? A. A man behind the bar, and three men in front, one drinking whiskey from a glass.

Q. What other place did you visit? A. The one next to it, brick building next to it.

Q. What did you observe there? A. A man behind the bar, and four or five men in that place.

Q. What were they doing? A. Two of them were drinking from a glass.

Q. What other place did you visit? A. The one next to that.

Q. Did you visit at the other places on Saturday last? A. I did.

Q. What did you observe at the last place? A. I didn't see any one drinking in the third place. I saw several

men in there, but none of them drinking.

Q. The location of that so-called shack—is it in the outskirts of the city, one of the low down places in Bangor, or is it upon one of its public streets? A. It faces East Market Square, practically the center of the city.

Q. And where, with reference to that place, is the postoffice to be built? A. Across the street diagonally.

Q. So that it is in one of the better portions of Bangor, the business portion? A. Within a thousand feet or less.

Q. Do you know the J. J. Burns place? A. I know a place that is occupied on the corner of York and Exchange streets by a man by the name of Burns.

Q. Did you visit that place? A. I did.

Q. When did you visit that last? A. Last Saturday.

Q. What, if any, evidence of the sale of intoxicating liquor did you observe there? A. I didn't go into the interior, where the bar was, in that building. I stopped and talked with the proprietor.

Q. Who knew you? A. He did.

Q. So you didn't go in? A. I didn't.

Q. What other places did you visit? A. Several others on Exchange street below that point.

Q. And what did you observe in regard to intoxicating liquors in those places? A. In nearly every place from two to eight or 10 men, some of them drinking from a glass.

Q. Now during the month of March did you observe those same places, some of them? A. From the exterior only.

Q. What, if any, change from what the condition was in March did you notice when you were there last Saturday? A. I didn't notice any change. There were no watchers and people entered and left freely. That is, I saw no watchers.

Q. During the present year, and up to a day or two, had you frequently observed barrels and kegs of beers being hauled through the streets of Bangor? A. I have seen jiggers driving through our streets loaded with what I have always believed to be beer barrels.

Q. Was that being done in the daytime? A. Yes, sir.

Q. And how were the barrels covered or protected? A. Partially covered by canvas cloth.

Q. And have you seen any of those teams back up to any place during the daytime? A. I have not.

Q. What, if anything, can you say about the Penobscot Exchange; have you been into that? A. I have.

Q. How recently? A. Since the first of January.

Q. Are you able to state about when? A. At the time the special committee were investigating the strike conditions.

Q. That is, at the time the State Board of Arbitration were investigating the strike, during the sessions of this Legislature? A. Yes.

Q. And what did you observe at the Penobscot Exchange at that time? A. I passed a room in which I saw men standing in front of the bar. Some of them were drinking.

Q. What, if any, display of liquors did you observe? A. I passed so rapidly I didn't notice particularly.

Q. You saw several men drinking at a bar? A. At a bar.

Cross-Examination by Mr. Stearns.

Q. I understand you entered the interior of no places until when? A. I entered one or two in January.

Q. But since then you entered the interior of no place until what date? A. Last Saturday.

Q. And do you remember then how many you entered? A. Eight or nine.

Q. And I suppose you had some excuse that you gave the barkeeper or the innholder in those places for entering there? A. I did.

Q. Did you inquire for a relative or an acquaintance? A. For an acquaintance.

Q. What acquaintance? A. A man who used to be one of my subordinates.

Q. Do you remember his name? A. Yes. Rory McDonald.

Q. Did you expect to find him in every one of those places? A. I did not.

Q. You didn't find him? A. I did not.

Q. I submit that you had a right to enter them, if they were open, without any pretext? A. I had.

Q. Now you say you saw some display

at the Penobscot Exchange in January?
A. I beg your pardon, I saw a bar.

Q. Isn't that a display? A. I don't so understand it.

Q. You saw a bar? A. I did.

Q. You passed it? A. I did.

Q. You passed it with me going and coming, didn't you? A. I did.

Judge STEARNS: I don't think I saw it. I don't have any doubt it was there at that time.

CHARLES R. CARLETON, called for the prosecution, sworn, in answer to questions by Judge Cleaves, testified as follows:

Q. You are a clergyman? A. Yes, sir.

Q. Of What denomination? A. Methodist Episcopal.

Q. At Bangor? A. At East Corinth.

Q. How long have you had your charge? A. Two years.

Q. How far is that from Bangor? ... Twenty miles.

Q. During this present year, about four weeks ago, were you in Bangor and made some observations? A. Yes, sir.

Q. Upon what streets did you begin these observations? A. In what they call West Market square, and upon Broad street, and at the foot of Exchange street.

Q. Now will you tell the convention, Mr. Carleton, where you went and what you observed in reference to intoxicating liquors? A. I don't know the names of the places that I visited at that time. I know they were on the square, on the north side, and that they were at the foot of Broad street on the right hand side going down.

Q. How many such places did you visit? A. I visited two on the square and two at the foot of Broad street and one on Exchange street on the left hand side, at the foot of the street—I wouldn't say the foot, but near the foot.

Q. At any or all of those places, did you see intoxicating liquors being used?

A. I noticed from the outside—the doors were open and I could see bottles from the outside, could see bottles in through the door as it swung, and men drinking at the bar.

Q. What kind of bottles did you observe? A. Long-necked bottles on the bar.

Q. They were on or about the bar, in plain sight, as the door swung open? A. Yes.

Q. And you were then upon the street, as you saw it? A. I was.

Q. Did you upon that occasion go into any of these places? A. I don't recall just the number. I went to—I think it was two on the square, and two at the foot of Broad and one on Exchange street. I wouldn't say that as an actual fact as to number, but simply as to conditions.

Q. In each of these places did you find a display of bottled goods in view? A. I did.

Q. And what we call long-necked bottles? A. I did.

Q. Did you observe how any or all of those bottles were labeled? A. I noticed "whiskey" on them of various brands. "Rye" on one in particular, I remember.

Q. Did you see any person served with any hard liquors? A. I did.

Q. In each of those places? A. I wouldn't say that I saw them served with hard liquor in each of those places, but in several of the places.

Q. Did you make any purchase or effort to purchase in any of these places? A. I did not.

Q. How many men did you see in those places? A. It would vary greatly, but there were a number of men in each place.

Q. Was there a bar in each place? A. There was.

Q. A bartender? A. In some there was one, and in some two, and in one place I saw three.

Q. What place was it you saw three? A. I couldn't tell exactly; I couldn't tell just what place.

Q. And were any of them dressed in white coats? A. They were all.

Q. Now when next did you make any investigation? A. Last Saturday.

Q. And upon that occasion, last Saturday, who were you accompanied by? A. Constable Tibbetts.

Q. Mr. Tibbetts, who is a constable of the city of Bangor? A. Yes.

Q. And did you go about to these same places? A. I couldn't say that I visited exactly the same places.

Q. How many did you visit, on Saturday last? A. I couldn't state the

number exactly. We visited several places on the square, one or two on Harlow street, one on French street, and several on Hancock street.

Q. Now in those places what evidence did you see if the use of intoxicating liquors? A. Shall I name the places?

Q. If you will. A. On Hancock street, there were men lined up at the bar. There were no liquors displayed, but there was liquor being drunk that looked to me like whiskey.

Q. That is, being drunk out of a small glass? A. Yes.

Q. Did you see the bottles in each place served to any one? A. One.

Q. Describe that bottle? A. It was a long-necked bottle.

Q. Go on. A. On French street, I visited one place kept by what I judged was a Jew. There were no men in there. There was an odor of liquor perceptible all through, but no liquors in sight. I had a reason to argue that he was selling liquor and I said—(Objected to).

JUDGE CLEAVES: Don't give any conversation that you had. A. At Hancock street, we visited several places. There was an odor of liquor in all the places that we visited. In some there were a few men, and in some many. We came back to the Square and there we went into one place where I counted as high as 40 odd men in one place.

Q. Are you able to state relative to where that was? A. That was William C. Cox's place.

Q. Now let us see if we can locate that. A. I haven't looked at that map.

Q. Would it be about where I place my pointer, in Pickering square? A. It would.

Q. And that you refer to as the Cox place? A. I was told it was Cox's place.

Q. And down there in that place you found 40 men? A. Forty odd men.

Q. Lined up to the bar? A. They were not all lined up to the bar; there were one or two men in the corner that were intoxicated and some men sitting on the table who seemed to be eating some kind of a lunch, and the rest were at the bar.

Q. At that place did you see any hard liquor being drunk? A. There was an old man seated at one end of the

counter drinking out of a bottle marked "Rye" and the glass was a small glass; and I heard a man call for ale, and it was served to him out of a bottle, and the other men were drinking various kinds of liquor.

Q. Can you name any other place? A. There were two places on that same side of the street as Cox's. I don't know the names of the places, and the number of men varied in them, but in all the places on the square that we visited there were hard liquors in sight. I had occasion to step to the end of the counter, and under the counter I saw other places in there, some were in cases and some were in what seemed to be—well, we might call it the lower part of a refrigerator, and the long-necked bottles seemed to be in there.

Q. At any of these places did you find the door locked or fastened in any way when you approached? A. None.

Q. Did you find any watchers, or any person apparently looking for you? A. None.

Q. And in any place did you hear anybody refuse when they made a request for liquor? A. None.

Cross-Examination.

By Judge STEARNS:

Q. You live in East Corinth, I understand? A. Yes, sir.

Q. And that is 20 miles from Bangor? A. Twenty miles.

Q. And that is in Penobscot county? A. Yes, sir.

Q. And how long did you say you had lived there? A. Two years.

Q. Did you ever live in Bangor? A. Three years, while I was going to school.

Q. And where did you go to school in Bangor? A. Bangor Theological school.

Q. How long ago was that? A. I should have to look up the date.

Q. No, you don't need to look up any date. Can't you tell approximately when you went to school? A. I should have to guess at it, and I don't want to guess.

Q. You don't want to guess? A. No, sir.

Q. Do you think there would be any sin in guessing? A. I am not talking about sin.

Q. Then why can't you tell me ap-

proximately how long ago it was that you went to school in Bangor? A. I said I would have to look up the date, and I don't remember exactly.

Q. Can't you approximate the number of years ago? A. I suppose I could, but I don't wish to.

Q. What is your objection, Mr. Carleton to giving me the approximate time? A. I don't like to guess.

Q. What is your scruple about guessing, Mr. Carleton? A. Simply that I don't care to guess..

Q. So you refuse to answer that question? A. I do.

Q. Have you lived in Bangor within the last five years? A. Yes, sir.

Q. And how recently did you move out of Bangor? A. I couldn't tell you.

Q. Did you move out of Bangor three years ago? A. I don't wish to guess.

Q. Did you move out of Bangor four years ago? A. I refuse to answer that question.

The SPEAKER: Mr. Carleton, it is not necessary to give the exact figures in answer to these questions; it is necessary to answer the question as well as may be and give your information, and if you can tell exactly or give how many years or how many months ago it was, you must give it.

A. It was within six years.

Judge STEARNS: Within six years you have lived in Bangor? A. Yes, sir; within six years.

Q. And you haven't lived there since? A. No, sir.

Q. Now, do you know the names of any places that you visited in Bangor except Cox's? A. I don't; yes, I beg your pardon, a place kept by Russell on Exchange street.

Q. And do you know whether that is a restaurant? A. It passes as one.

Q. Have you any reason, sir, to say it is not a restaurant? A. I have reason to say it is something in addition to that.

Q. Did I ask you about that addition? A. You asked for an explanation.

Q. I asked you if you had any reason to suppose it is not a restaurant? A. I have no reason to suppose it is not a restaurant.

Q. And Cox's, where you saw the 40 men is also a restaurant, isn't it? A. I suppose so, yes.

Q. Of those places, restaurants are the only ones whose names—the names of whose owners you know? A. Yes, sir.

J. M. ARTERS, called and sworn, testified as follows:

By Mr. CLEAVES:

Q. Please state your full name and occupation? A. J. M. Arters; clergyman.

Q. And you are located at Portland? A. I live in Portland; yes, sir.

Q. During the present year while you were visiting in Bangor did you make some observations? A. I did.

Q. When was it? A. On Friday, the 14th of February.

Q. Will you state what you did and what you saw? A. Well, with reference to the map I would be very glad to trace my travel. I don't know the names of the streets of course.

Q. Perhaps I can assist you. I want you to be where you can make the convention hear. A. I don't think they will have any trouble.

Q. Where did you begin? A. Leaving the railroad station and passing into Exchange street I visited the place where your pointer now is, entering and remaining a moment or two and then passing on and visiting two or three additional places between that and the corner of Hancock street; passed along from that point to the place at the corner of Exchange and York streets, and entered that just a moment or two, and then went into State street, crossing over the bridge there and coming down into what is marked on the map as Broad street. Now down this way—these places that are now in the neighborhood of your pointer, one or two, but making especially my visitations along in that neighborhood where your pointer now is, entering six or seven of those places, having in mind especially the place at the corner of Broad and whatever street that is.

Q. Union? This place known as described locally as the "Devil's Half Acre"? A. Yes, in that place, and

having in mind especially the two places adjoining there just above your pointer, the one on the corner and the one above the place on the corner, making special observations there and then coming across the foot-bridge used also by the railroad, crossing there through the railroad station again and over into what is marked on the map as French street, and visited one or two places there; and that ended the investigation.

Q. Now, having located the places and having described your itinerary, can you tell the convention what you saw? A. In most of the places entered I saw a fully equipped barroom, that is, a bar and an attendant at the bar, a stock of liquors displayed back of the bar on shelves, men drinking and ordering intoxicating liquors at the bar and being served on their order; and in a number of the places, especially in the place known as the Devil's Half Acre I saw a considerable number of drunken men or men in a half intoxicated condition. In one place, just above the place on the corner of Broad and Union streets I saw there a 16-year-old boy tending bar.

Q. And were liquors being served by that boy? A. They were, upon order of those who were ordering intoxicating liquors.

Q. You didn't go to Bangor for the purpose of making an investigation? A. I did not.

Q. You were there upon business? A. I was.

Q. In any of these places, Mr. Arthers, did you find any fastened doors or any watchers of any sort? A. I did not.

Cross-Examination.

By JUDGE STEARNS:

Q. I understand you too are a clergyman? A. I am, sir.

Q. And a resident of Portland? A. I live in Portland.

Q. And what is your denomination? A. I am a Methodist.

Q. And who did you visit in Bangor? A. I didn't visit anybody in Bangor; I was there between trains.

Q. How long did you remain? A. About two hours.

Q. And did you see all that you have described in those two hours? A. I did.

Q. And have made no other visit in Bangor? A. I never have been in Bangor since.

Q. Where was the place where you found the lad behind the bar? A. The place just above the corner of Broad and Union streets.

Q. Broad and Union streets? A. Yes, sir.

Q. And do you know the name of the lad? A. I do not.

Q. Did you inquire his name? A. I did not.

Q. Did you make any inquiries of him? A. I did.

Q. You inquired his age? A. I did not.

Q. How do you know his age then? A. By his general appearance.

Q. Mr. Arters, do you mean to tell this convention that that boy was 16 years old by his appearance alone? A. Yes, sir; I mean to say that judging from his appearance he was not over 16 years of age.

GEORGE A. TIBBETTS, called and sworn, testified as follows:

By MR. CLEAVES:

Q. Please state your name? A. George A. Tibbetts.

Q. And you live in Bangor? A. Yes, sir.

Q. You are a constable of the city of Bangor? A. I am.

Q. For how many years have you been such constable? A. I think continuously for five years; I think there was one year that I was not.

Q. During the present year in the performance of your duties or otherwise have you been in various barrooms in Bangor? A. I have.

Q. And two weeks ago last Saturday did you go about with Rev. Mr. Carleton who has just testified? A. How long ago?

Q. Two weeks ago last Saturday. A. No, sir.

Q. When was it? I may be in error. A. Last Saturday.

Q. Two weeks ago last Saturday were you looking for a particular man? A. I was.

Q. And in looking for him did you go into a number of these bar rooms? A. I did.

Q. Were you into Holland's? A. I was.

Q. Where is that located? A. I am not quite sure whether it is Mercantile square or Pickering square, where they come together, but it was near that point.

Q. In the vicinity of Pickering square? A. Yes, sir.

Q. What is Holland's place? A. Well, it is a very nicely arranged place. I think they serve food there, although I have never eaten there, and they have a fine bar very well fitted up, on of the best in Bangor.

Q. How many bartenders? A. Three generally.

Q. And do they have any distinctive uniform? A. Generally a white jacket.

Q. Upon this occasion two weeks ago last Saturday what if anything did you see in the nature of intoxicating liquors either being served or in view near the bar? A. Well, the general appearance of a saloon being well patronized and serving liquors I should expect of all kinds. I don't drink, so I don't know what they were.

Q. You saw customers there being served with some liquid refreshments? A. I did.

Q. And were some of those refreshments being drank out of small glasses? A. Yes, sir.

Q. Did you go into Crowe's place? A. I did.

Q. Where is that located? A. The next saloon below, south from Holland's.

Q. How many bartenders there? A. I think there were two that day.

Q. And were they dressed in uniform? A. I think one was.

Q. What if anything did you see there? A. The usual intoxicating liquors were being sold and served, practically the same thing I had been seeing for years.

Q. And did you go into Cox's place just below? A. I did.

Q. And what did you see in the nature of liquors being served there? A. The same condition.

Q. Is there a bar there? A. There is.

Q. Any bartender? A. Yes, sir.

Q. And was he on duty that day? A. Yes, he was.

Q. Did you go into No. 83? A. I did.

Q. Whose place is that? A. I am not sure of the name.

Q. Was there a bar there? A. Yes, sir.

Q. Any bartender? A. Yes, sir.

Q. Any customers? A. Yes, sir.

Q. Did you see any intoxicating liquors being served? A. I saw what I supposed to be intoxicating liquors.

Q. Was there any essential difference between what you saw in that place and what you had seen in the other three you have already described? A. I don't recall that there was. I wasn't thinking about it at the time, but I should expect it was practically the same.

Q. Did you go into Slim Jim McCann's? A. I did.

Q. Where is that? A. Right on a corner.

Q. On the corner of what street? A. Corner of Water street and Pickering square.

Q. And in the neighborhood of these other places that you have described? A. Yes, sir.

Q. Was there a bartender there? A. I didn't go into the bar; I just simply went into the front part; I was looking for a man and I didn't go into the place.

Q. Perhaps you didn't observe anything in there? A. I didn't that day; no, sir.

Q. Do you know of any people being in the barroom? A. I didn't think there was.

Q. Did you go into Haymarket square and call upon any places? A. I did.

Q. Name them? A. The Corner shop—I don't know who keeps that.

Q. What did you find in there? A. I found I should say a dozen men in there.

Q. What were they doing? A. Well, some of them were drinking and some of them were getting rid of what they had drank, and most all sorts of business.

Q. Was there a bartender on duty there? A. Yes, sir.

Q. What other places did you visit in that locality? A. I visited the place where the angle comes, where I think Jacob Bartlett used to have a meat market I presume when I was blacksmithing on the square.

Q. Was there a bar there with a bartender? A. Yes.

Q. Did you see any intoxicating liquors being served? A. I did.

Q. Any display of hard liquors? A. Yes.

Q. Visible from the front door? A. Yes, on the shelf the usual display.

Q. Did you visit any other places in that locality? A. I did.

Q. You may go on and name them? A. There was a bar down in the brick building that was built originally, I think for a bakery, a brick building, and one of the most southerly in that line.

Q. (Indicating on plan with pointer) Right there? A. That was the one.

Q. Is that known as No. 124? A. I don't know.

Q. Whose place is it? A. I don't know; I don't know who runs it.

Q. And did you observe in there the same evidence you have spoken of in other places? A. Yes, sir; only more so.

Q. Where next did you go? A. I was down around on Broad street.

Q. Down in the Devil's Half Acre locality? A. Yes, sir.

Q. Did you see any evidence or signs of sales of intoxicating liquors down there? A. Yes, sir.

Q. Where else did you go? A. I took in—I am not sure whether I was in all those places on Broad street—I went over to a place on Union street.

Q. One of these places? (Indicating on plan) A. On the other side, that place there.

Q. Did you see there the same things that you have described? A. No, sir; that is not a regular bar; I should presume you might call it a kitchen bar; it was run by a lady—

Q. Where else did you go? A. Lozier, I think her name is. I collected an execution there.

Q. Where else did you go, that day? A. I put in the entire, practically the entire day trying to get service on a man, I had been trying for a week or 10 days to find him and so I was in all those places.

Q. That is, you were trying to find a defendant upon whom you were to make service of a civil process? A. Yes, sir.

Q. And you rather expected to find him at some of the barrooms? A. Yes, sir.

Q. And so you made the rounds and the search for that purpose? A. Yes, sir.

Q. Calling your attention to the location upon the face of the earth of the county jail as indicated on this plan, from the steps of that building what, if any, of these places that have been mentioned could be seen? A. A. From the county jail?

Q. Yes. A. I should say none of them.

Q. From the immediate locality of the county jail? A. From the street, from Hammond street at the entrance to the county jail I should say this place down there of Jameson's I should think would be—I am not absolutely sure that could be seen because there is a little bit of a crook there in the street, and I am not sure whether it could be seen.

Q. Where is the municipal court room? A. It is in the City building.

Q. In the City hall? A. Yes, in City hall.

Q. And where is your post office at the present time located? A. Over on Central street, just across the bridge on Central street, on the north side of Central.

Q. And are Exchange and Broad streets two of the principal streets in Banger? A. They are.

Q. To get to the railroad station you have to go down Exchange street? A. Yes, or go across on the railroad bridge down by the river.

Q. And to get down to that point you come down Broad street the other principal street? A. Yes, sir.

Q. Now upon Saturday last you made a trip around with Mr. Carleton? A. I did.

Q. For the purpose and at his request to show him these places? A. I did.

Q. Did you and he go into any places? A. We did.

Q. Did you go into practically the places that you have just testified about? A. Yes, and several others.

Q. What change or difference did you notice in any or all those places upon Saturday last from what you observed and have testified to was the condition two weeks ago? A. An absence of the display upon the shelves generally quite largely reduced.

Q. The supply had been reduced? A. Yes, sir.

Q. And the display openly upon the shelves had been abandoned partially? A. Partially, and in some places——

Q. Did you notice any other differences? A. No, sir; in some places I should say I didn't see any hard liquors.

Q. These were the only changes you noticed? A. Practically.

Cross-Examination.

By Judge STEARNS:

Q. How long did I understand you to say you had lived in Bangor? A. This last time?

Q. Yes. A. Eight.

Q. How long have you been a constable of Bangor? A. I think for five consecutive years.

Q. The last five years? A. I think so.

Q. Have you taken an oath of office every year? A. I think so.

Q. Taken an oath, this year? A. Yes, sir.

Q. Do you know what your duties are as constable? A. Well, I have a general idea.

Q. Have you ever read the statute of your State pertaining to your duties? A. I learned to read from the first statute that was ever published.

Q. Have you read it? A. Yes, sir.

Q. Did you know that the statute contained this provision: "The mayor and aldermen, selectmen, assessors and constables in every city, town and plantation shall make complaint and prosecute all violations of this chapter and promptly enforce the laws against drinking houses?" A. I should expect it was there, yes.

Q. You knew it was there, didn't you? A. I think I do.

Q. Now, have you sworn out any complaints against these places that you have visited? A. I never have one, I think not.

Q. Have you discharged any of the duties imposed upon you by that statute? A. Yes, I think I have.

Q. What? A. I have attended to the business for which I was made a constable, as I understand it.

Q. Isn't that part of your business under the statute? A. I presume it may be.

Q. Now, what fellow were you hunting for in these places that you visited? A. I was hunting for a man by the name of James S. Cox.

Q. When did you find him? A. The last time.

Q. You did find him? A. No, I say the last time I was looking for him I had an execution and a writ.

Q. Who was that man? A. That was James S. Cox, last Saturday.

Q. Both times? A. No, sir.

Q. Who was the fellow you were hunting for when you had the writ? A. His name was Woodbury.

Q. Did you find him? A. I didn't find him there but I did later after we took his horse and put it in the stable we found him.

Q. You found him? A. Yes, and I served it on him.

Q. Now, Mr. Tibbetts, you have been a candidate for sheriff yourself? A. I have.

Q. You run against Major Emerson as a candidate for sheriff, didn't you? A. I did in the primaries.

Q. And you have been a candidate for deputy sheriff since, haven't you? A. I don't think so in the general acceptance of the term; you should know more about that than I.

Q. Don't you know whether you have been a candidate for deputy sheriff or not? A. I have not, unless at the time you and the B. & A. were asking that and I had absolutely nothing to do with it.

Q. Didn't you request the sheriff to appoint you a deputy? A. What sheriff?

Q. Major Emerson. A. What time?

Q. At any time? A. Never at any time, except on that B. & A. Railroad matter.

Q. Are you a candidate at the present time for appointment? A. Not that I know of.

Q. To the office of sheriff in case these proceedings are followed by the removal of Major Emerson? A. Not of my own knowledge or consent.

Q. Have you circulated a petition? A. I have not.

Q. Have you asked men to support you? A. I have not.

Q. You are still a constable? A. I am.

Q. And you were a constable, last Saturday, when you visited these places?
A. I was.

Q. And the other times? A. I was, yes.

Q. Did you arrest anybody? A. I did not.

Q. Did you seize any liquors? A. I did not.

Q. Did you expostulate with anybody for selling them? A. I did not.

Q. Did you call the attention of anybody to the fact that he was violating the law? A. I did not.

Q. You made no attempt whatever to enforce the law? A. I did not.

Mr. CLEAVES: A question or two I neglected to ask you. Two weeks ago, last Saturday, was there any ale on draught in any of these places?
A. Yes, sir.

Q. When was ale on draught shut off? A. Well, very largely, on Friday night, a week ago last Friday night.

Q. After the publicity had been given to the Governor's message?
A. Yes, sir.

Q. And did you see any barrels of beer being moved out of these places where recently before that you had seen ale being served on draught?
A. I saw what I supposed was the moving of it, and my attention was called to it by some demonstrations of that kind.

Q. You saw barrels being moved out of those places? A. I saw them more particularly on the streets, on teams.

Q. Was that in the daytime or night?
A. That was in the evening.

Q. In the daytime during the present year have you seen and beer being hauled through the streets of Bangor? A. Daily occurrence.

Q. How large loads? A. Oh, varying from a single keg to perhaps four or five barrels or more on jiggers, partially covered, sometimes not.

Q. And those during daylight hours?
A. Yes, sir.

Q. Have you seen any of those loads backed up to any of those saloons which you have spoken about? A. Yes, sir.

Q. Is that a frequent occurrence? A. Frequent occurrence.

By Judge STEARNS:

Q. Have you ever made any attempt

to seize any of these barrels of beer and ale that have been carted through the streets? A. I have not.

Q. Have you ever made any complaints? A. I have not.

Q. Never swore out any warrants? A. I have not.

Q. Haven't interfered in any way whatsoever with the traffic? A. I have not.

Mr. GEORGE F. HILL, having been duly sworn, testified as follows:

Examination by Judge CLEAVES:

Q. What is your name? A. George F. Hill.

Q. Where do you live? A. Corinth.

Q. What is your occupation? A. Farmer.

Q. Were you formerly connected with the sheriff's office of Penobscot county?
A. Oh, years ago, I was a deputy.

Q. And you come quite often into Bangor and have been so doing the present years? A. Well, I average about once a week.

Q. Now in February of this year, did you make any particular observations in Bangor in any places? A. I was in Bangor about the middle of February. I wanted a glass of beer and I went into a place on Franklin street and got it.

Q. Was it soft beer or regular beer?
A. Regular beer on draft; they drew it.

Q. What place was that? A. I don't know the name, but it is on the further end of Franklin street before you get to the bridge. They call it Peter somebody, I think Peter McAuley. I think that is the name.

Q. Was there a bar there? A. Yes, sir.

Q. Did you notice any other liquors besides the kind you had? A. I don't know. There were bottles displayed on the shelf.

Q. There were bottles showing plainly? A. Yes, sir.

Q. What were call long necked bottles?
A. Yes, sir, as we might call them. They were filled and resembled whiskey bottles.

Q. About a week later than that, did you go into the same place? A. I did.

Q. In the meantime had anything occurred? A. The first time I was in there was before 11 o'clock. I went home on

the 11 o'clock train. I saw by my paper that night that they had made a seizure there and cleaned out the place.

Q. And then about a week later you were again in Bangor? A. Yes, attending court, and going down from court I went in again.

Q. Who, if anyone, connected with the department of the sheriff at the present time, did you see in there drinking? A. I should say there were eight or 10 people in there, from court part of them and among them was a deputy sheriff.

Q. What is his name? A. F. C. Barker of Exeter.

Q. What was he doing? A. Drinking with the crowd that was in there.

Q. Have you been in the Bangor House during the year several times? A. Quite often.

Q. Have you been in the barroom of the Bangor House? A. I think I have been in there twice. In the month of March I was in there and got a glass of whiskey.

Q. What floor is it on? A. On the office floor.

Q. Was there a bar there? A. Yes, sir

Q. With the ordinary bar equipment? A. Yes, sir.

Q. Did you see any display of liquor around that bar at that time? A. Well, there was a fairly well equipped bar, very good, and bottles displayed on top. I think the last time I was in there, there were two or three men in there.

Q. What time in March was that? A. That was some time, I should say, along about the middle of March.

Cross-Examination.

By JUDGE STEARNS:

Q. You live in East Corinth? A. I do.

Q. How long have you lived there? A. Well, nearly 40 years.

Q. But not all the time during that 40 years? A. No, sir, I was in Bangor, I have lived in Bangor twice within that time.

Q. When did you cease trafficking in intoxicating liquors? A. When I left the Penobscot Exchange.

Q. How long ago was that? A. In '95.

Q. And where else did you sell intoxicating liquor in Bangor as a business?

A. Never.

Q. In connection with a hotel? A. Never.

Q. Didn't you keep the Franklin House? A. Yes, but I didn't sell anything. We sold under the Bangor plan when I was in the Penobscot Exchange.

Q. You were a deputy, were you not, under Sheriff Gerard? A. Yes, sir.

Q. Were you removed from office for a refusal to enforce the law? A. Yes, sir, I refused to prosecute parties and he discharged me.

At this point a recess was taken until 2.30 this afternoon.

After Recess.

Convention called to order by the President at 2.30 P. M.

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

PRESENT:—Sen. Allan of Washington, Sen. Allen of Kennebec, Allen of Machias, Sen. Bailey, Bass, Benn, Benton, Bither, Boman, Bowler, Sen. Boynton, Bragdon of Sullivan, Bragdon of York, Bucklin, Sen. Burleigh, Butler, Sen. Chase, Chick, Clark of New Portland, Cochran, Sen. Colby, Sen. Cole, Sen. Conant, Connors, Cook, Crowell, Currier, Cyr, Davis, Descoteaux, Doherty, Dunton, Durgin, Eastman, Eaton, Eldridge, Elliott, Estes, Farnham, Farrar, Foison, Franck, Gallagher, Gamache, Goodwin, Gordon, Greenleaf of Auburn, Greenleaf of Otisfield, Sen. Hagerthy, Haines, Harman, Harper, Harriman, Haskell, Sen. Hastings, Sen. Hersey, Higgins, Hutchins, Irving, Jengins, Jennings, Sen. Jillson, Johnson, Jones, Kimball, Lawry, Leary, Libby, Marston, Mason, Sen. Maxwell of Sagadahoc, Maxwell of Boothbay Harbor, McBride, McFadden, Merrill, Mildon, Sen. Milliken, Mitchell of Kittery, Mitchell of Newport, Mooers, Sen. Morey, Morgan, Morrison, Morse, Sen. Murphy, Newbert, Nute, O'Connell, Packard of Newburg, Sen. Patten of Hancock, Peacock, Peaks, Pendleton, Peters, Peterson, Fitcher, Putnam, Quinn, Sen. Reynolds of Kennebec, Reynolds of Lewiston, Sen. Richardson of Penobscot, Richardson of Canton, Roberts, Robinson, Rousseau, Sanborn, Sanderson, Sargent, Scates, Skelton, Skillin, Sen. Smith of Penobscot, Smith of Auburn, Smith of Patten, Smith of Presque Isle, Snow, Spencer, Sen. Stearns, Stevens, Stuart, Sturgis, Swift, Taylor, Thombs, Tobey, Tryon, L'mphrey, Violette, Sen. Walker, Washburn, Waterhouse, Winchenbaugh, Sen. Wing, Wise, Yeaton.

ABSENT:—Boland, Brennan, Brown, Chadbourne, Churchill, Sen. Clark of York, Clark of Portland, Donovan, Dresser, Dunbar, Sen. Dutton, Emerson, Sen. Emery, Sen. Flaberty, Gardner, Hancock, Hodsdon, Hogan, Kehoc, Kelleher

of Portland, Kelleher of Waterville, Leader, LeBel, Leveille, Sen. Mansfield, Mathieson, Maybury, Metcalf, Morneau, Sen. Moulton, Sen. Packard of Knox, Plummer, Price, Ramsay, Ricker, Rolfe, Sherman, Smith of Pittsfield, Sprague, Stanley, Stetson, Swett, Thompson, Trimble, Twombly, Wheeler.

THE PRESIDENT: The roll call discloses the presence of 135 members of the convention.

Judge Cleaves, you will proceed with the case.

Mr. EDWARD H. EMERY, having been duly sworn, testified as follows:

Examination by JUDGE CLEAVES.

Q. Your name is Edward H. Emery?

A. Yes, sir.

Q. And you live at Sanford? A. Yes, sir.

Q. You are one of the field secretaries of the Christian Civic League? A. I am.

Q. At any time during this year, have you visited Bangor and other places of that county to make observations in regard to the sale of intoxicating liquors? A. I have.

Q. What was the date of your visit? A. March 14.

Q. Will you tell us in your own way, keeping in mind the location of the places, a general description of each place before you leave it, what you observed within those places, and if you purchased anything, state it. A. On the suggestion of Doctor Berry, the superintendent of the Civic League, I went to Bangor to make some observations as to whether the prohibitory law was being enforced or not, and if it was violated, to what extent, and how openly. He instructed me, if I could, in every instance, to buy liquor, to try a few places and see what I could do. I arrived there between 5 and 6 o'clock in the afternoon and started up Exchange street and turned into the first place, which I think is 73. It looked like a bar room. This was P. H. McNarama's place, or at least had his name on the window. A partition within the room goes part way across the room, leaving an opportunity at each side of the partition to pass behind it. On the left hand side, there was a counter that extended through the room next to the street, back to and used on one end as a cigar counter, and behind this partition is a bar.

Standing in the street, I could look into the bar, both ways, but could not see the bar itself. I mean the counter over which the liquor was served. I could see the shelves behind the bar and on those shelves were arranged various bottles of liquors. There was a portiere hanging over this door intended to cover it, but it was pushed back and did not cover it. I went into the place and around the other end of the partition, and up to the bar and purchased half a pint of whiskey for which I paid 25 cents. The whiskey was taken from behind that bar where the bottles were piled up like stove wood, on their sides. I then went to about 111 Exchange street. It was not 111 but near there. I do not know the number for I could not see any on the door. This was a regular barroom arranged as barrooms are, as they have been described so many times here, with a partition back from the door. I do not remember what was in the front room, but in the back room there was intoxicating liquor on the shelves. I bought half a pint of whiskey and brought it away for which I paid 35 cents. This was put up for me by the bartender. From there I went to Center street, where I got some supper and then went to the Winslow bar, so-called. This is at the rear of a barber shop located at 8 Harlow street. Passing through the barber shop, and passing gambling machines which were being operated, I came into this barroom which was large and had a nicely furnished bar. There was quite a stock of liquor on the shelves behind the bar. Three men were sitting at the table in this room drinking beer, but other men were being served at the bar and I stepped up to the bar and called for half a pint of whiskey for which I paid 35 cents. The bartender, dressed in a white coat, put it up, and I left that place. I went from there to the Young Men's Christian Association rooms, where I made notes of what I had done for fear I would get confused over so many places. Then I went to 49 Hammond street. This place is in full sight of the court house, diagonally across the street from the jail yard, and three doors from the City building. This room had a screen instead of a partition that hid the bar from the

view of those who would come in the door. Passing around the end of the screen, I found five men at the bar, some drinking. I purchased half a pint of whiskey, put up by the bartender for which I paid 25 cents. I went from there to Broad street, and turning up toward Fickering square, next to Dunn's Sea Food store, which is the only way I can locate it for there was no number on it. I went into Crow's place. I do not know Mr. Crow, but it has been so described. In the rear room, I found a bar and quite a number of men drinking. After they finished serving them, I called for half a pint of whiskey, which was put up for me and for which I paid 25 cents.

Q. Was there quite a display of liquor there that you could see openly?

A. There was a considerable display in that place. It was fairly large, but not as elaborately furnished or finished as some. I went from there to the Manhattan Cafe at 200 Exchange street. This is more than an ordinary place in its furnishings. It has a frosted glass partition, swinging doors so that you could keep to the right and not obstruct traffic. There are two doors. I stopped on the sidewalk and saw eight men come from there in one company. I do not remember how many came from there in five minutes; four boys. I saw two boys go behind the partition. I went in but they had disappeared. There was a flight of stairs that went somewhere. I had been told where they go but I cannot testify to it. There was a nicely stocked bar there with three bartenders behind it. There was a cash register which had the name of John H. Russell on it.

Q. Was it in that place you saw a drunken man with bills between his fingers and a half dollar in his hand?

A. Yes, sir, but it was at another visit. There were several men drinking at the bar this time. I pushed into the place that opened up at the bar and asked for half a pint of whiskey and instead of putting up a half pint, they put up a pint for which I paid 50 cents. I went to the corner of Exchange street and took a car for Old Town, and arrived about 10 minutes past nine. Shall I tell you about Old Town?

Q. Yes. A. Going down Water street, I went to the Eagle House bar.

This was so crowded, I concluded I would waste time to stay there, and I only stayed long enough to see them serving beer and what looked like whiskey. The bottles were marked "whiskey," then I went out. I went to a place two doors from the railroad crossing of the B. & A. which runs through the town. I went in there and found, I think, five men drinking at that bar. I called for one half pint of whiskey which was served, the bartender taking a bottle from the bar and filling a half pint bottle for me. There was some display of liquors here. Then I walked on down the street toward the railroad station. I passed three or four more places that tallied with them in outward description, but I did not go into them. Then I went up Water street to the moving picture show, the building in which the moving picture show is conducted. The building north of that is the Riverside House or Hotel. Going into this, I went to the bar-room and found five men in there and a bartender, a stock of liquors, and I bought one half pint of whiskey. I went out and retraced my steps by the moving picture show and went into the next door below. There was a bar-room and a well stocked bar, eight men in the front room, five men in the bar-room. I purchased half a pint of whiskey and came out from there. The next door is a barroom, but I did not go into it, but saw from the street liquors upon the shelves and men going in and coming out. From there I went to a saloon, but it was so full I did not try to go in. I went away and waited a short time and then came back and saw a company of men coming from the saloon and I went in. I found five men in there. I purchased half a pint of whiskey and laid down 25c. and the bartender said it will cost you 30c. and I give him a nickel. As I came out, another man asked for whiskey and they served him as I came away. I went down to the Commercial House and went to register for the night, and I remember there were two men registered on the register. As I started to register my name, they told me they could not keep me, that the rooms were all occupied, but the clerk very kindly vol-

unteered to take me where I could stay that night. He took me to the hotel next door. These were both hotels. I think it is called the Crockett Hotel. It has a large bar which was well finished and furnished with liquors. I did not ask to buy anything but went to bed. That is the first trip.

Q. At any of those places which you visited this first time either in Bangor or Old Town, did you find any locked doors? A. No, sir, they were invitingly open.

Q. At any of these that you visited that first time either in Bangor or Old Town, did you meet any locked doors or fastened doors? A. No, the doors were invitingly open in several places.

Q. Did you see or observe any watchers of any sort? A. None at all.

Q. Now when next did you visit Bangor? A. On the 2nd of April I went to Bangor the second time.

Q. That was a week ago, yesterday? A. Well, I think so, it was the second of April.

Q. Now you may state what you did, where you went, and what you observed on the second day of April?

A. I went to Bangor arriving about the same time that I did on the first trip, between 5 and 6 o'clock; went up to City Hall and started there. I visited No. 40 Hammond street, the second time. There were two men, in the bar this time, and one man behind the bar—I mean two men in the room, and one behind the bar. I purchased a half pint of whiskey. This time, however, there was no whiskey on the shelves. He opened a drawer in the cabinetwork behind the bar, the bar being here (indicating) and the buffet, I think they call it, was there. He opened a drawer in there and took from the drawer a half pint of whiskey ready put up. There were numerous other bottles in the drawer from which he took this. I got some supper and went to 17 Franklin street. This was a rather more than ordinary bar. It was nicely finished. But there were no liquors in sight. The bartender had on a white coat and was out in the floor fixing the electric chandelier when I got there, but he

went behind the bar and I called for a half pint of whiskey and he opened a drawer containing several bottles, and when I said 25 cent whiskey, he sorted them over and picked out one for me. From there I went to the shack, the building described as the shack on Harlow street, near the East Central Square, I think it is, in Bangor. When I turned into Harlow from Central street, going toward the Maine Central Station and probably 40 yards before I got to the place I saw through a window several men standing at the bar, and going down to the front of the building, I looked in through the door, this room having a partition, but the door being open, saw a company of men in there and went in. This was the roughest, poorest finished bar that I saw in Bangor. The building was made of plain boards and covered with roofing paper. It was an ordinary bar that they used to sell the liquor over. The bartender was serving several men who were there, one of them from a large bottle which had a white color like water, and some kind of liquor in a small glass which I assumed, though I don't know, but I assumed was brandy. He followed this with some ginger ale. There was beer on the bar being served. I don't know whether it was drawn from bottles or on draught. I called for a half pint of whiskey. It was put up from a bottle that was set on the shelf with a cigar box set in front of it. I saw on the shelf that ran along behind the bar but connected with the bar—perhaps that is not giving the description right—it would be here and the bartender standing there (indicating)—I saw bottles from which he served the other customers, but mine being the 25-cent grade, he took that from the shelf. From there, I went back up to the Windsor bar. There had been a transformation in there since my first visit. There was beer being served to a young man who sat at a table out in the floor. There were no liquors on the shelves and when I called for a half pint of whiskey they opened the door in the buffet and took out one of probably a dozen bottles that stood in there, put it up for me and I paid them 25 cents for

it. There were four men in this place, three in there when I got there and one came in after I got there. From there I went down to the bar which has been described as Jameson's bar, next to the shack. This is a very elaborate bar. The front room was rigged for the sale of cigars and there seemed to be quite a quantity of cigars in that front room. The back room was used for a barroom, nothing else that I saw. Bartender in a white coat. I called for a half pint of whiskey. There were two men in this place. The bartender immediately put up the half pint of whiskey from a bottle which he took from the shelf below the bar. I paid him 25 cents and went to the next door, repeated the performance. This was a barroom rigged like the first one, and I should think fully as elaborate. This is Tony McAloon's place, at least that is the information that I got. From there I went to the station and got my dress-suit case and went to my room and wrote out what I have told you from notes that I had made along the way. Then I went back onto the street about 9 o'clock. I went down to the Crowes' place on Broad street, as you turn up from Pickering square. There were so many men in there that I had to wait fully five minutes before I could get mine. I got a half pint of whiskey and came out. There were no liquors displayed there this time, but there was liquor being served and they got mine from the shelf behind the bar, put it up for me while I waited. From there I went to the Manhattan Cafe. There were seven men at the bar here in various stages of intoxication. One of the men was rather excited. He was bare-headed. I don't know where his hat was. He had money in his hand, sticking out between each of his fingers, a roll of bills, 50 cents in the other hand and he was trying to persuade the bartender that he had paid for the last round of drinks. The bartender denied this. While they were debating it, I waited and walked into the end of the bar because they were lined up and down the front of the bar, which was not a very long one. It is a nice one but not very large. And I stood where I could see behind the bar. The shelf had a number of bottles of liquor on this shelf. When the bartender could

wait on me, I called for a half pint of whiskey. He walked along and picked up one of the bottles and examined it. They didn't have the right brand and he went to the buffet and opened one of the doors and took out a bottle from which he filled a half pint bottle for me.

Q. Now as a result of that dispute as to whether the man had paid for the last round of drinks or not, did you notice the barkeeper take the end of the cash register and show him the last sale, which amounted to \$1.15? A. I saw it. After they had debated the question whether he had paid for the drinks or not, the bartender walked along to the cash register and in some way unfastened the castiron cover that is over the roll of paper that registers the purchases and removing that, he said, "Look there, \$1.15. What in hell do you make out of that with your half dollar?"

Q. Upon your visit the 14th of March, as you went about these various places, did you see beer on draught, being drawn behind the bar? A. I did in numerous places. A number of places.

Q. What change did you note from that practice in March and a week ago yesterday? A. In no instance did I see beer drawn, only poured from bottles. Going from the Manhattan Cafe to 111 Exchange street, I went in there and when the bartender could wait on me, he had seven men at his bar, part of them were playing cards but one man was very insistent that they should sell him some ale but the bartender told him he had had enough—so I thought that was a good time for me to ask for mine and I called for half a pint of whiskey which was immediately put up for me by the bartender and I took it and went out. On one side of the room as I was going out, I saw a man sitting in a chair very much intoxicated. This man who was travelling up and down by the bar demanding ale was quite under the influence of liquor. From there I went back to P. H. McNamara's place and purchased a half pint of whiskey there. Then I went down to the Devil's Half-Acre and looked it over. I didn't buy anything.

Q. Upon this latter visit, did you find any fastened doors? A. No, sir.

Q. Did you observe any watchers? A. No, sir.

Cross-Examination.

By JUDGE STEARNS:

Q. This is your constant business, Mr. Emery, investigating breaches of the prohibitory law? A. Not my constant business, no, sir. When instructed to do so by the superintendent, I do.

Q. What other business have you? A. Well, I am doing the work of the Civic League as its secretary.

Q. And that has largely to do with the watching of the observance of the prohibitory law, doesn't it? A. No, sir. We do observe the enforcement and non-enforcement of the prohibitory law. That is only a part of the work of the League.

Q. And do you investigate regarding the enforcement of all laws? A. I don't think they do all laws. Gambling, Sabbath desecration, some investigation of prostitution was made by Mr. Pringle, some other laws.

Q. But other crimes you don't investigate, or you don't inquire into the breaches of them except those you named? A. I don't recall any others now. The officers usually look after those.

Q. Now you are a clergyman? A. No, sir, never was, never expect to be.

Q. Mr. Berry is a clergyman? A. He is.

Q. And you are a member of some church of course? A. I am.

Q. Which? A. Congregational church of Sanford.

Q. And how many bottles of whiskey did you buy under Mr. Berry's order while you were in Bangor altogether? A. The first trip I bought six, I think it was, and the second one 11.

Q. And you carried them all away with you? A. I did.

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

Examination by Judge Cleaves.

Q. Your name, Mr. Gibbons? A. James A. Gibbons.

Q. And you are the— A. I am a freight agent of the Maine Central Railroad, in Bangor.

Q. Have you with you the duplicate original slips covering January, February, March of this year? A. I have.

Q. Now will you take the month of March (witness produces slips) Now

at the suggestion of the attorney general, did you, from those of the month of March separate out the slips which were undoubtedly intended for individual use, and take the others and make some tabulation? A. No, sir, I took those for consignees that had several shipments, and I have sorted those together and made a list of the number and what the commodities were. The rest of them I have got in the file in order, and whatever questions you want to ask in regard to them I can answer.

Q. And those which you separated out for the month of March were consigned to people who are reputed to be in the liquor business in Bangor? A. Well, as a matter of repute, I presume that it means if I had heard people say—

Q. Yes. A. There are some of them, a large number of shipments, that I don't know as I have ever heard the names discussed.

Q. Now will you take some one and give us the name of the consignee? A. Here are some billed to—Epstein, Epstein Bottling Co., E. P. Epstein—same concern, I should say from the receipts of the truckmen who took them.

Q. What date have you there? A. I have March 12, all the month of March to this consignee.

Q. The one you hold in your hand, is March 12? A. March 12.

Q. What quantity? A. 21½ barrels of beer; March 11, 12 half barrels of beer; March 3rd, 20 halves; March 13, 5 barrels bottled beer; March 23, 20 quarter barrels; March 26, 30 halves and 5 quarters of beer; March 22, 30 halves of beer; March 22, 6 half barrels and 6 cases of beer; March 18, 30 halves of beer; March 15, 30 halves of beer; here is one that date of delivery is April 2nd, I don't know whether that is pertinent or not.

Q. What is the quantity? A. 20 half barrels of beer. April 1st, 10 half barrels of beer, and that is all.

Q. What is the total of those you have just read? A. 188 half barrels of beer, 5 barrels, 25 quarters, 5 cases.

Q. The next? A. The next is J. M. Ross, and the Ross Bottling Co. On March 18, 25 half barrels of beer.

Q. Perhaps I can shorten the matter a little. Mr. Gibbons, will you tell us what the total receipts of March for

that concern are? A. For J. M. Ross, 16 barrels beer, 115 half barrels, 2 quarters; the Ross Bottling Co., 108 halves, 6 quarters beer, 4 barrels of whiskey.

Q. Now give us the next one, the totals? A. Pope D. McKinnon, 60 half barrels, 15 quarters, 3 barrels of beer, 29 half barrels, 5 barrels ale; 16 kegs, 11 barrels, 10 cases whiskey, 1 keg brandy, 2 cases gin, 5 kegs, 5 cases liquor, 1 case of wine.

J. A. Burns, 8 barrels, 10 halves, 8 quarters of beer; 1 barrel and 1 case of wine, 1 barrel, 6 cases of whiskey, 1 case of liquor.

Bangor Bottling Company, 133 halves of beer, 20 quarters.

J. H. Sullivan, 14 kegs, 84 cases, 5 barrels, 11 half barrels whiskey; 56 barrels, 9 halves, 31 casks bottled beer; 56 halves, 56 quarters beer, 129 barrels, 84 halves, 27 quarters of ale, 1 case Porter, 7 cases and 1 keg gin; 1 barrel, 10 casks bottled ale; 2 cases and 2 kegs of rum, 1 barrel, 1 half barrel, 6 kegs 1 case of wine; 3 barrels, 9 cases of liquor; 4 cases, 2 half barrels and 3 barrels of brandy; a can of alcohol.

M. J. Buckley, 66 barrels, 75 halves, 14 quarters beer; 7 barrels, 35 cases of whiskey; 1 barrel, 5 cases of liquor;—

William McGuire, 115 quarters of ale and beer, 145 half barrels of ale and beer, 16 casks beer, 5 cases whiskey, 1 barrel, 2 half barrels rum, 11 half barrels whiskey.

T. P. McAloon, 73 barrels, 49 half barrels, 4 quarters, 11 cases ale, 110 barrels, 65 halves, 8 quarters beer, 3½ barrels and 12 cases whiskey, 5 cases gin, 1 barrel, 5 cases rum, 3 cases wine, 2 cases brandy.

Martin Cox, 72 half barrels beer, 44 cases whiskey, 9 barrels whiskey, 8 cases rum, 1 cask whiskey, 12 cases liquors, 1 case gin, 8 barrels bottled beer.

R. D. Crowe, 2 cases bottled liquor, 34 half barrels ale, 15 cases whiskey, 23 half barrels of beer, box of wine, 4 quarter barrels ale, 13 barrels liquor, 1 keg whiskey, 19 quarter barrels beer, 5 barrels beer, 1 can alcohol, 2 cases liquor, 2 cases gin.

J. J. McCann, 6 barrels, 20 cases whiskey, 16 barrels, 5 quarters and 255 cases beer, 2 half barrels gin and a barrel of spirits.

That takes all that I have enumerated—totals.

Q. That is in the month of March only? A. Yes, sir.

Q. And you have also with you the same records with reference to January and February, have you? A. I have, yes, sir.

Q. Will you exhibit them in their bulk form to the convention. A. There are the receipts for January (producing bunch of slips); there are the receipts for February (producing bunch of slips).

Q. And your examination of them evidences substantially the same shipments or shipments of the same kind of goods, with approximately the same quantities to the same people? A. That is a hard question, Judge Cleaves. There is no question whatever but they are the same commodities, to the same consignee, in the same quantities—I have not gone 'nto it in any details, you understand.

Cross-Examination.

By MR. THOMPSON:

Q. Mr. Gibbons, can you tell this Convention, if you have any means of knowing, what these different kinds of beer are, that is to say, are any of those beers Uno beers, or what we call a soft beer? A. That is a matter that you cannot tell from the bill.

Q. Does the particular name or brand of the beer appear? A. Not on the bill, no.

Q. Now in regard to the liquor shipped, is that also true of the liquors? A. Why, just what do you mean?

Q. Do the different kinds show? A. Very nearly all. There is only one or two that is not specified except as liquor; nearly all the rest is plain enough.

Q. And have you made any examination of your records so as to tell this Convention the amount shipped in January or February? A. No.

Q. And what will be your judgment as to the amount shipped in those months in comparison with the amount shipped in March, would it be more or less? A. They would run as—why, I should say that they would not differ to any great extent.

Q. Now how far back should you say that same condition would exist? A. As to—

Q. The amount shipped? A. As far back as I can remember.

Q. And that is how long ago? A. Why, quite a few years.

Re-Direct Examination.

By JUDGE CLEAVES:

Q. Those slips, Mr. Gibbons, that you have tabulated and read from, will you leave them so that either counsel can use them in argument? A. I presume you have the right to demand that--

Q. I don't mean your originals, but those tabulations you have made. A. Oh, certainly.

R. J. PLUMMER called for the prosecution, sworn, in answer to questions by Judge Cleaves, testified as follows:

Q. You live at Old Town? A. Yes, s.r.

Q. What is your occupation? A. I am agent for the Maine Central Railroad.

Q. At Old Town? A. At Old Town; yes, sir.

Q. Have you in your possession the duplicate original delivery slips showing shipments of intoxicating liquors to consignees at Old Town through the three months of the present year? A. Yes, sir.

Q. And from those slips have you made any duplicate figures that you can give the convention? A. I have; yes, sir.

Q. Will you give us the totals, mentioning the articles and the consignees for the month of January? A. I have all three months together, for the entire period.

Q. You haven't separated them? A. I haven't.

Q. You can give it in the form in which you have it. A. Do you want the total amounts for the individuals, or the whole total?

Q. Total amounts for individuals. A. The first name is A. G. Perro. One hundred and eighteen barrels, 429 half barrels, 44 quarter barrels, 20 cases of beer and ale, 146 barrels of bottled beer, 11 barrels of whiskey, two barrels of gin, 1 barrel of rum, 8 barrels and 15 cases of liquor.

P. H. Shea, 83 half barrels and 17 quarter barrels of ale and beer, 5 barrels whiskey, three barrels gin, one barrel rum, 20 cases liquor, 34 barrels bottled beer.

J. J. Sandell, 1 barrel ale, 6 half barrels ale, 3 quarter barrels ale, 6 barrels bottled beer, and 5 kegs of liquors.

Ledger Pepin, 49 half barrels of ale.

Mitchell Goodrow, 4 barrels and two half barrels of whiskey, one case of liquor, and one keg of liquor.

M. Cain, 21 barrels, 19 half barrels, 2 quarter barrels of ale and beer, 10 cases of liquor, 9 barrels bottled beer.

E. E. Bouchard, 31 barrels, 3 half barrels, and 37 quarter barrels of ale, 3 cases of ale, 3 barrels of whiskey, 1 barrel of rum, 1 barrel of liquor, and one keg of liquor.

Feb. Demo, 13 barrels and 4 quarter barrels of ale, 1 barrel of liquor, 6 cases of liquor, and 6 kegs of liquor.

J. Cote, 1 barrel and $\frac{1}{2}$ barrel ale, 1 barrel whiskey.

J. A. Heald & Company, 2 barrels and $\frac{1}{2}$ barrel of ale, one barrel whiskey, 2 cases liquor, 3 barrels bottled beer and three kegs liquor.

P. St. Louis, 1 half barrel ale, 4 kegs liquor.

And that is all I had tabulated, excepting our regular druggists.

Q. Will you leave that slip from which you read so that it can be used in argument by either counsel? A. Yes, sir.

Q. You have the slips of which you have spoken in your possession, and you have personally made this tabulation from those slips? A. Yes, sir.

Cross-Examination by Mr. Thompson.

Q. This covers the three months, Mr. Plummer? A. Three months, yes, sir.

Q. You live in Old Town? A. Yes, sir.

Q. And you have lived there how many years? A. 16 years.

Q. You can't tell this convention, or give this convention any idea, as to the comparison between the amounts shipped the past three months and some previous time? A. Previous years, do you mean?

Q. Yes. A. Well, it would be a pretty hard thing to tell.

Q. Do you do all the freight work at Old Town? A. I am agent, yes, sir, with my assistants.

Q. And you do the freight work

yourself? A. In part, of course I have assistants.

Q. You live up town somewhere? A. Yes.

Q. And in coming and going from the depot from your home regularly, could you tell the convention anything about the conditions in Old Town at the present time, say today, in comparison with the first day of January? I mean so far as the sale of intoxicating liquor is concerned? A. No, I can't, personally I can't.

Q. You know nothing about the the conditions in your town? A. What do you mean?

Q. I mean the conditions so far as drunkenness is concerned, comparing today or the present time with a month or two months ago. A. I can't see as I see any difference.

Q. No difference? A. No.

Q. Just the same? A. Just about the same.

Q. Do you follow the records of the police courts at all? A. No sir, never.

Q. Are there as many drunken men around your station as there were two months ago? A. Just about the same.

REV. CHESTER J. BROWN, called for the prosecution, sworn, in answer to questions by Judge Cleaves, testified as follows:

Q. Your residence is Bangor? A. Yes, sir.

Q. And over what charge do you preside? A. No charge in the city of Bangor.

Q. And during the past three months have you made any investigations and observations in regard to the sale of intoxicating liquor in Bangor? A. No particular or special investigation until the present week.

Q. Previous to that a general observation? A. Yes, sir, it was apparent.

Q. Up to the present week? A. The present week.

Q. What day? A. Monday evening.

Q. Will you tell the convention where you went, what you did, and what you saw, on Monday evening, in Bangor? A. A friend was with me, and we went over the following streets beginning at one corner of the Devil's Half Acre, the corner of Broad and Union streets. We counted some 10 or a doz-

en saloons in succession, and then we quit counting and went around through Pickering square, and then we went over across the bridge and down to the railroad station and stopped a few moments, and then we went up French street to Hancock street, and along Hancock street back to West Market square. We returned by the way of Washington and Exchange streets to West Market square. From West Market square we went around again on Pickering square, and took one of the side streets up Union street from Pickering square.

Q. Now did you go into any place? A. We went in to only one place, and we didn't go into that place to see what was being done there, we could see enough from the street without entering any place.

Q. Now going along these several streets, having had a general observation of the same places, or a number of the same places, during the three months of this year, did you see any of the barrooms or saloons closed in Bangor, on Monday evening of this week? A. No, sir, unless there were a few of the poorer class on Hancock street. I was informed by my companion that they were— (objected to)

Q. But with the exception of a few of the poorer class— A. There might have been a few on Hancock street. I never was on Hancock street before.

Cross-Examination by Judge Stearns.

Q. You live in Bangor, you say, Mr. Brown? A. Yes, sir.

Q. But aren't settled over any church there? A. No, sir.

Q. Do you minister to any flock anywhere? A. Yes, sir.

Q. Where? A. Forty thousand Sunday school pupils in the State of Maine.

Q. You visit the Sunday schools? A. I visit them, yes, sir.

Q. And is that your present employment? A. That is my present employment.

Q. Do you know the sheriff of Penobscot, Major Emerson? A. I am not personally acquainted with him.

Q. Have you ever met him? A. I have, sir.

Q. And when? A. I met him in the court house the first of March.

Q. Have you ever had any conversation with him? A. I have, sir.

Q. And do you remember of having conversation with him the last of February? A. The last of February or first of March?

Q. And at that time did you congratulate him on his efforts in attempting to enforce the prohibitory law? A. I congratulated him on the step that he had taken at the beginning of the year.

Q. That meant an attempt to enforce the prohibitory law in Bangor, didn't it? That was what you had in mind? A. I had in mind—you can call me down if I go too far.

JUDGE STEARNS: You won't go too far, Mr. Brown.

WITNESS: I had in mind simply this. I suggested that if he would enforce the law, I would see that the religious bodies of the State supported him.

Q. And you congratulated him on the efforts he had already made? A. That one effort, that is all I know anything about.

Q. That was about the last of February? A. It was, sir. I don't recollect the exact date, either the last of February or the first of March.

Q. How long did you say you had lived in Bangor? A. Since August, 1909.

Q. About four years? A. Nearly, sir.

ROBERT B. COOKSON, called for the prosecution, sworn, in answer to questions by Judge Cleaves, testified as follows:

Q. You are recorder of the municipal court of the city of Bangor? A. The clerk.

Q. I hand you a package of papers, and ask you if those are the original complaints and warrants sworn out from the Bangor municipal court during the month of January by Sheriff Emerson or any of his deputies? Will you see if they consist of 26 in all? A. It did when I delivered them to you.

Q. You can count it and see if we are honest. A. Twenty-six.

Q. Have you any opinion now to express as to our honesty? A. Not any, I know the society you belong to.

Q. You find 26 there? A. Twenty-six, yes, sir.

Q. And after going over the matter are you able to state from your investigation whether in 14 of those cases a fine and costs were paid? A. I think so, yes, sir. You didn't take

this from me. Yes, there were 14 of those paid.

Q. I hand you another package of papers, and ask you if those are the original complaints and warrants in the same kind of matters sworn out by Sheriff Emerson or any of his deputies during the month of February of this year, and if you find that they are, see if they consist of 18 in all. A. 18 is correct.

Q. And will you consult your paper and see if in nine of those cases fine and costs were paid? A. Nine, yes, sir.

Q. I hand you another package, and ask you if those are the original complaints and warrants issued from the Bangor municipal court upon the complaint of Sheriff Emerson or his deputies for liquors for the month of March, and if you find that they consist of 63 in all? A. Yes, 63.

Q. And of those 63 did 32 result in payment of fine and costs? A. Thirty-one and a half.

Q. There was a woman that give \$50 and that was all that she had, was it? A. This woman was arrested on the complaint of the sheriff and brought into court. She had been running a place denominated there as a "shebang"—I don't know what that means exactly—and they brought her in there and had her arraigned, and they summoned the chief of police in there—

Judge CLEAVES: I think perhaps we needn't go into that.

WITNESS: She promised to go out of the business and leave the city, and \$50 was all she had, so the court accepted that under her promise to leave and go out of business.

Q. And that was one of the sheriff's matters? A. Yes, sir, and since then she has been arrested and sent to prison.

Q. She is in jail now? A. Yes, sir.

Q. Waiting for trial? A. Bound over.

Q. Within the last few days? A. Yes, sir.

Q. Will you leave these original warrants in the custody of the secretary of the Senate to be returned to you after this case is concluded? Are you willing to do that? A. I will will become responsible for them.

Cross-examination by Mr. Thompson.

Q. Mr. Cookson, does your office keep a record of all warrants issued for infringement of the prohibitory law? A. I think they do, yes, sir.

Q. Don't you know whether they do or not? A. You know they come in there and swear out a warrant for parties unknown.

Q. You mean the sheriff's department? A. The sheriff's department. They have done it, and they go out and search and find nothing, then there is a small fee coming to them, and I think that goes up to the county commissioners.

Q. What becomes of those warrants, do they go to the county commissioners? A. Yes, sir.

Q. According to your tabulation here, there were 107 warrants, or you have 107 warrants here, is that right? That is to say, it is 26 and 18 and 63? A. If that is the addition, yes, sir.

Q. Now then, how many more warrants were called for by the sheriff's department than that 107? A. I can't tell you. I didn't think that would be necessary.

Q. Were there more? A. Do you mean of the search and seizures where they were unsuccessful?

Q. For any violations or infractions of the prohibitory law? A. Yes, I don't know how many.

Q. There were some more? A. Oh, yes.

Q. Now these particular search and seizure warrants that you have here, or illegal keeping, or illegal transportation—they are all from the sheriff's department? A. Every one of them, yes.

Q. And are they all confined to the city of Bangor? A. I think so.

Q. Were there any search warrants issued for parties in the city of Brewer in this package? A. Well, I think so. Upon reflection I think that we have jurisdiction there and a deputy was down there, went in to get a match, and ran into a barroom.

Q. Did he make a seizure there? A. Yes, sir.

Q. Does your court have jurisdiction in Orono? A. I think so.

Q. Are any of these cases from Orono? A. I don't remember.

Q. As far as you can remember, Mr. Cookson, these cases are either from Bangor or Brewer? A. Every one of them.

Q. Could you give this convention any information as to how many warrants were called for by the sheriff's department that are not given here? A. No, I could give it later, if necessary.

Q. According to your tabulation here, if I have added correctly, there are 55 sentenced by the court, or as you suggest, fine and costs were paid. What became of the others? A. Those must have been cases where they found nothing.

Q. Those were returned into court? A. Yes, sir.

AMBROSE F. PENDLETON, called for the prosecution, sworn, in answer to questions by Judge Cleaves, testified as follows:

Q. You live in Brewer? A. I do.

Q. And have been mayor of the city? A. I have.

Q. Have you business in Bangor? A. I have.

Q. What is your business? A. Real estate and fire insurance.

Q. Now during the last three months have you made any observations in regard to any places in Bangor with reference to the sale of intoxicating liquor?

A. My knowledge of the sale of intoxicating liquor in Bangor is very limited. I have some knowledge.

Q. Now at one place in Haymarket square, at the Cox place, have they put a steel ceiling in there in that barroom since the first day of January? A. Yes, sir.

Q. Have you been in the place since the first day of January? A. I have.

Q. What did you observe with reference to any display of liquors? A. Well, at the time I was in there they hadn't got this steel ceiling in. In the main part of this place was a lunch room, and in the rear was the bar.

Q. After they got the ceiling in, did you go into the place? A. No, sir. I haven't been in since the put the ceiling in.

Q. Have you been into the Golden Oak? A. I have.

Q. Were you in there last Friday? A. I was.

Q. You take your meals there each

noon day, do you? A. I do four days out of the week.

Q. Is there a bar at the rear of the eating place? A. There is.

Q. How long were you there every day eating your noon day meal? A. About 15 minutes.

Q. During that time did you count the number of people who went through the dining room out into the bar? A. I did.

Q. How many were there? A. Twenty-two.

Q. Did you take your noonday meal there yesterday? A. I did.

Q. And how many did you count then going through the dining room part and into the bar? A. Thirteen.

Q. What have you observed during the last three months in regard to loads of barrels, beer barrels, being hauled through the streets of Bangor, principal streets, in the daytime? A. It is a very frequent sight to see them hauled through the streets, loads of six and seven barrels at a time.

Q. Now have you seen any such loads back up to any of these places that have been described as barrooms? A. I have.

Q. How frequent an occurrence is that in the daytime? A. I have only seen that at one time.

Q. But the carrying or hauling of loads of barrels through the streets of Bangor in the daytime is a common occurrence? A. Yes, sir, and in Brewer also.

Cross-Examination by Judge Stearns.

Q. You have been mayor of Brewer? A. I have, yes, sir.

Q. For how long? A. For the years 1909 and 1910.

Q. Well, I supposed they hauled beer barrels through the streets then? A. They didn't haul very much there in the year 1910.

Q. They didn't. A. No, sir.

Q. That was the year we had the Sturgis deputies? A. We did.

Q. And you were mayor that year? A. I was.

Q. You aren't mayor now? A. No, sir.

Q. Now what did you go down to this Cox's place for? To see about insuring it? A. No, sir.

Q. Did you go there for a meal? A. No, sir.

Q. Did you have any business there? A. No, sir.

Q. Went to make an observation? A. Yes, sir.

Q. And where is this Golden Oak that you talk about? A. Well, I can't give you the number, but it is on the east side of Exchange street, going down, just as you turn from State street to go down Exchange street.

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

Q. Who occupies it? A. McIntire, I think.

Q. How long has that been in existence and called the Golden Oak? A. I couldn't tell you Judge, I am sure.

CHARLES W. MULLEN, called for the prosecution, sworn, in answer to question by Judge Cleaves, testified as follows:

Q. Your residence is Bangor? A. Yes, sir.

Q. Up to how recent a period were you mayor of Bangor? A. Until the 17th day of March, in the morning, 10 o'clock, and a little after.

Q. During the early days of the present year, did you write a letter to Sheriff Emerson? A. I think it was in the very latter days of the last year.

Q. You have a copy of the letter, have you not? A. In substance, yes, sir. I think I have a copy.

Q. You made that letter an official document, did you not? A. did.

Q. Had it recorded upon the books of the city clerk? A. It is copied in the letter book that belongs to the city of Bangor, where I keep all of my records, letter copies.

Q. And have you recently made a copy from that letter book? A. Yes, I have.

Q. Will you read that copy to the convention? A. I wrote this letter to Mr. Emerson and addressed it to Hampden. It was dated, I think, on the 30th day of December, 1912. (Witness reads letter as follows):

"My dear Sir:

Now that you are about ready to start on the administration of your office as sheriff of Penobscot county, I would

like to know from you, and I ask the question in all sincerity, both as a citizen and a public official, what your policy is to be in relation to the enforcement of the liquor laws in this county. As chief executive of this city it seems to me that I will be better able to co-operate with you if I know what your plans are. I am,

Very truly yours,

CHARLES W. MULLEN."

Q. Now the original of that letter you mailed? A. The original of that letter I mailed.

Q. Did you ever receive any reply from Mr. Emerson, either written or oral? A. I received no written reply, but I received an acknowledgement orally day before yesterday.

Q. And up to day before yesterday, Mr. Emerson had never acknowledged the receipt of your letter? A. No, sir, we never had, that is, I never had received it.

Q. And in what language did he acknowledge it day before yesterday? A. Well, Mr. Emerson told me that he intended to have acknowledged the receipt of the letter, but it was laid aside and escaped his attention. I think that is practically what he told me.

Q. When he saw you the day before yesterday, where were you? A. I was in the lobby of this building.

Q. In Augusta? A. In Augusta, yes, sir.

Q. And did he mention the matter to you or you to him? A. He mentioned it to me.

Q. So that you didn't call his attention to the matter; he mentioned it first to you? A. He mentioned it first to me.

Cross-Examination.

By Judge STEARNS:

Q. What did Major Emerson say to you in this letter, what was his first mention? A. Well, practically what I have stated.

Q. I mean, didn't he lead up to it in some way? A. Oh, he said that one of the young men from Bangor, I think Mr. Read had called his attention to the fact that I had said to him that I had written Mr. Emerson a letter and had not ever received any reply to it.

Q. And thereupon he made the

apology to you that you have testified to? A. He did, yes.

Q. That he had understood from the young man that you had complained of his not answering your letter? A. He didn't say that.

Q. I don't mean in those words, but that was the substance of it, the young man had told him that you had said that you had not received a reply to your letter? A. No, there was no complaint.

Q. I suppose that would imply a complaint, wouldn't it? If you had said to somebody that you had written him and he had not deigned a reply? A. No, I wish to insist that there was no complaint made and no complaint intended.

Q. That may be, that you didn't intend to complain, but doesn't it amount to a complaint when you state to somebody that he has not answered your letter? A. I don't think so.

Q. It is not very material, any way. How long were you mayor of Bangor? A. Two years.

Q. Commencing two years ago last March? A. Yes, sir.

Mr. CLEAVES: We offer at this time the examined list of payments of internal revenue taxes that was read, and with that the prosecution rests.

On motion by Senator Morey of Androscoggin the convention took a recess for 10 minutes.

After Recess.

The following opening remarks were then addressed to the convention on behalf of the respondent by Mr. DUNN:

Mr. President and gentlemen of the convention: The duty I am now about to attempt to perform has been rather suddenly put upon me; I feel unequal to its proper discharge. On the first day of January of the present year, with upraised hand in the presence of that God whom he both worships and reverences, Wilbert W. Emerson of Hampden made solemn oath that he would faithfully and to the best of his abilities discharge the duties incumbent upon him in the office of sheriff of the county of Penobscot. He had not before occupied that official position, albeit some years previous he had been a deputy of

the sheriff of that county. Upon his induction into office he found the liquor evil or the liquor traffic, class it as you will, firmly emplant; for more than 50 years, with brief exceptions, it had been tolerated, aye, I may say it had almost been recognized as a legitimate traffic throughout the length and breadth of that great county. Conditions as he found them were deplorable; conditions now are bad, but under his administration of the affairs of that high office conditions have improved, conditions are improving and conditions will continue to improve, because he believes, as I firmly believe, that the solemn oath which he took and subscribed to qualify him to enter upon the discharge of the duties of the position was of valid and of binding force.

He had duties other than those connected with the enforcement of the prohibitory liquor law to discharge. Coming, as I have said, into office on the first day of January, last past, a new man to an almost untried position to him, he soon had the supreme judicial court convened in session in that county. That session was convened on the first Tuesday of the month of January, upon which he was required by law to give attendance, and upon which he did attend from the time it convened on the first Tuesday of January until it adjourned without day some time in the month of February following. Not alone that beset him during the month of January. On the 18th day of that month, as memory now serves me, a strike among the engineers and firemen employed upon the line of the Bangor & Aroostook Railroad, and that strike occupied for a considerable period of time—I don't know but what it may still occupy certain of the attention of the sheriff of the county and of his deputies, aye, life and limb on the part of passengers upon that railway was in danger because of the lawless acts of some persons, whomsoever they may have been, sympathizing with those men, or presumably sympathizing with those men who had gone out upon strike upon that railroad.

Aye, more; on the first Tuesday of February, the second month of his occupancy of the position of sheriff of the county of Penobscot, the supreme

court convened at Bangor for its criminal session, and upon that term too, first, upon the grand jury, and more recently upon the traverse jury's being in attendance, he was required to give attendance and he did give attendance. At that term he had many duties to discharge and to perform. There had occurred after the criminal term of court adjourned, in February, last, before that and before the February term of court in that great county of Penobscot as many as four murders; and those four murder cases coming to the attention of Major Emerson, as sheriff of Penobscot county, required and received his care and attention. He had more than that; he had an arson case in which much time and thought were involved. Aye, but notwithstanding the fact that he had those murder cases, notwithstanding the fact that he had the arson case, notwithstanding there were other persons charged with the violation of other laws of the State, he found time and he gave attention at that time faithfully to all the cases known to him of violation of the provisions of the prohibitory liquor law; and he was instrumental in presenting for the consideration of that grand jury then in session evidence against every man in the county of Penobscot known to have paid and to hold an internal revenue tax receipt.

A long list of the names of persons resident at Bangor, Brewer, at Old Town and at various points and places in that county has been introduced in evidence before you here, today; and I think I am same in saying that inspection of the records of the last criminal term of court in Penobscot county will show that an indictment has been returned as against each and every man whose name appears upon that list; aye, and as against men whose names do not appear upon that list.

But he stopped not there, because this man during his campaign for his nomination, in the first instance, for the office of sheriff had said to the electorate of Penobscot county, I believe, I firmly believe in the beneficent provisions of the prohibitory liquor law. There were those of his own political faith who differed with him

as to the wisdom of his making that proclamation at that time, but to them one and all, so far as my knowledge has ever extended in the premises, Major Emerson said, "I believe it, and believing it I shall say it here and say it everywhere." That nomination he gained in the primaries of Penobscot county, and he went to the electorate again as candidate for election to the office; and up and down that great county more than 200 miles in length, from Newport on the south to distant Patten on the north, he travelled seeking support for his ambition, and in his travels he declared everywhere publicly when he had an opportunity, through the columns of the press and in other methods, that he believed in, and if elected to the office of sheriff he would to the very best of his ability enforce the provisions of the prohibitory liquor law; and upon those declarations and upon that platform he was elected to that position.

Coming then, as I have said, to that office, and with the duties devolving upon him of appointing subordinates or deputies or agents, call them as you will, he told them each and all, as they qualified to discharge the duties involving upon them of the office, that he would exact of them, each and every one of them, the enforcement of the provisions of that law to the end.

Now, what has he done? He has, as I have already said to you, caused to be indicted at that February term of court all those persons reported to him as having paid to the Federal Government a tax upon the business of liquor dealing. Aye, he has done more than that. In the Bangor municipal court alone, it developed here by the testimony for the State, that during the months of January, February and March now last past, 107 different prosecutions have been instituted through the instrumentality of the sheriff of Penobscot against persons suspected at least of being engaged in the illegal traffic in intoxicating liquors. Now these searches were not conducted solely and entirely by his deputies, three or four of whom he had appointed for no pur-

pose under Heaven than to enforce particularly the provisions of this special statute, but in many of those raids Major Emerson, high sheriff of the great county of Penobscot, himself participated. Nor were those seizures and those searches confined to the obscure fellow on the back street, the little fellow doing business as best he might in some dark, out-of-the-way place, the fellow looking upon the prosperity of some other man, at some more prominent spot saying unto himself "I have the same right to engage in this traffic as that man has," but he went ahead as he should have done, and proceeded against those engaged in the trac anywhere to his knowledge. He went to the Bangor House, quoted here, and search was there made: he went to that great hotel, the Penobscot Exchange, allusion to which has been made here, today, I think in that instance in person, and cleared from its well-stocked and its well-equipped and well-fitted-up barroom all the intoxicating liquors and all the paraphernalia that usually goes with such a bar as he found there, and he instituted appropriate proceedings for its confiscation, upon which it was subsequently confiscated.

But the violation of the liquor law is not confined and has never been confined in the county of Penobscot to the city of Bangor alone. Deplorable as it was a little while ago, aye, more than deplorable, Mr. Emerson upon coming into office found conditions there; conditions there were perhaps worse than in some other section of the county, but they were bad enough in many other places; they were bad at Brewer; they were bad at Old Town; they were bad at Millinocket; they were bad at Magic City, recently sprung into existence up about that great paper mill; they were bad at Dexter, and they were bad in other places; and as best he could during the three previous months, during which he has been the incumbent of the office of sheriff over there, he has endeavored not to regulate that traffic because he did not start out with that purpose or with that intention, but to eradicate if he

could that evil from the county of which he is the sheriff.

He has not succeeded in three months, gentlemen, and the man does not live who can eradicate that traffic in three months. I question if the man lives who can completely eradicate that traffic in three years, or even a longer period of time, and I think I know from my own experience in the past whereof I speak with some degree of certainty. But he has done all that he could do with the limitations and infirmities that the Almighty has laid upon him as well as upon the rest of us. In that particular direction bear in mind always, gentlemen, that he had other duties and other cares and other concerns to discharge quite as important perhaps to the welfare of society as the enforcement of the provisions of this particular section.

This sheriff went up to Old Town, and I hold here in my hand a transcript from the recorder of that court—and comment may be made, and I expect it will be made, that thus far it has simply developed that in the liquor prosecutions instituted by the sheriff of Penobscot county fines only have been imposed. With the matter of the imposition of sentence upon a plea of guilty and conviction in any of these cases, the sheriff of the county of Penobscot had naught to say; that is a judicial function to be exercised by the court or magistrate before which the process was returnable, and if that court in the exercise of the discretion vested in it by the statutes of the State saw fit, as it did occasionally in certain instances see fit, to impose a fine and a fine only, and not a fine and imprisonment, of that Mr. Emerson could not and might not complain.

But all the prosecutions instituted by him and upon which convictions have been had have not so resulted. I hold here a certificate bearing the signature of the recorder and the seal of the court up at Old Town, and thereon it appears that since January 1st, and down I think to within a day or two, that a prosecution was instituted as against one George St. Louis and intoxicating liquors, No. 987 on the docket of that tribunal; against one Z. Dumont and intoxicating liquors; against Mitchell Goodrow, Joseph Heald and another; against Augustus G. Perow, whose name appears here

so frequently in the testimony of one of these witnesses as a consignee of certain intoxicants; against Charles Perry, and against Eugene Buchaud; and going on, the recorder says that in the foregoing cases liquors were found and libeled and the respondents in all said cases except that of Z. Dumont, No. 1003, was given \$100 and costs and 60 days in jail and in default of payment 60 days additional, from which sentence each duly appealed. But those are not the only searches instituted through the instrumentality of the sheriff's office up in that little city. The following warrants were issued in which no liquors were found: State against Boulier; State against Langley; State against Michael Keene; State against St. Louis; State against Theodore Boulier; State against Frank Miller; State against Louis Charrette; State against Louis Charrette, search dwelling house; State against Alfred Langley; State against Paul Thibedeau; State against Fisher; State against Frank Miller. Each of said cases have a search for intoxicating liquors returned but nothing found. And he went up again to Millinocket, and I have here a transcript from the records of the municipal court up there with case after case and its disposition until the recorder finally says that 45 liquor cases in the town of Millinocket alone, because Millinocket as you may know has no surrounding country and its business originates within the confines of the town itself, 45 liquor cases in that town in January, February and March, 1913.

I know not in detail how many cases may have originated before our court and other tribunals in the county. Much has been stated to you as to the great quantity of intoxicants shipped into the county of Penobscot during the three months last past, but nothing has been said to you as yet, at any rate, as to the great quantity of that liquor so shipped into that county for illegal sale in violation of the laws of this State, which were seized by the sheriff of our county, either personally or by deputies and confiscated, or of the indictments, something like 150 in number, found by the grand jury at its last sitting in that county, all the respondents having been apprehended and given bail for their appearance before the supreme judicial court when it next convenes in session

over there during the month of August.

Now, then, gentlemen, without recital further from me, and without a detailed designation by me, as to particular places which he searched or caused to be searched, let me say to you that he has suppressed in some degree the sale of intoxicating liquors in the county of Penobscot. Let me say to you that I believe that he has done more for the three months that he has been sheriff to suppress the illegal sale of intoxicants in the county of Penobscot than have any of his predecessors during the same period of time. Aye, during a much longer period of time. Aye, far more than they ever did or thought of.

Let me say to you further that it is the honest intent, that it is the honest purpose of this man to obey, yes, to faithfully obey his oath of office which he regards as binding upon him. And he will tell you so when the time comes for him to take the stand and tell you in detail the manner in which he acquitted and conducted the affairs of his office.

And then I submit to you to tell us, divested of bias, divested of any prejudice, divested of any partisanship, meeting the issue fairly and squarely whether in view of his record during the short three months that he has been there—a period no longer than you have been here in this House—whether under these circumstances you may say conscientiously upon your oaths that Wilbert W. Emerson, sheriff of the county of Penobscot, has been guilty or is not guilty of wilfully or corruptly neglecting and refusing to discharge his duties imposed upon him by the particular provisions of the Statutes of the State of Maine. I thank you.

Mr. Emerson and the witnesses for the defense, sworn.

Mr. WILBERT W. EMERSON, having been duly sworn, testified as follows:

Examination by Mr. Thompson.

Q. What is your name? A. Wilbert W. Emerson.

Q. And your residence? A. Well, my residence is Hampden although I am living in Bangor at the present time.

Q. How old are you? A. Fifty-three.

Q. And you are the high sheriff of Penobscot county? A. I am, sir.

Q. Whether or not you have ever held a position in the sheriff's department of the county before? A. I have.

Q. And kindly tell the convention what those positions were? A. I was appointed deputy sheriff under the former or ex-Sheriff Gilman in 1903, and served until 1909.

Q. How long were you a liquor deputy? A. About three and a half years.

Q. Will you repeat again the time you were a liquor deputy? A. As I remember it, in June, 1905, until the expiration of the term of office of Sheriff Gilman.

Q. And the sheriff at that time was Leslie W. Gilman? A. Yes, sir.

Q. And he was succeeded by Mr. White, whom you succeeded? A. Yes, sir.

Q. As a liquor deputy, Major, did it become necessary for you to get acquainted with the different saloons in the city of Bangor? A. It did.

Q. Whether or not you are familiar with the different places where liquor was sold in the city? A. Quite.

Q. And did you at that time visit them very frequently? A. I have.

Q. Have you ever done any work or had you ever done any work outside the city of Bangor? A. I have.

Q. In the enforcement of the liquor law? A. I have.

Q. And kindly tell the convention where that work was done? A. Now pardon me, sir, do you mean of the present year?

Q. No, prior to your present office. A. When I was engaged as a liquor deputy, I was sent to various places in the county outside of Bangor, but spent the most of my time in Bangor.

Q. Then you are acquainted with the conditions or places in Orono? A. I am.

Q. And places in Old Town? A. I am.

Q. In Brewer? A. I am.

Q. Have you been across to Dexter? A. Yes, sir, I have.

Q. And Newport? A. Yes, sir.

Q. Now are there any other towns of the county that you have visited or had visited prior to your present office as sheriff? A. I have in Hampden, my native town.

Q. Prior to your election as sheriff and after the primaries, did you make any public announcement as to what your policy would be in regard to the enforcement of the prohibitory law? A. I did.

Q. What was that announcement? A. As near as I can remember it, I promised the people of Penobscot county, if I was elected sheriff of that county, I would enforce the prohibitory law to the best of my ability.

Q. Whether or not, Mr. Sheriff, you wrote to the various papers in Bangor and gave them information to that effect? A. I did.

Q. Was that published in the daily press of Bangor? A. It was.

Q. Did you run upon that platform? A. I did.

Q. Coming down to prior to your taking the office, can you tell this convention as to whether or not you had an conversation with your deputy or those who would be your deputies as to their position as liquor deputies? A. I did.

Q. Take a specific case, Mr. Gates of Millinocket, did you have any conversation with him or give him any instructions? A. At that time I did not give him any instructions because I was not in a position to do so, but I did say to him, "If I appoint you"—I beg your pardon, that was after election.

Q. What did you say to Mr. Gates in regard to the enforcement of the prohibitory law prior to either your election or to your taking your oath of office? A. Mr. Gates came to Hampden and called on me at my store and I talked with him about his appointment—he talked with me about his appointment as a deputy sheriff in Millinocket. I said to Mr. Gates, "If I appoint you sheriff of Penobscot county, will you enforce the prohibitory law?"

Q. And his reply? A. He certainly would.

Q. That was as I understand you prior to your election? A. No, I did not wish to say so.

Q. Prior to your taking your oath of office? A. Yes, sir.

Q. In the interval between the time of election and your induction into office? A. That is right.

Q. Whether or not you appointed Mr. Gates and he is your present deputy at Millinocket? A. He is.

Q. Whether or not you had any further instructions given to him or gave them yourself? A. I did.

Q. What were those instructions? A. On the first day of January of this year, when Mr. Gates with other deputies came to officially qualify, I talked with him in relation to the situation in Millinocket as it was at that time, and I said to him that I hoped he would go right ahead and enforce the prohibitory law, and any time that he needed any assistance I would be glad to send it to him.

Q. As to whether or not you have given Mr. Gates any assistance in Millinocket? A. I have not, because he has not asked for it.

Q. And has he asked for any assistance in the enforcement of the prohibitory law in East Millinocket? A. No, sir.

Q. You say that you gave him some instructions in regard to the enforcement of the prohibitory law about the first of January. Were there any other deputy sheriffs present at that time? A. I think there were several at that time. As I remember it, after they had gone before the clerk of courts and had qualified, they came to my office at the jail and I think there is where the conversation took place.

Q. Can you remember, major, at this time, how many sheriffs were there present when those instructions were given, how many deputy sheriffs? A. I think that Sheriff Trask of Hampden, and Sheriff Spratt, Kenduskeag, and Sheriff Rackliff of Old Town, and Sheriff McKenney of Dexter, were present, although I am not certain about McKenney.

Q. Whether or not prior to January 1, 1913, there was an assistant turnkey at the jail? A. There was.

Q. Whether or not prior to January 1st there were any liquor deputies during

Mr. White's administration? A. Not to my knowledge.

Q. Did you appoint any liquor deputies? A. I assigned three of my regular deputy sheriffs to the duty of searching, if I may use that word, for liquor cases.

Q. You mean that under that statute, you assigned three deputies to look after the enforcement of the liquor law? A. Yes, sir.

Q. Who were those deputies? A. Deputy Spratt of Kenduskeag, Deputy Trask of Hampden, and Deputy Wood of Orrington.

Q. Whether or not those deputies had experience in this work prior to your administration? A. Deputy Spratt only. He was a deputy with me under Sheriff Gilman.

Q. Did you appoint any other deputies whom you term liquor deputies? A. Not at that time.

Q. Did you later? A. I did.

Q. Who else did you appoint? A. Sheriff Davis of Orono.

Q. Fred T. Davis of Orono? A. Yes, sir.

Q. Is he now serving as a liquor deputy? A. He is.

Q. And has been since the February term of court? A. Yes, sir.

Q. When does the supreme court convene in Penobscot county? A. The first Tuesday of January.

Q. And was that a long term? A. It was unusually so.

Q. When did it end? A. Some time in February after the criminal term was convened.

Q. When was that? A. The first Tuesday in February.

Q. How long did that last? A. I think 23 days.

Q. And has there been another term of court since you have been in office? A. Yes, sir.

Q. When was that? A. The present term, the April term.

Q. How long did the grand jury stay in session at the February term of court? A. 14 days.

Q. And how long did the trials last? A. Nine days.

Q. After the grand jury had reported? A. Yes, sir.

Q. Were you in attendance upon court at the January term? A. All of the time with the exception of two days.

Q. And those two days where were you? A. I went to Dover.

Q. On official business? A. I did.

Q. And at the February term of court, were you in attendance? A. Pardon me, this was the February term.

Q. I mean the January term. A. I did not understand the question. At the January term of court, I was in attendance all the time.

Q. And the February term? A. I was in attendance all the with the exception of two days that I have spoken of.

Q. And those two days you were where? A. In Dover.

Q. At whose request? A. The county attorney's.

Q. At the February term of court will you tell this convention, if you remember, how many murder cases you had to look after? A. Four.

Q. And those were where? A. Two in West Enfield, one in Millinocket and one in Passadumkeag.

Q. Whether or not there was an arson case from Garland? A. There was.

Q. Did that require a good deal of attention? A. It did.

Q. Whether or not you were called away to look after another important case? A. Yes, sir.

Q. During that February term of court? A. No, that other case where I went into the Provinces, that was in January after the closing of the February term.

Q. Whether there was a strike upon the B. & A. Railroad? A. There was.

Q. And at what time did that strike commence? A. The 18th day of January.

Q. Is that strike still in existence? A. I don't know, sir.

Q. Have you any deputies doing doing special work for the B. & A. Railroad at the present time? A. Two specials.

Q. In connection with the strike? A. Yes, sir.

Q. Whether or not you were called upon after that strike started to assist the railroad officials to preserve order and look after their property? A. I was.

Q. What did you do in that connection? A. May I tell the story?

Q. Yes, that is just what we want.

A. President Todd of the B. & A. Railroad telephoned to me that he wished to see me on the morning of the 18th day of January. I went to his office and he asked me for deputies to protect the property of the B. & A. Railroad. I at once supplied him, beginning that day, with 12 of my regular deputies that I had appointed at the beginning of my administration. Aside from that, I appointed seven specials, so that I had on the B. & A. Railroad 19 deputies regular and special.

Q. How long did they stay on the road? A. The last regular deputy came back and reported to me on the 3rd day of this present month.

Q. Did you find it necessary to take any of those deputies whom you designated as liquor deputies from their work and put them on the strike? A. Mr. Davis of Orono and Mr. Rackliff of Old Town, who were looking after the affairs of Old Town were engaged with the B. & A. Railroad.

Q. Now during those three months was there any disease of any kind that caused quite a lot of your attention in the jail? A. Yes, sir.

Q. What was there? A. One Stanley Teplep was taken with typhoid fever and we nursed him for four weeks. The doctor afterwards put in a regular nurse and she nursed him for three weeks and three days after that, making in all seven weeks and three days.

Q. Now coming down to the February term of court, did you send any of your deputies to Portsmouth? A. I did.

Q. What deputies? A. Deputies Spratt and Trask.

Q. How long were they gone? A. Spratt four days and Trask two days.

Q. For what purpose did you send them to Portsmouth? A. To get a list of the stamps at the internal revenue office at Portsmouth.

Q. Now when the grand jury convened, did you cause a record of those stamps to be presented to the grand jury? A. I did.

Q. Do you remember how many indictments were based upon those lists for violation of the prohibitory law?

A. I think 150 odd. I could not tell exactly now.

Q. After those stamps were produced before the grand jury, and indictments were obtained on them, did you receive from the clerk of courts some capiases for the arrest of the respondents at that time? A. I did.

Q. What did you do with those capiases? A. I immediately turned them over to the deputies.

Q. Can you tell this convention how many respondents were arrested upon those capiases? A. I think about 10.

Q. What became of those 10, if you remember? Were they taken to court? A. They were.

Q. And tried? A. They were.

Q. And as a result of those 10 capiases, how many respondents did you have to board with you in the county jail? A. I think six, sir, possibly more.

Q. After the term of court had adjourned, did you have other capiases given to you? A. I did.

Q. How many of those were given to you and what became of those capiases after the court was adjourned? A. They were turned over to the deputies.

Q. All of them? A. All of them with the exception of 21.

Q. What became of those 21? A. They were given to the county attorney.

Q. And he has them now in his office? A. I think he has.

Q. When those capiases were turned over to you after the indictments had been reported by the grand jury, what instructions, if any, did you give to your deputies about finding the respondents? A. My instructions were to go out and find those fellows and bring them in as soon as they possibly could.

Q. Why were there not more, if you know, apprehended; could not your officers find them? A. I am frank to say to you that I am confused.

Q. I was speaking about the February term. I mean the February term of court. A. I am going back. Those capiases were turned over to deputies and they went out with them and they brought in every man that they found.

Q. And did you cause diligent search to be made for those respondents during that term of court? A. I did.

Q. Now to go back again to these capiases: After court had adjourned, you say all were turned over to you? A. Yes, sir.

Q. And you gave them to your deputy sheriffs? A. With exceptions of the 21 that I have spoken of.

Q. And those you turned over to the prosecuting attorney? A. They were.

Q. Now if you remember Mr. Emerson how many of the respondents have been arrested on those capiases? A. One hundred and sixteen.

Q. And they have either given bail or gone to jail, have they? A. They have.

Q. How soon after you had taken the oath of office did your deputies commence to work, to seize liquor, under the violation of the law? A. Four days.

Q. Four days. That is, on January 4th, your men commenced to work did they? A. They did.

Q. In the city of Bangor. Now, Mr. Sheriff, confine yourself entirely to Bangor. How many searches were made on the fourth day of January, if you remember? A. There were six warrants sworn out at the time. I didn't have men enough to go around, as it required two men at one place and there were only seven deputies present, was all I could muster at that time, and I went with them to make the eighth man. We searched in four places and we had six warrants. We procured liquors, in four places and we had six warrants. We procured liquors, in four places and when we got to the other two places they were locked up and the respondents had gone.

Q. Now whether or not Mr. Sheriff from the first day of January until the present time you have caused to be made searches for intoxicating liquors in the city of Bangor? A. I have. All of the time with exceptions of perhaps a few days that my deputies were busy in court.

Q. What instructions, if any, have you given those liquor deputies in regard to the enforcement of the law? A. Their instructions were and always have been to enforce the law.

Q. Have you been with them yourself on many occasions? A. Nineteen times.

Q. During this present year? A. I have.

Q. Now, Mr. Sheriff, do you know of any place or places in the city of Bangor where it alleged or ever rumored that liquor is sold that you haven't raided? A. Not one.

Q. Have you ever left the city yourself to assist in raids? A. I have.

Q. And where have you gone? A. Once to Enfield and once to Newport.

Q. Did you assist the deputies in those places? A. I did.

Q. Do you remember, Major Emerson, how many warrants that your liquor department had secured in the city of Bangor from the first of January to the first of April? A. One hundred and three.

Q. And do you know in how many places they have been successful in the search, in getting liquors? You may refer to your memorandum if you desire. A. According to this list that I hold in my hands which is a true one, up to the first day of this present month,—I have not gone into this month or even attempted to—61 seizures; 25 unsuccessful searches, 17 warrants after seizures, total, 193 warrants issued in January, February and March, 1903.

Q. 1913? A. Beg your pardon, 1913.

Q. Now have you instituted any searches in the town of Orono? A. I have.

Q. How many have you had up there? A. I didn't take part in them.

Q. But if you remember, Mr. Emerson? A. I am going to say two and there may be more. Davis will know when he testifies.

Q. How many respondents, if you remember, have you at the present time, or have you had in the county jail this year for violations of the prohibitory law? Just estimate Major. A. I am sorry to say, for fear that I shouldn't remember them, there are certain things in relation to the number that have been committed. I have left to my turnkey who has charge of the books. He could tell you at once and more correctly than

I could possibly do. I would simply have to guess, but I am willing to guess if you wish me to.

Q. Mr. Sheriff, have you there a list of liquor seized in January, February and March? A. I have.

Q. Will you refer to it, please? A. A. This list is a list of liquors seized in January, February and March in Bangor and Brewer only.

Q. Will you kindly read that list, Mr. Sheriff? A. 510 quarts of whiskey, 229 pints whiskey, 135½ pints of whiskey, 68 quarts of gin, 67 pints of gin, 28 quarts of gin, 874 pints of beer, 33 quarts of rum, 32 pints of rum, 8 one-half pints of rum, 47 quarts of brandy, 18 pints of brandy, 4 one-half pints of wine, 6 pints of champagne, 2 quarts of alcohol, 4 quarts of alcohol, 2 gallons of alcohol, 113 pints of ale,—

Q. That is 1013, isn't it? A. I beg your pardon, 1013 pints of ale, 24 barrels of ale, 47 one-half barrels of ale, 5 one-quarter barrels of ale.

Q. Now that is the amount of liquors which has been turned over to the county which you have confiscated into the county during the first three months of the year, taking only Bangor and Brewer? A. Bangor and Brewer. It is.

Q. Now, Mr. Sheriff, what is your custom in regard to taking liquors from any place? I mean to say by that, do you take enough to secure a conviction, or what is your custom? and what are your instructions to your deputies? A. The instructions to my deputies has always been, and the custom has always been carried out to take and seize and carry away all of the liquors that they found.

Q. Do you know of any instances, Mr. Sheriff, where these instructions have not been carried out to the letter? A. I do not.

Q. You heard a minister of the Gospel testify, this morning, in regard to meeting you in your office. Do you remember that incident? A. What was his name? Pardon me.

Q. I have forgotten his name. A. Rev. Mr. Brown?

Q. Yes. Do you remember as to whether or not he spoke of the good work you were doing? A. I do. May I tell the story?

Q. You certainly may, sheriff. A. He says on the first day of March, but as near as I can tell from memory, on the 27th day of February, just after the close of the February term, someone came and told me that there was a gentleman down in the corridor who wished to see me. I went in and met him and he introduced himself as Rev. Mr. Brown, the secretary of some Bible society of which name I do not remember at present. He said he came in to have a talk with me and by his request, we went up into the upper corridor of the court house and sat down in two chairs. He drew his chair up near mine. He expressed his congratulations on what I had done and wished to give me all of the encouragement possible, and said to me, "You not only have our best wishes, but you have our prayers as well. I am not here to find any fault with what you have done, I am here to encourage you. And all we ask of you is to keep on with the good work that you have already begun." And he talked for some length along those lines. As we came down the stairs from the upper corridor, he put his arm around me and we walked down together and as we shook hands he said again, "Sheriff, I want to congratulate you and may God bless you in your work."

Q. That was at what time, Mr. Sheriff, what time in March? A. As I remember it, the 27th day of February.

Q. Now whether or not, Mr. Sheriff, you have a civil suit pending? A. I have.

Q. And for what is that civil suit pending? A. May I—

Q. Tell the story in your own way. A. It has been the custom, and I am sorry to say that it is, to cart liquor from storehouses and cart liquor from freight houses of certain railroads and certain steamboats in the city of Bangor. Teams take barrels of beer and ale and half barrels of beer and ale and cart them through our streets in broad daylight. Two certain teams with red sleds make a business in winter time of hauling liquor through the streets of Bangor. I had seen one of these sleds

passing along the street from a distance. I called the attention of my deputies to the fact that they were hauling liquor through the streets of Bangor and said to them, and instructed them that if they saw teams passing along with liquor on their sleds to seize it and bring it to the court house. One of my deputies, whose name is Mr. Wood from Orrington, who is a new man and never had any experience in this line of duty before, knew nothing about it before and went on as a new man; about 4 o'clock in one afternoon in January a team came down the main street. I saw the team coming. I was further up the street than he and from the instructions that I had given him, this boy, this young man was driving a horse with a red sled, very similar to the sleds that I had called their attention to, this sheriff of mine dodged out from the street and got into the sled. The sled proved to be—the team proved to be a laundry team and not a liquor team, very much to my regret. In consequence of that there is a suit pending in this present court in Penobscot county where I am sued for \$500 for my sheriff holding up that team as they claim, or my deputy.

Q. Now, Mr. Sheriff, possibly this convention understands—I want you to tell them even if it is a reiteration—I want to ask you if you have not instructed all of your deputies to enforce the law at all times? A. I certainly have.

Q. That is the general instruction given to all of them, is it? A. It is.

Q. Now I wish you would describe, Major Emerson, some of the seizures you have made yourself. Tell the different places you have been to, and what you have found there and what you have done—those you were personally present at. Take the first one if you remember it. A. I went with my deputies and searched the place called the Central House on Hancock street. The Central House is a very large house with a stable with it. It is a boarding house. After we had searched the house thoroughly and the stable and the shed and were about to leave, I opened the door where there was a pair of stairs which might be called the back stairs of the house,

leading from the kitchen to the floor above. In these stairs, or under one of the treads of these stairs was a hide. In that hide was a small amount of bottle beer.

I went one night with my deputies down on May street, at a house No. 44 on Main street and kept by one Andrew Erickson. The deputies went into the house and I went into the stable, accompanied by Deputy Sheriff Wood. As I passed into the stable a man came down from the stable chamber and there was a door at the head of the stairs which shut down after he had passed down. In the stable, in the hay in this stable loft, I found a 10-gallon keg about half full of whiskey.

Deputy Sheriff Spratt and myself—in company with Deputy Sheriff Spratt, I started out one afternoon and we visited five places without warrants and in every one of those five places we found liquor of various kinds. Do you wish me to describe them all?

Q. Yes, tell all the places you have been to personally, yourself I mean. A. On Sunday, I went in company with my other—my deputies, and we searched at that time three places. I went to the Waverly house on French street and there Sunday found a well equipped bar with liquors of all kinds and draught ale and in the cellar was two half barrels of ale that had not been put on.

Q. Now did you take all that? A. Most certainly did.

Q. Did you go anywhere else yourself, Major? A. Yes, I went 19 different times but I can't seem to—in company with Deputy Sheriff Spratt I went to Enfield and assisted Deputy Sheriff Gillis of Lincoln in a search of the house at Enfield. There we found and procured two barrels of bottle liquors of various kinds, including whiskey, rum and gin. The search at Newport was unsuccessful.

Q. Well, now, what do you mean by that? Did you go yourself personally to the town of Newport? A. I certainly did.

Q. And how far is Newport west of Bangor? A. Why, I think 27 miles, something like that.

Q. And right there, Major, how far is Enfield above Bangor? A. 35 miles.

Q. Now what did you do in the town of Newport? A. We searched the hotel there called the Sebasticook House.

Q. What did you find? A. Nothing in the way of intoxicating liquors.

Q. Where else did you go? A. On the 4th day of January, the day of the first raid that has been spoken of here, today, and designated as the day of raid, I went to one Peter McAuley's on Franklin street in company with Deputy Sheriff Mullen of Corinna.

Q. He is not one of your regular liquor deputies, is he? A. He is not.

Q. You called him in for that particular purpose? A. I did for that purpose.

Q. Go on, describe what you did that day, Mr. Sheriff? A. I went into Peter McAuley's place on Franklin street and found and seized and carried away a large amount of liquors of various kinds.

Q. Now on that particular day, Mr. Sheriff, did you have any other deputies in Bangor other than your regular liquor deputies in addition to Mr. Mullen whom you have already testified to? A. Yes, I at that time only had three regular deputies, and I called in four more.

Q. So that there were eight of you working that particular day? A. Exactly, yes, sir.

Q. Now what other raids did you make, that day? A. After we had procured and sent to the storehouse the liquors that I had seized at Peter McAuley's, I went down to the Joe Crowe place, so-called, and assisted in packing up and lugging out the liquors that had been seized there during the time that I was making the seizure at McAuley's place on Franklin street. After the liquors had been procured, packed in boxes and carried out and carted away to the storehouse, I then went down to the place of Martin Cox; further down the street and assisted in packing and lugging out and carting away the liquors that the deputies had seized who had gone down there prior to my going down.

Q. Now this McAuley place is the

place designated, this morning, as the saloon on Franklin street? A. It is.

Q. And do you know as to whether or not he is at present in business, or do you know of your own knowledge? A. Not of my own knowledge, no, sir.

Q. Now this Cox place you speak of on the square, that is the restaurant that has been spoken of here, this morning? A. It is.

Q. What other places did you search that particular day? A. Two of the other deputies searched Joe Jameson's place, this place near the City hall of Bangor, but I didn't assist in that personally.

Q. And they were successful in those four places? A. They were.

Q. Now, Mr. Sheriff, I want you to explain to this convention what conversation you had, if any, with Mr. Justice Cornish, in regard to deputies at the February term of court. A. We had then, as I remember, 24 bound over prisoners, bound over to the February term. One of the first things that Judge Cornish said to me after I was introduced to him was "Sheriff have you got a plenty of deputies?" I told him that I had. He said to me "It is necessary that we have a plenty to take care of these bound over men."

Q. Now, Mr. Sheriff, is the jail some little distance away from the court house? A. A short distance. Yes, sir.

Q. And it is necessary, Mr. Sheriff, is it, to have some deputy sheriffs to take the prisoners from the jail into the court room to be arraigned? A. It is.

Q. And back and forth as they are tried? A. It is.

Q. Arraigned, tried, and afterward sentenced? A. It is.

Q. And that takes a great deal of your times, does it? A. It does.

Q. Now during the time that the grand jury was in session those two weeks, did you have a number of deputies in attendance upon that? A. I did.

Q. Was it necessary for you to keep your liquor deputies in attendance upon the grand jury the greater part of the time? A. It was.

Q. In other words, did your liquor cases fit in whenever the county attorney wanted them? A. They did.

Q. And so that took up part of that time, did it? A. It did.

The PRESIDENT: Before announcing the recess the Chair desires to state that the House is to hold a short session immediately after the recess is announced and the Senate will retire to its own room.

On motion by the senator from Somerset, Senator Walker, the convention took a recess until 8 o'clock.

Thereupon the Senate retired to the Senate chamber.

IN THE HOUSE.

On motion by Mr. Marston of Skowhegan, the rules were suspended and that gentleman introduced out of order bill, An Act to amend section 11 of chapter 116 of the Revised Statutes, as amended by section one of chapter 53 of the Public Laws of 1905, as further amended by chapter 183 of the Public Laws of 1907, relating to salaries of officers of the Senate and House of Representatives.

On motion by Mr. Newbert of Augusta the bill was tabled for printing.

Passed to Be Enacted.

An Act amendatory of and additional to chapter 37 of the Public Laws of 1909, relating to the issuance of mileage books by railroad corporations.

An Act to amend sections 13, 14 and 15 of chapter four of the Revised Statutes, relating to appointment of road commissioners by the selectmen.

Finally Passed.

Resolve amending chapter 235 of the Resolves of 1913, being a resolve for the laying of county taxes.

On motion by Mr. Cook of Vassalboro, Adjourned until tomorrow morning at nine o'clock.

After Recess.

Convention called to order by the President.

The PRESIDENT: The secretary will call the roll.

PRESENT:—Sen. Allen of Kennebec, Allen of Machias, Austin, Bass, Benn, Benton, Bither, Boman, Bowler, Sen. Boynton, Bragdon of Sullivan, Bragdon of York, Bucklin, Sen. Burleigh, Butler, Chadbourne, Sen. Chase, Chick, Churchill, Clark of N. Portland, Cochran, Sen.

Colby, Sen. Cole, Sen. Conant, Connors, Cook, Crowell, Currier, Davis, Desco-teaux, Doherty, Dunton, Durgin, Eaton, Elliott, Estes, Farnham, Farrar, Folsom, Gallagher, Goodwin, Gordon, Greenleaf of Auburn, Greenleaf of Otisfield, Haines, Hancock, Harman, Harper, Sen. Hersey, Higgins, Hogan, Irving, Jenkins, Jennings, Sen. Jillson, Johnson, Jones, Kimball, Leader, Leary, Libby, Marston, Mason, Sen. Maxwell of Sagadahoc, Maxwell of Bar Harbor, McBride, McFadden, Merrill, Mildon, Sen. Milliken, Mitchell of Kittery, Mitchell of Newport, Sen. Morey, Morneau, Morrison, Morse, Sen. Murphy, Nute, O'Connell, Sen. Packard of Knox, Packard of Newburg, Sen. Patten of Hancock, Peacock, Peaks, Pendleton, Peters, Peterson, Pitcher, Putnam, Quinn, Sen. Reynolds of Kennebec, Reynolds of Lewiston, Sen. Richardson of Penobscot, Richardson of Canton, Roberts, Robinson, Rousseau, Sanborn, Sanderson, Sargent, Skelton, Skillin, Sen. Smith of Penobscot, Smith of Auburn, Smith of Patten, Smith of Presque Isle, Spencer, Sen. Stearns, Stevens, Stuart, Sturgis, Swift, Taylor, Thombs, Tobey, Trimble, Tryon, Twombly, Umphrey, Violette, Sen. Walker, Waterhouse, Wheeler, Winchenbaugh, Sen. Wing, Wise, Yeaton.

ABSENT:—Sen. Allan of Washington, Sen. Bailey, Boland, Brennan, Brown, Sen. Clark of York, Clark of Portland, Cyr, Donovan, Dresser, Dunbar, Sen. Dutton, Eastman, Eldridge, Emerson, Sen. Emery, Sen. Flaherty, Franck, Gamache, Gardner, Sen. Hagerthy, Harriman, Haskell, Sen. Hastings, Hodsdon, Hutchins, Kehoe, Kelleher of Portland, Kelleher of Waterville, Lawry, LeBel, Leveille, Sen. Mansfield, Mathieson, Maybury, Metcalf, Mooers, Morgan, Sen. Moulton, Newbert, Plummer, Price, Ramsay, Ricker, Rolfe, Scates, Sherman, Smith of Pittsfield, Snow, Sprague, Stanley, Stetson, Swett, Thompson, Washburn.

The PRESIDENT: The roll call discloses the presence of 126 members of the convention.

Mr. Emerson recalled:

Questions by Mr. Thompson.

Q. Mr. Sheriff, there was something said in the opening in regard to a search at the Penobscot Exchange. Will you tell us the conditions surrounding that search? A. The day this particular search was made which I think—I am stating from memory only—was the 7th day of March, I started out in company with Deputy Sheriff Spratt. The first place we visited was the Queen City Hotel, situated on Hancock street. We went into that place without—would I be allowed to say it—without any warrant. We went into the bar of this Queen City Hotel and found bot-

tied goods of various kinds on the shelf, and also there was running draught ale and beer I think. We seized everything that was inside, including the draught ale and beer, and loaded it into a team, and I went to the telephone and called the office and instructed the girl to send another deputy down with a team to take the goods from the Queen City Hotel to the store room at the court house, which was done. The next place we visited, I think, was one Leo Buckley, a man by the same name as the proprietor who ran the Queen City Hotel. Mr. Buckley, the proprietor, was away, but his clerk was there. There were several men in the bar drinking and goods were displayed on the shelves back of the bar, and they also were running draught ale and beer, and we seized everything there that we could find, in the bar and under the bar. We didn't attempt to make any further search of the premises, because we had no warrant to search with. I telephoned then to the office to have the team come right back down on Exchange St. The team came back and we loaded the goods into the cart and sent them back.

The next place, I think, was Victor Chaison's hotel on Exchange Street. We went in there and we found goods displayed on the shelves, as we had in the other places that we had visited. We took everything there. The team came right back and we loaded it into the same team and sent it to the store room.

The next place that we visited was the Eastern Eating House just below the Chaison place on Exchange street. We found goods displayed there as they were in the places we had visited earlier. We sent those goods on the same team that held the others.

We then went over from there to the Penobscot Exchange. We went into the bar of the Penobscot Exchange and found goods displayed on the shelves, and they were also running draught ale or beer, I don't know which. We seized everything that they had there, including the glasses and the pitchers, and took everything that there was in that bar and sent it back to the storehouse. I had to be in court that afternoon at four o'clock on a hearing, and in consequence of that we didn't make

any further search that afternoon.

Q. Now, Mr. Sheriff, will you explain to this convention in your own way the time utilized or used by your deputy sheriffs when you have to attend to the cases in court and libeling these liquors? A. The first thing in the morning, the deputy sheriffs, usually Mr. Spratt, makes up a list of the warrants that he wishes for me to swear out on that particular day. In making up this list he has to give the street and the number and the kind of a building, whether a shop or a dwelling house or a hotel, as the case may be. He takes that list down to the court and the young lady who is present here makes up the warrants. When he goes down he ususally tells me about what time the warrants will be ready. I go down and swear out the warrants in the court and take them back to the court house and give them to the deputies. They go out and make the search and in all cases where liquors are found, the respondent has to be brought into court and of course it is necessary for the deputies who make the search and seizure to be present.

Q. Do you have any counsel in those cases before the lower court? A. We have not.

Q. You do your own work, do you? A. Yes sir, we present the case.

Q. Either you or the deputies? A. Either myself or the deputies.

Q. Now, Mr. Emerson, do you know anything about Uno beer in the city of Bangor at the present time? A. I do, sir.

Q. Tell the convention. A. I know that there are three if not four bottling concerns in Bangor who ship goods into the city in kegs and bottle them and send them out broadcast over the county.

Q. Now is this Uno beer put up in packages, casks and kegs, similar to the straight lager beer? A. It is precisely the same, and no living man can tell the difference unless he can get down to read the label that is on the keg.

Q. Now Mr. Emerson, have you caused to be analyzed any of that beer in the city of Bangor recently. A. I have. Mr. Emerson, I hand you exhibit

marked "Respondent's A" and ask you if that is a report from the chemist where you had some beer analyzed.

A. It is.

Q. How many bottles did you send to the chemist and what were they? A. Ten bottles, two of five different brands.

Q. And what chemist did you send them to? A. I sent them to the experiment station at Orono. I think Mr. Guy Durgin was the chemist who made the analysis.

Mr. THOMPSON: I would like, Mr. Speaker, to read into the record the report on these five different samples submitted to him.

The SPEAKER: No objection made, Mr. Attorney General:

ATTORNEY GENERAL WILSON: I think not, your Honor.

(Analysis read as follows.)

To whom it may concern:

The results accompanying this paper are a true report of analysis made on five samples of beer and ale to me given by the hand of Mr. Fred T. Davis, Deputy Sheriff, on March 13, 1913, at 8.20 A. M. These samples were severally wrapped in newspapers and were in a hand bag having attached thereto a tag with the name W. W. Emerson, Hampden, Me., thereon.

A. G. DURGIN,
Analyst.

March 13, 1913.

The analysis of a sample called Red Star Pale Ale. On the cap there were no distinguishing marks. Blown on the bottle was Evans Ale, Hudson, N. Y. The label was Red Star Pale (Crest) Ale, Boston, Mass.

In ink on the label were the words, E. Epstein, March 12, 1913.

On analysis the sample was found to contain,

Alcohol by volume, 2.34 per cent.

Alcohol by weight, 1.82 per cent.

A. G. DURGIN,
Analyst.

State of Maine, Penobscot county, ss.

Subscribed and sworn to before me this 8th day of April, 1913.

A. J. DURGIN,
Notary Public.

Analysis of a sample marked on paper label, E. Epstein, March 12, 1912, case.

Blown on the bottle was, property of Wm. Albrecht, Boston Mass., registered.

There were no distinguishing marks on the cap.

On analysis the following results were obtained,

Alcohol by volume, 1.926 per cent.

Alcohol by weight, 1.501 per cent.

A. G. DURGIN,
Analyst.

State of Maine, Penobscot county, ss.

Subscribed and sworn to this 8th day of April, 1913. Before me,

A. J. DURGIN,
Notary Public.

The analysis of a sample labeled March 12, 1913. E. Epstein. Keg not marked.

There were no distinguishing marks on either cap or bottle.

On analysis the sample was found to contain,

Alcohol by weight, 1.673 per cent.

Alcohol by volume, 2.144 per cent.

A. G. DURGIN,
Analyst.

State of Maine, Penobscot county, ss.

Subscribed and sworn to this 8th day of April, 1913. Before me,

A. J. DURGIN,
Notary Public.

Analysis of sample marked on paper label. E. Epstein, March 12, 1913. Case.

There were no distinguishing marks on cap.

Blown on the glass, Lempt, St. Louis. This was enclosed in a shield.

On analysis the following results were obtained,

Alcohol by volume, 1.622 per cent.

Alcohol by weight, 1.263 per cent.

A. G. DURGIN,
Analyst.

State of Maine, Penobscot county, ss.

Subscribed and sworn to this 8th day of April, 1913. Before me,

A. J. DURGIN,
Notary Public.

The analysis of a sample of Imperial Lager Beer. No distinguishing mark on cap.

Blown on bottle, Registered Murdoch & Freeman Co., Portland, Me., 1902.

The label was as follows, Imperial

Lager Beer (crest) Boston, Mass.

Stamped on the label in small letters was Imitation.

Written on the label was E. Epstein, March 12, 1913.

On analysis the following results were obtained,

Alcohol by volume, 1.646 per cent.

Alcohol by weight, 1.276 per cent.

A. G. DURGIN,

Analyst.

State of Maine, Penobscot county, ss.

Subscribed and sworn to this 8th day of April, 1913. Before me.

A. J. DURGIN,

Notary Public.

Q. Now Mr. Emerson, have you at all times since the first day of January last done everything that was in your power to enforce the provisions of our prohibitory law? A. I most certainly have.

Q. Mr. Emerson, if you continue in office until your term expires, will you do everything in your power to enforce the provisions of the prohibitory law? A. I certainly will.

Cross examination by Judge Cleaves.

Q. At the time you entered upon the performance of your duty, and between the time of your election and that time, I supposed you realized that you couldn't enforce the prohibitory law as you had promised to enforce it unless you gave some personal attention to it yourself, did you not? A. It was my intention to give my personal attention to the enforcement of the prohibitory law all of the time that I had to spare aside from the other duties incumbent upon me as sheriff of Penobscot county.

Q. And you didn't hope to do it unless you did give some personal attention to it, did you? A. I felt from the time that I began, with the experience that I had had as a deputy sheriff, that I might reap greater results if I exercised and did all that I could personally.

O. Now I ask you again if you hoped to accomplish much unless you gave some personal attention to it? A. I felt that I could do more by giving personal attention to it.

Q. I ask you still again if you hoped to accomplish very much unless

you gave personal attention to it? A. I did not.

Q. Now I want to inquire just a moment the reasons why you didn't give more personal attention to it. The matter of your high court—I suppose each morning when court came in you conducted the judge in, didn't you, from his chamber to the court room? A. I did.

Q. Then you have a crier in court who opens court and stays on duty during the entire session, do you not? A. Yes, sir.

Q. And you have two officers in charge of the two trial juries? A. I do.

Q. And ordinarily another officer about the court room as an extra man? A. I do.

Q. So that the crier or either of the officers in charge of the traverse juries or this extra man could sit in the Sheriff's chair while court was in session, could he not? A. Most assuredly.

Q. And did it a great deal of the time. A. A good deal of the time.

Q. You never personally had any charge of any grand jury since you have been in office, did you? A. I have not.

Q. You have a man for that? A. I have.

Q. And in conducting the prisoners from the jail over to the court house, that is a matter of a few minutes in the morning, and then conducting them back at the close, either of the session or of their trials, that is right, isn't it? A. While the trials are going on, yes.

Q. And when a prisoner's trial is not going on he is in jail, isn't he? A. He is.

Q. Well, now, did it take, should you say, more than a half hour at a time for a couple of men to get a prisoner who chanced to be on trial from the jail over to the court house and back each day while criminal trials were going on? A. Not for one prisoner alone.

Q. Did you ordinarily, while there were criminal trials going on, have more than one prisoner in court at a

time? A. Not while the trials were going on.

Q. You would bring them all over in a bunch and have them arraigned and then they would go back to jail and you would bring them over one by one? A. Yes, sir.

Q. Did you personally take any active part in getting the prisoners over from the jail or back to the jail, or did one or more of your deputies do that? A. The deputies did the most of it.

Q. Now evenings you don't hold court in Bangor, do you? A. We don't sir.

Q. So that after six o'clock at night, each night while court is in session, you were off duty so far as court is concerned. That is right, isn't it? A. With a few exceptions.

Q. Occasionally you were around the court room for a time in the evening when a jury was out or something of that kind? A. Yes, sir, and when the jury had to be fed.

Q. So that at any time, except when the court came in, when the judge came in, during each day of court, you could have left and gone away from the court room if you had wanted to, and with very few exceptions each evening you could have been away from the court house, is that right? A. Not in a criminal term.

Q. Did you while the criminal term was going on, namely for the 23 days in the month of February, stay in court each moment of the court day? A. I can't say that I stayed each moment, but I say that I went into the court room with the court and didn't leave the court room until court adjourned for dinner.

Q. But you could have done it and left a deputy in charge, could you not? A. Presumably I might.

Q. Now if you couldn't find out and wasn't able to find out where this quantity of liquor that has been described was delivered in the city of Bangor, without leaving a criminal session of the court, did it occur to you that it might be a good idea to leave the criminal session, did you ever think of that, in charge of a deputy? A. I am frank to state that if

I had known that there was such an enormous amount of liquor being shipped into Bangor I should have gone to the lower court during the day, before court closed, and procured warrants, but after the court had closed for the night, there were no more warrants to be had that day.

Q. What effort did you personally make to discover where these barrels of some kind of beer that you have said were continually going through the streets of Bangor were delivered? A. I instructed my deputies—

Q. I didn't ask you that—what effort did you personally make? A. Every day that I had an opportunity to leave my other duties at the court house, I went upon the streets myself during the day and I went upon the streets myself during the evening.

Q. Did you ever personally make any investigation as to where any load of beer was finally delivered? A. I did not.

Q. Did you ever see any of those teams loaded with beer back up at places that you knew from your past experience as a liquor deputy and such information as you had by investigation since being Sheriff, to be liquor places? A. I have not.

Q. You realized, Mr. Emerson, that there came into the city of Bangor in one month, namely in the month of March, in barrels, half barrels, and quarter barrels alone, 42,308 gallons of liquid, that the freight agent says was ale and lager beer? A. I wasn't aware of it until I heard it today.

Q. And it is a matter of great surprise to you, is it? A. Well, if it was ale and lager beer it would be.

Q. You said a few moments ago, in answer to Brother Thompson's question, that a person who saw the tag on the keg would be able to tell whether it was Uno or ale or straight lager—that is right, isn't it? A. I think so, yes, sir.

Q. And if the agent states as a result of his observation of shipping receipts that it was ale and lager, do you feel that from your information you are in a position to dispute it? A. I am not, no, sir.

Q. You realize that that quantity of

lager and ale having come in to the city of Bangor in the month of March, in barrels, half barrels and quarter barrels—that of that amount you and your deputies seized about 520 gallons of that 42,000? A. I am aware of it now.

Q. Do you realize that in barrels alone there were 68 barrels of whiskey came into the city of Bangor and were delivered somewhere in the single month of March alone, and that the freight agent testified that that was about an average of the other three months of the year, which if that is true would make nearly 200 barrels of whiskey in barrels alone coming into the city of Bangor during that period, and that neither you nor your deputies ever seized a single barrel of it? A. I wasn't aware that so large an amount came in, and I am aware that my deputies never seized it.

Q. Your deputies did get as I remember it, a ten gallon keg partly filled with whiskey hid in a hay mow, when was that, won't you tell us again? A. I got that myself, sir, at No. 44 Main street.

Q. Was that a shop or a house? A. That was a house, and I seized this in the stable connected with the house.

Q. So that while you never got any of these barrels of whiskey through your deputies, you personally did succeed in getting part of a ten gallon keg of whiskey in a hay mow? A. I did.

Q. I notice that among other names of persons upon whom you seized upon a certain day, you have given me the names of Peter McAuley, Joe Crow, Martin Cox, and you gave me another name of a place you visited that same day and do you recall it or can you refresh your recollection? A. Joe Jameson, that is the place, near city hall.

Q. What day was that? A. I think, sir, that was the 4th day of January.

Q. Can you tell me when next, if ever, you or your deputies visited Peter McAuley's place? And if you desire I will let you look through this warrant and see if you can find after the 4th day of January, after you had been sheriff three days and a little longer, this Peter Mc-

Auley's place, and I will ask you if you will investigate and see if you or your deputies ever went again or took any warrant or had any warrant sworn out against Peter McAuley? A. I am frank to state that I never went into Peter McAuley's again, I don't think there has ever been a warrant sworn out against Peter McAuley since. How many times my deputies have been in without warrants I can't tell you.

Q. Now upon that occasion—and I hold in my hand a warrant dated January 4th, 1913, against Peter McAuley, I find that it was sworn out by your deputy, Mr. Cookson, if that is the name, and I find on this list 160 glass bottles of ale; 120 of beer; 34 of whiskey; 4 pint bottles of whiskey; 4 half pint bottles of whiskey; 2 quart bottles of gin; 5 quart bottles of wine; one quart bottle of brandy; one three pint bottle of rum; one tin can with two gallons of alcohol; two jugs and a quart of gin each; one jug with two quarts of whiskey and one keg 15 gallons of ale. Now if it be true that from that time on neither you nor your —deputies have ever sworn out any warrant or made any search of that place, I will ask you if you expected that that demonstration three days after you had been inducted into office at the place of Peter McAuley would be sufficient to so impress him that he would never open up again? Was that your idea? A. It was not.

Q. You had known that Peter McAuley's place as a rum shop back in the days when you were a liquor deputy, didn't you? A. I did not, sir.

Q. Did you know that place as a rum shop? A. I did not, sir.

Q. Did you know Peter McAuley as a man engaged in the liquor business when you were a liquor deputy? A. If I remember correctly, when I was a liquor deputy Peter McAuley was a bar tender for one John Russell on Exchange street.

Q. So that you knew him as a man who was in the business? A. I did.

Q. And who continued in business as long as you were a liquor deputy? A. My impression is that he did, although I am not sure.

Q. What personal effort did you make after January 4th, 1913, to find out whether Peter McAuley, who in your

experience as a liquor deputy had been somewhat persistent, had or not gone out of business at that place where you made the seizure? A. Pardon me, did you say what effort?

Q. What personal effort? A. Not personally, I did not; no, sir, only talking with my deputies.

Q. Did you inquire of any of your deputies whether Peter McAuley was out of business? A. I have.

Q. Where is Peter McAuley's place on this map, Mr. Emerson? A. On Franklin street.

Q. Located where on Franklin street? A. I don't know the number.

Q. Is it one of these two places? (Indicating on plan.) A. It is the place on Franklin street, sir.

Q. How far and if this is 40 feet to the inch that would be perhaps 400 feet away from the place where you have lived all the time since the 1st day of January? A. Possibly; possibly less; I couldn't say.

Q. And have you ever in any of your trips from the jail down to town taken any pains or even thought of going up and personally looking at Peter McAuley's place and seeing what he was doing? A. Personally, I have not been up to his place.

Q. Have you ever thought of it? A. I have.

Why didn't you go up? A. I instructed my deputies to go.

Q. Why didn't you go? A. I well, I can't tell you the reason why.

Q. You are the man who took the oath about which Mr. Dunn has spoken so impressively, aren't you? A. Yes, sir; I am.

Q. A man by the name of Richard Crowe upon whom you or your deputies served a warrant upon the 6th day of January, which warrant was dated the 4th of January—4th day of January instead of the 6th, and you found there a long list of articles including six barrels containing 30 gollons of ale each; one barrel containing 15 gallons of ale; two barrels containing 5 gallons of ale each; 174 bottles containing one quart of whiskey each; 19 pint bottles of whiskey; 124 pint bottles of wine, and going down to 680 pint bottles of ale and 3 bottles of champagne. How long have you known

Richard Crowe, that is, on the 4th day of January? A. Richard Crowe was in business when I was a deputy sheriff.

Q. And he showed some persistence in remaining in business since that time, hadn't he? A. He had.

Q. Now, after the 4th day of January, 1913, have either you or your deputies ever made any complaint whatever or had any warrants whatever issued against Richard Crowe's place? A. I think so, yes.

Q. If you discover it will you call my attention to it? I say frankly to you now that I have not been able to. A. I think so; I think I can show it by the list I have here.

Q. Where is Richard Crowe's place? A. I think the number is 53 Pickering square; I think it is 53.

Q. It is one of the three places that are right snug together and to which attention was called this morning, is it? A. It is on Pickering square.

Q. (Referring to plan.) If you will show me where it is as I run my pointer down on the map. A. That is Pickering square.

Q. Is that the place? A. Just drop your pointer a little bit; I don't think so.

Q. It is somewhere in Pickering square? A. It is; I think it is 53.

Q. And where was he when you were a liquor deputy? A. He was in the same place I think.

Q. So that this particular man Crowe, to your knowledge has been in the liquor business since the time you were a deputy sheriff back in 1905 or 1907? A. In 1905; June of 1905 I think.

Q. So that practically for eight years to your knowledge he has been in the liquor business in that way? A. No, I can't say so.

Q. Well, several years? A. He was in the liquor business during the time I was deputy sheriff, and he is in the liquor business now; but during the four years that intervned, I can't say for that.

Q. Now, after the 4th day of January when you were in Richard Crowe's place and assisted in making the seizure of the quantity of liquor that I have asked you about, have you since

that time been into his place? A. I wasn't in Bangor, was it? A. None of them; no, sir.

Q. Have you personally been by it? A. And during the three months that you have been sheriff have you had any liquor deputy whose home was in Bangor at the time of the appointment? A. Possibly I might have.

Q. But you are not clear in your recollection as to whether or not you have been by it so as to be sure of your statement before this convention? A. Not any; no, sir.

Q. Now you spoke about having some murder cases which I assume from the question of your counsel he asked the convention to believe took some of your time. Take, for instance, the Enfield case. When did that occur? A. That occurred before I became sheriff of Penobscot county.

Q. That seizure shows among other things 10 cases, 15 gallons of ale, and various quantities of bottled whiskey. Have you been in his place? A. I have not.

Q. Have you been by it so far as you know? A. Not to my knowledge; it is on the same street and the same side as the Crowe place.

Q. Now coming for a moment to the instructions which you gave to your various officers. You instructed Mr. Gates, deputy sheriff at Millinocket, to close up all the liquor places in Millinocket, didn't you? That is, to enforce the law? A. I did, yes, sir.

Q. Perhaps not in those words, but that is what you meant, was to close up the place? A. That was just what I meant.

Q. And he did it, didn't he? A. I think he did.

Q. And he did it alone? A. He did as far as I know.

Q. How many places were there in Millinocket on the first day of January to your knowledge that he has since closed up alone? A. I can't answer that question because I haven't been in Millinocket for years.

Q. From your inquiries, if you made any of your deputy, Mr. Gates, when you went into office, did you ascertain from him as to how many places he was to close up? A. I don't think I asked him.

Q. Didn't ever ask him about how many open places there were in Millinocket? A. I don't know that I ever asked him how many open places there were.

Q. These deputies that you appointed liquor deputies, none of them live in Bangor, that is, their home

Q. Now you spoke about having some murder cases which I assume from the question of your counsel he asked the convention to believe took some of your time. Take, for instance, the Enfield case. When did that occur? A. That occurred before I became sheriff of Penobscot county.

Q. Back in August, wasn't it? A. Some time during last fall.

Q. And the present attorney general tried the case? A. I think he did, sir.

Q. And did you as a result of whatever you may have done towards working it up personally have any information at all which you imparted to the attorney general at the time of that trial or during its preparation?

Mr. THOMPSON: The case never has been tried yet.

Mr. CLEAVES: You haven't got ready to try it?

Mr. THOMPSON: It has not been tried yet.

Mr. CLEAVES: What was that, a case where a woman committed some sort of deprecation?

A. What was that, pardon me?

Q. The Enfield case, what was that?

A. It was a case where a woman and a little child were killed with a club of wood, as they claimed by one Charles Smith, who is now in jail.

Q. And has not yet been tried? A. He has not; no, sir.

Q. Was there another one of the cases of murder which took some of your time where a man killed a constable who was serving a writ on him and then himself committed suicide? A. That didn't take but very little of my personal time.

Q. That was one of the cases which you spoke about? A. Yes, sir.

Q. And the man committed suicide before the officers could get to him? A. He did; yes, sir.

Q. Now was there another case, the Passadumkeag case? That occurred before your term of office, didn't it?

A. No, sir; that was one that I speak of where the constable by the name of Bean was shot by this fellow.

Q. Was there a Millinocket case? A. That occurred before I became sheriff of Penobscot county.

Q. So that of the three matters—three of the four matters occurred before you came into office? A. Yes, sir.

Q. Has the Millinocket case ever been tried? A. I think the respondent in that case plead guilty to the charge and was sentenced at the February term of court.

Q. Now this arson case of which you spoke. When the man was arrested he plead guilty by reason of insanity, didn't he, and is under observation or was? A. He is now.

Q. And he has never been tried? A. He has never been tried.

Q. And didn't the insurance company send out investigators to look up that matter? A. I think they did, sir; but I went with them to Dover, one of them.

Q. And how long were you gone? A. Two days only.

Q. Now with reference to the strike on the B. & A. Railroad, at the request of the President of the railroad you assigned him a certain number, 12 of your regular deputies, appointed seven others, and did any of those at that time include any of your liquor deputies? A. Two of them.

Q. Two of the 12 were your liquor deputies? A. Two of the 12; yes, sir.

Q. How long were they on duty at the strike? A. Mr. Rackliffe, who is present I think was on 40 days.

Q. How long was the other man on? A. One of them was on for eight days, and another one for five days.

Q. And that left you with how many liquor deputies in Bangor? A. One.

Q. And did you know that if you had taken some of your liquor deputies and assigned them to other duties that you had the right to appoint other liquor deputies to take their places and perform their services? A. I did.

Q. Did you do it? A. I did not.

Q. You knew, didn't you that you could appoint in your county as many deputy sheriffs as you needed, assigning a certain number for service as

liquor deputies? That is right, is it? A. I am aware of that, yes.

Q. And that if your liquor deputies in making search and seizures and investigations needed an aid or two or half a dozen they could put them into the warrant and they would be paid for their services by the county. You knew that, didn't you? A. I did.

Q. So that any one of your liquor deputies could start out with several aids who would be paid for their services. That is right, is it? A. I think so.

Q. Did you ever know of any of your deputies doing that? A. I never did.

Q. Now you sent your deputies, Mr. Spratt and Mr. Trask, up to Portsmouth some time in the early part of the year to get a list of the persons who paid internal revenue tax? A. I did, yes.

Q. And they brought it back, did they? A. They did.

Q. Did you look it over with them? A. I don't think I did; no, sir.

Q. Didn't even look that list of people over who paid the internal revenue tax? A. Not to go through the list entirely.

Q. Don't you apprehend from what you have learned since you came here that had you looked it over you would have found a lot of old friends with whom you were acquainted while you were a liquor deputy? A. I haven't a doubt about it.

Q. But you didn't do it? A. I didn't do it? A. I didn't; no, sir; my deputies did that.

Q. You had that list sent before the grand jury for the purpose of indicting each one from that list? A. That is right, sir.

Q. Previous to that time had you made any effort either personally or through your deputies to seize liquor in all the places named in that list? A. In all of them?

Q. Yes. A. Not all of them. I don't think so; no, sir.

Q. At what time did that list go before the grand jury? A. I think the last week that the grand jury were in session.

Q. And that would be some time in the first part of February? A. Yes, or the middle.

Q. And at that time had either you or your deputies made over 20 seizures in the city of Bangor? A. I should say that they had. Q. How many will you put it at? A. Well, it would be a matter of guess entirely. I have the list here.

Q. Wasn't that pretty nearly the old Bangor plan, Mr. Emerson, to go up to Portsmouth and get a list of those who paid the internal revenue tax and take that in before the grand jury without depriving them of any of their liquors by seizure, and have them indicted and they come in at some term of court when there was not a justice there who was in the habit of giving jail sentences and paying their fines, and do that about three times a year. Wasn't that the old Bangor plan? A. I never knew anything—

Mr. THOMPSON: I object.

The SPEAKER: This is cross examination.

Mr. THOMPSON: I realize that.

The SPEAKER: I think it is admissible on cross examination.

A. I never knew anything about the old Bangor plan. Only what I have heard about it.

Mr. Cleaves: In accordance with what you have heard, isn't that pretty nearly it? A. I should say not, sir.

Q. Wasn't there some feature of the Bangor plan by virtue of which a man got into court about three times a year and paid a fine, and in the mean time didn't lose any of his rum by seizure? A. I am not familiar with the workings of the Bangor plan, because I never was engaged in it and never took part in it and know nothing about it only what I have been told.

Q. Now, who held court at your February term, what judge? A. Judge Cornish, I think, sir.

Q. And he is quite likely to give jail sentences, isn't he? A. Well, I don't know, sir, I never knew the gentleman until I met him in court at the opening of court.

Q. Do you know where the town of Hermon is? A. I do.

Q. And how far is that from Bangor? A. About five miles.

Q. Did you or your deputies hunt in the town of Hermon? A. Yes, sir.

Q. For any of those people against

whom indictments had been found and capias issued? A. I don't know that they did; I never did.

Q. You did not know that your deputies did? A. I did not know that they did.

Q. And did not Deputy Gates up at Millinocket bring in practically all that there were ever brought in? A. I think he did.

Q. He is the man that closed up Millinocket? A. He is.

Q. And you sent capias to him with instructions to have them brought in? A. I did.

Q. And he took you seriously? A. He brought them in.

Q. In these various places where you have personally assisted in making seizures, how many of them occurred in the month of March? A. I think, sir, the seizure that was made of Hancock at the Commercial House was the first part of the month of March. The five seizures I have spoken of, as made without warrants, including the Penobscot Exchange, or in other words the warrant which put the Penobscot Exchange out of business, I think were made in March.

Q. So that as you recall it, one that you assisted in making five seizures, and another when you made one with your deputies, that represents your personal activities in the month of March, as far as the liquor matters are concerned? A. I think I went to Enfield—

Q. I mean in Bangor. We will stay right in Bangor. A. One Sunday afternoon in company with some of my deputies we went out to search with four warrants and procured liquor in three different places, and I am not certain whether that was in March or the last part of February.

Q. Assuming that that was in March, that would make three different days when you personally gave some time to the enforcement of the liquor law? A. In Bangor?

Q. Yes. A. I think so.

Q. On the other 23 days in March, will you kindly tell the convention of the things you personally did to discover what the condition was in Bangor, and if that condition was bad, to relieve it? A. The only thing I can tell this convention that I did personally

was to talk with my deputies, have them make out the lists, swear out the warrants and travel around the streets in company with them, aside from what I have already told.

Q. You do not think of anything else? A. At this moment, I cannot.

Q. And did you personally go into a single one of the open saloons in Bangor to see whether your deputies had followed out your instructoin or not? A. I did not.

Q. You did not? A. I cannot remember that I did.

Q. You spoke of a civil suit against you on account of a deputy seizing a laundry wagon? A. That is true.

Q. When did that seizure occur? A. I think in January.

Q. Now did the fact that one of your deputies made a mistake and got into a laundry wagon instead of a booze wagon so frighten you that you and your deputies made no further attempt to get booze wagons? A. That is not so.

Q. You did not make any attempt afterwards? A. I beg your pardon.

Q. Is there a single warrant or a proceeding against the illegal transportation of any liquor? A. Of the 17 warrants that I have spoken of here, several were made from teams, and this same deputy, Wood, who got into the laundry wagon, made the next seizure made on a team.

Q. Did you get at those seizures any of those barrels of whiskey, 68 that came in, in the month of March? A. No, sir.

Q. Did any of your deputies get any of the barrels of beer that were coming in that month? A. I do not recall that they seized any full barrels, but half barrels at times.

Q. If I understood you correctly, from the list you gave of the number of seizures that have been made, 107 warrants that we have, there were 61 in the three months? A. Seizures?

Q. Yes. A. Yes, sir.

Q. And 107 warrants, 25 of which were unsuccessful, and 17 were taken out after the seizure was made, represents the total activity of yourself and deputies during that three months? A. That is true.

Q. How much of your deputies'

time did that take each morning, when the first thing that they did was to place the lists of warrants and places to be searched with you, and then they would go and issue warrants when it does not amount to but a little over one a day including Sundays? A. Not but a very short time to swear out warrants.

Q. Your deputy, Mr. Wood, he was a liquor deputy? A. Yes, sir.

Q. And has been during your incumbency? A. Yes, sir.

Q. Did he ever tell you anything about having a complaint from an attorney in Bangor in regard to Holland's house? A. I never heard of it.

Q. This attorney went to your deputy, Mr. Wood, and made complaint and had a warrant issued, and Mr. Wood went out and came back with two or three pints of liquor. Then the attorney afterwards inquired at the sheriff's office as to what had been done, and found what had been seized, and then told your deputy that there was a cart load up there and asked him why he didn't take it all. Did you ever hear of that? A. At the house or shop?

Q. Either way. A. I don't remember anything of that kind. I do remember of my deputies making a seizure at Holland's shop on Mercantile street.

Q. And one they did make—A. At Holland's house.

Q. In regard to this Uno analysis, you were asked in connection with your knowledge of Uno beer coming into Bangor, and your statement was that nobody could tell by the looks of the keg whether it was Uno beer or not. I ask you whether in this analysis handed to us by counsel, if every particle of beer was not in bottles having labels on them indicating that the beer came from out of the State of Maine? The bottles themselves and the labels upon them indicated that the bottles and their contents were not bottled in the State of Maine but came originally from beyond the limits of the State of Maine. A. I think this Epstein who runs a bottling establishment on Hancock street where these goods were seized, has this beer

come in kegs, and bottles and labels it and sends it out from there.

Q. Do not the labels which I have shown you in that paper indicate that every one of the bottles came from beyond the State of Maine? What does that paper you have introduced show? A. One reading the label on the bottles might think it did come from out of the State.

Q. When you seized it, it was in bottles, was it not? A. It was in bottles.

Q. Have your officers ever seized a particle of Unc beer in Bangor in kegs? A. No, sir, not in kegs.

Q. You heard the bar described, said to be a marble top bar, do you know what place that is in? A. If my memory serves me correctly, it is Russell's.

Q. When did you see it last? A. Russell's?

Q. Yes, if that is one of the marble top bars. A. I have never been in his place since I have been elected sheriff.

Q. Do you know the Jameson place with the slate top bar next to the shack near the court house. A. What kind of a bar?

Q. A slate top. A. I know where Jameson's place is. I was in it several times when I was deputy sheriff, but never since I became sheriff.

Q. The fire has been since you were a deputy sheriff? A. Yes, sir.

Q. And it is built up new there? Have you not ever been in Jameson's place that a witness described as one of the best bar rooms in Bangor? A. Pardon me, but there are two Jameson's in Bangor.

Q. I am speaking of the one that has a slate bar and is on Harlow street. Have you ever been in it since you were a deputy sheriff? A. No, sir.

Q. That is one of the new buildings erected since the fire? A. Yes, sir.

Q. That is one described by a witness as occupying the whole of the first floor of the building. Is that right? A. As far as I know, I never was in the building.

Q. How far is that from the court

house and jail? A. It is quite a ways off.

Q. How far, quite a ways, but how far? A. It is on Harlow street.

Q. How far from the jail? A. A thousand yards perhaps.

Q. Ever been by it? A. I think I have once.

Q. During all that time have you heard that they were selling rum there? A. I think so.

Q. Why didn't you go in and see whether it was so or not? A. For the same reason I have given before. I had deputies, liquor deputies at work. I had something else to take my time.

Q. That day when you went by after you had heard they were selling liquor there what were you doing that day that caused you to be in such a hurry that you could not stop a minute and see whether they were selling liquor or not? A. Possibly if I could tell what day it was, I might.

Q. Do you want this convention to understand that you were always in such a rush whenever you got to Jameson's place that you did not have time to go in and see whether they were selling liquor or not? A. No, sir.

Q. Why didn't you go in then? A. That I cannot tell you.

Q. You know about the shack? A. I have heard of it.

Q. When first? A. Right away after the fire.

Q. And when did you first hear of it as a rum shop? A. Right very soon after the fire.

Q. When did you first visit it after you were inaugurated sheriff? A. I never was in the shack in my life.

Q. How far is it from the last place we spoke of? A. Right by the side of it.

Q. Can you give the convention any reason why, knowing that as a rum shop ever since the time of the fire and all the time you were sheriff, that you never have been in it? A. The only reason I can give this convention is that I had other duties incumbent upon me besides the duty of

the enforcement of the prohibitory law.

Q. And you have mentioned to this convention all those duties to which you allude? A. I do not know that I have.

Q. If you think of any more duties that take any more of your time that you want to call to their attention, do so. A. When I became sheriff of Penobscot county, we had 98 prisoners in the jail, and prisoners are going in and coming out every day and it requires a good deal of time to look after them.

Q. You knew, did you not, from your experience as a liquor deputy back seven or eight years ago that you had a right under the law to take out a warrant and search a place and finding it is being run as a rum shop, you had a right to take everything that in any way was used in that unlawful business? A. Yes, sir.

Q. Including bar and fixtures? A. I cannot say that I knew I had a right to take the bar?

Q. Did you ever talk with anybody about that? A. I don't know as I ever did.

Q. Have you ever known of a deputy sheriff in other counties that when they made a seizure and meant business got over everything so that they had to start in all over? A. I never knew of a sheriff or a deputy sheriff doing that. I knew the Sturgis Deputies sometimes did that.

Q. That the way they closed places up, and you knew it. A. That was one of their methods.

Q. There is another Jameson place that is nearer the court house than this one that we spoke of close by the shack? A. There is this Joe Jameson's place that I spoke of.

Q. How near is that to the court house? A. Perhaps 400 or 500 feet away—500 yards I should say.

Q. When did you last see the inside of that place? A. I never have been in that place since I became sheriff.

Q. You knew it had the reputation of being an open bar? A. I did.

Q. How near to it did you go when

you left the jail to go down town? A. Just across the street.

Q. In all the time that you were in that locality, and going by it, did it ever occur to you that it would be interesting to find out whether they were selling rum there or not? A. That might have occurred, but I never went in.

Q. You do not remember it if it did occur? A. I can't say as to that.

Mr. DONALD F. SNOW, having been duly sworn, testified as follows:

Examination by Mr. Thompson.

Q. What is your full name? A. Donald F. Snow.

Q. What is your profession? A. Lawyer.

Q. Are you at the present time county attorney of Penobscot county? A. I am.

Q. And have been since the first day of January? A. I have.

Q. Now, Mr. Snow, when you came into office, how many murder cases were there awaiting you? A. The Jacobin, really two, two people were killed.

Q. That was at East Millinocket? A. Yes, sir.

Q. And subsequent to your taking office, was there another murder case? A. The Beane murder case, Officer Beane.

Q. The Jacobin murder case happened during the term of court at August previous? A. August, 1912.

Q. And the duty came upon you to indict him? A. It did. The murder occurred so late.

Q. Now in that case, was it necessary to employ detectives? A. I do not know whether it was necessary, but I did employ some.

Q. Tell just what you did in regard to those detectives so far as pertains to the work of the sheriff. A. Before that I went to Mr. Emerson before January 1st and asked for help on this murder case. The evidence was very conflicting. It was really a mysterious case. He finally made arrangements with Mr. Gates to assist me in the matter. That was before January 1st, and Mr. Gates in company with my brother-in-law and an interpreter worked in Enfield perhaps a week after January 1st. About Janu-

ary 10th I had a Pinkerton detective come from Boston and I smuggled him into jail. He was put into jail as a prisoner in the night. He was a Pole, the same nationality as the prisoner. This detective stayed in Mr. Emerson's jail two weeks. During that two weeks I was in constant communication with Mr. Emerson. By that I mean I saw him in regard to the matter at least every day and sometimes perhaps twice a day. It was necessary to have this detective keep sending out reports and that was worked by the means of letters to fictitious persons. Mr. Emerson and the turnkey and myself were the only people at that time who knew of the arrangements we were trying to complete. Mr. Emerson during that time I think came up to my house one or two evenings, when we did not care to have a conference at my office. After this Pinkerton detective came out of jail, I think he was there about two weeks, the latter part of January, I made arrangements with Mr. Havey, the insurance commissioner, as this arson case was disturbing us very much, and we made arrangements to have another detective come down and he came from Boston and was arrested and taken to jail and stayed in there I think twelve days, inside of the jail, and during the time he was in there, I conferred with Mr. Emerson more than in the previous case. We were very much in fear that the respondent's lawyers would see what we were trying to do, and it was a very difficult matter to get the reports out. I had one or two conferences with Mr. Emerson in his private quarters in the jail, and at last we decided to take the detective out. I took him to my house and he stayed there a matter of ten days, going out in the night time. During that time, I think I can truthfully say that Mr. Emerson came up to my house twice if not three evenings and spent the entire evening in company with the detective and others including Mr. Gates. After the detective came out, he came during the session of the grand jury and developments made it seem necessary to send another detective to Garland. We procured another detective and he went to Garland. The arrangement we were then working made it necessary to have

constant communication with him and part of it went through Mr. Emerson's office. That matter worked out so successfully, this was the second detective agency, that I determined to try the second agency on the Jacobin case. We got two Pole detectives down and had one go to Old Town and got arrested and brought down to the jail. We then went through the same performance, that is, this detective would get his reports out through Mr. Emerson. That man stayed in jail I don't remember how many days, I could tell by looking it up, Mr. Powers and Mr. Emerson being the only ones—and Mr. Gates—at that time knowing of the arrangements. Later on, the very last end of the grand jury term, the developments in the Garland case made it necessary for us to make some secret investigations in the towns of Dover, Foxcroft and Garland. I requested Mr. Emerson to go personally if possible. It was a matter that I did not at that time care to have a great number of people know about, and Mr. Emerson did go taking one deputy and one detective to those towns, and was there I think two days. And at the time the grand jury was in session, we frequently conferred at my request in my office as well as at my house. I think perhaps that is about all in that line.

Q. Now, Mr. Attorney, did you ask the sheriff for men to obtain for you the necessary stamp evidence? A. I did.

Q. And did he assign to you men as he has described? A. Assigned Deputy Spratt and Deputy Trask.

Q. Now, these two men are liquor deputies in Bangor, are they not? A. I think so.

Q. Did you keep them about the grand jury rooms during the session of the grand jury? A. Well, not all of it. They went to Portsmouth the latter part of the first week of the grand jury. I remember one of them got back Sunday and the next one Tuesday I think of the second week. After they got back, I worked on the list nights, about the only time that I could get. By that I mean, that I called in officers as many as I could from the surrounding towns and would take the lists and go over town by town, asking them about them

and getting what evidence I could to back up the stamp so-called.

Q. Now when you procured these indictments, Mr. Attorney, were they obtained on stamp evidence alone? A. They were not.

Q. Each case was corroborated by some additional evidence? A. Why I notified the grand jury that I stood ready to corroborate it if they desired it in any case.

Q. And how many, Mr. Attorney, did they indict at that term? A. 159.

Q. And those indictments were returned into court? A. They were.

Q. And capiases issued? A. They were.

Q. Now on those capiases, Mr. Attorney, how many respondents were brought and haled into court? A. I think before answering that, in justice to Mr. Emerson, I should say that of the 159 indictments 21 indictments were brought against the apothecaries or druggists. They were brought by the grand jury, I might say perhaps, without the evidence exactly being presented to them. I would not care at this time to go into the details unless you desire them. For reasons best known to the prosecuting officer, I at once took the matter up with Judge Cornish as soon as he arrived there and after a conference with him, we decided, I say we, Judge Cornish and myself, to hold the 21 capiases against the druggists. By that I mean, of the 159 indictments, 138 capiases were turned over to Mr. Emerson and not the 159. Now of that number, I am guessing when I say that 14 were brought in during the February term. It is about that number.

Q. And can you give this convention any idea of what became of those 14 cases? A. I can in a general way.

Q. That is all we expect. A. The very first we had was the case of an old gentleman in Hampden. The case was explained to Judge Cornish and he finally placed the matter on file. It was a man who had lost his wife, I think about a month before, and I think he had 8 children. The next respondent I think received a sentence of 4 months and a fine of \$300. And then after that the Millinocket contingent arrived and they received anywhere from \$250 fine to 6 months and \$300. Various sentences

were imposed by Judge Cornish.

Q. How many respondents do you know landed in jail? A. Why on those indictments, I should say 9 or 10—8 or 9.

Q. Now you have heard Mr. Attorney, the attorney for the state ask in regard to one Crowe. Do you know as to whether or not there has been a second search and seizure at the Crowe place recently? A. I simply know this—the only knowledge I have of Major Emerson's searches is what I read in the paper and I think I remember reading in the paper where one of the Crowes a week or two ago—

Judge CLEAVES: Bro. Thompson do you want to put in the newspaper?

Mr. THOMPSON: No.

The SPEAKER: That would not be admissible.

The WITNESS: That is all I know about it.

Q. Mr. Attorney, you heard Geo. F. Hill testify this morning? A. I did.

Q. Do you know Mr. Geo. F. Hill? A. I do.

Q. Do you know what his reputation is for truth and veracity? A. I think I do.

Q. What is it? A. I should say it was very bad.

Cross-Examination by Judge Cleaves.

Q. of these several men who received jail sentences at the February term how many of them live in Bangor? A. Not any.

Q. So that of the 159 indictments, 21 of which were against druggists, not a soul who lived in Bangor was brought in by the sheriff or any of his deputies for sentences before Judge Cornish? A. Just one.

Q. One—and was he sentenced? A. He defaulted.

Q. That is, he came in— A. And gave bonds for his appearance the next day and then it was defaulted the next day. He didn't put in appearance.

Q. So no Bangor man is in jail as a result of any of those indictments? A. Not as the result of the indictments.

Q. Now about what time did you and Sheriff Emerson in your considerations in regard to these various murders and arson cases have your investigations? A. Just about the time the grand jury completed its deliberations.

Q. That would be the last part of February? A. No, that would be about the end of the second week.

Q. End of the second week in February? A. Yes, sir.

Q. So that after that time, Mr. Emerson was off duty as far as you were concerned? A. Why except as to his duties in court, yes sir.

FRED M. GATES, having been duly sworn, testified as follows:

Examination by Mr. Thompson.

Q. What is your name please? A. Fred M. Gates.

Q. And your residence? A. Millinocket.

Q. You are a deputy sheriff of the county of Penobscot? A. I am.

Q. Mr. Gates, how long have you been deputy sheriff in all? A. Going on about ten or eleven years.

Q. And you served two years under Mr. White? A. I did, yes, sir.

Q. And under Mr. Brown? A. Yes, sir.

Q. Now after the first day of January, did you clean up the town of Millinocket? A. I started in just about as soon as I got back there, yes.

Q. And did you make some seizures up there? A. On the 3d day of January I started in. Yes, sir, I made some seizures.

Q. Can you tell this convention how many seizures you made in Millinocket. A. Well, I have sworn out 28 search warrants. I think I have been successful in 16 of them. Twelve of them I missed in.

Q. And have you done anything in the enforcement line outside of the town of Millinocket? A. Why, yes, at East Millinocket, I have sworn out.

Q. What have you done at East Millinocket? A. I went down and swore out before the trial justice, I won't say for sure, but 5 or 6 warrants.

Q. Did you assist in those? A. I did. I assisted the constable. We cleaned them up.

Q. Now did you do anything else outside of those two towns in regard to the prohibitory law? A. Why, I have been at Sherman Station; that is all outside of the town.

Q. And you have worked in three different places then? A. Yes, or anywhere they wanted me.

Q. Millinocket, East Millinocket and Sherman? A. Yes, sir.

Q. Were the capiases given to you at the February term of court? A. They were, yes, sir.

Q. And did you find the respondents in Millinocket? A. I found all but four. I had 16 capiases.

Q. Sixteen capiases? A. I found all but four of them.

Q. You got 12 respondents there, did you? A. I did, yes, sir.

Q. And brought them into court? A. I did.

Q. And as a result, Mr. Gates, of your efforts, how many people are there now in Penobscot jail for violation of the prohibitory law. A. Why at the present time, I think there are 12, from Millinocket, East Millinocket and Sherman Station.

Q. Are there any open rum shops in Millinocket today? A. No, sir.

Q. Have you made any seizures over at the station? A. I have, yes, sir.

Q. I suppose those were seizures which would come under the Interstate Commerce Law, would they not? A. Yes, sir. Shipments from one town in this State to another.

Judge STEARNS: Would not come under.

Q. Have you seized anything from the express companies there? A. Yes, sir.

Cross-Examination by Judge Cleaves.

Q. What is the business at Millinocket? A. It is paper making town.

Q. And the population during the present year, about? A. Why in the neighborhood of, why near in the neighborhood of 4000.

Q. And quite a number of foreign born people? A. Lots of them.

Q. Largely—the population is of a foreign element? A. Yes, sir, a large per cent, of it.

Q. How many open places were there when you began your duties as deputy sheriff the first day of January? A. Thirteen.

Q. And there are none now? A. There are none.

Q. I suppose that all these places that you closed up and have kept closed, you went into them occasionally, didn't you? A. Well, I made a visit once in a while, yes, sir.

Q. And that was the way that you concluded people up there would know that you meant business was to make seizure and then follow it up from time to time to see if they were doing anything—you look at it that way, do you? A. They have to be watched pretty close.

Q. And you don't know of any other way? A. I do not, no, sir.

Q. Of closing anything and keeping it closed—a rum shop—without following up your seizure with visits, do you? A. You have to keep hammering at them all the time.

Q. You wouldn't expect to close those places and keep them closed if you made a seizure on the first day or fourth day of January and never went into the place afterwards, would you? A. No, sir.

Q. You were ready to go anywhere in Penobscot county that the sheriff wanted you to go? A. Yes, sir.

Q. Did he ever ask you to come to Bangor? A. No, sir.

CALVIN KNAIDE, having been duly sworn testified as follows:

Examination by Mr. Thompson.

Q. What is your name A. Calvin Knaide.

Q. You live in Bangor? A. Yes, sir.

Q. Police officer of Bangor. A. Yes, sir.

Q. How long have you been connected with the police department of Bangor? A. 30 years.

Q. What position do you hold? A. Now?

Q. Yes. A. Inspector of police.

Q. And you are the plain-clothes man of the Bangor police department, are you? A. Yes, sir.

Q. And have been for how many years? A. Nine years straight. 10 years since we started.

Q. Now, Mr. Knaide, will you tell this convention what is the condition of the men in Bangor during the spring and fall months particularly

this time of year. A. Well, they are woodsmen, foreigners, mostly all foreigners, coming and going to the woods, and now on the drive back and forth.

Q. What about the numbers? A. Oh, I should say 5,000 or 6,000.

Q. And those people congregate in what part of the town? A. They mostly congregate now on Exchange street and French street and Washington street, they used to on Broad street, not so much now.

Q. Where do these people come from, if you know? A. Well they come from the Provinces, and then the employment agencies go to Boston and fetch them from Boston.

Q. Now will you tell the convention the conditions in the city of Bangor now in regard to the liquor traffic? A. Well, since when? how long?

Q. Well describe it in the last three months. A. Well, the last four years, it has been bad, very bad, couldn't be any worse. It has improved since the first of January considerably.

Q. Describe in what way, Mr. Inspector. A. Well, we haven't had so much trouble, nor had so much drunkenness, haven't had no stealing.

Q. That is, the last three months you mean. A. In the last three months, yes.

Q. And have you assisted in making any searches of liquor? A. Yes.

Q. Describe those searches for the convention. A. Well, I haven't made many, made two, one at Stillwater Park, with the sheriff and another officer, and one down on Broad street with a warrant sworn out by the chief of police Gilman, on Monday, I think, or Tuesday.

Q. Against whom was the one on Broad street? A. Annie Burns.

Q. Describe to the convention what you found there. A. She keeps a food and victualing shop in the front part and in the back part a shop where she feeds people, and this liquor, I found three pint bottles in a long table, a hide she had in the table.

Q. Now tell about the places in Bangor and how liquor is exposed for sale at the present. A. There is no liquor in sight in any of the shops in

the city of Bangor today—I don't know about today, but when I left there.

Q. No liquor in sight? A. None whatever.

Q. That condition recently? A. Well, two or three weeks, around there.

Q. Now about watchers around the city? A. Well watchers around Bangor—everybody on the street if they see a deputy sheriff coming, they will send word around to everybody, merchants will do that, truckmen will do it, and everybody do it.

Q. They are doing that now, are they? A. Yes, sir, and always will do it.

Q. In your opinion, Mr. Inspector, the people in Bangor engaged in the liquor traffic, are they acquainted with these liquor deputies? A. Oh, yes, sir. The first thing they do, find them out, see who they are and get a line on them.

Q. What then? A. And people along the street will send the word along they are coming.

Q. That is called the wireless, isn't it? A. Well, I don't know what they call it, that is the way they do it.

Q. Now what do you say, Mr. Knaide, in regard to the number of saloons in Bangor now in comparison with the first day of January—number of shops rather. A. I should say there is somewhere in the neighborhood of—closed up you mean?

Q. Yes. A. Yes—5 or 6.

Q. Are those shops as a rule kept open all the year round by those people? A. They are.

Q. Do you know Mr. George Frank Hill who testified here this morning? A. I do.

Q. Do you know what his reputation is for truth and veracity? A. It is bad.

Q. Mr. Inspector, these shops that we refer to here in the city, how long have most of them been in existence as shops? A. Well, the most of them have been in existence a long while, couldn't tell you how long.

Q. Have these shops kept open for a good many years? A. All but one.

Q. And were they open during the dry times? A. They were.

Q. During the Sturgis Commission? A. They were.

Q. And are kept open all the time? A. They were, yes, sir.

Q. And those are the same shops that are open today? A. All but one.

Q. What one is that? A. That is Milan's on Washington street, Charles Milan, on Washington street.

Q. That is not open now? A. That is not open, they made two searches, seized and drove him out.

Q. Now if you know, Mr. Inspector, whether or not there was a search made recently in the Crowe place? A. I do.

Q. Was there one? A. There was.

Q. Do you know what the penalty imposed by the court was in that case?

A. Well he gave them a jail sentence, 60 days in jail, and \$100 in case of any default of payment, additional 60.

Q. And they of course appealed?

A. They appealed and gave bonds.

Q. Now what about Peter McAuley's place on Franklin street, do you know where that is? A. I do.

Q. Is that running now? A. No sir.

Q. Closed up is it? A. Closed up now, was when I left Bangor.

Cross-Examination by Judge Cleaves.

Q. You haven't heard since you have been down here whether he was closed up or not? A. No, but I wish I was there to find out.

Q. You have been in several of these open shops since the first day of January, haven't you? A. I have been in the whole of them, sir.

Q. And up to how recent a period, within a few days? A. Yes.

Q. And up to within a week or two ago, they were openly exposing liquor on their bars or about their bars? A. Yes sir.

Q. Running in good old-fashioned shape, were they not? A. I don't know what kind of shape they run it. Anybody who went in there could get it.

Q. Just about the same as they have for a number of years? A. Not quite so bad as they were for the last four years.

Q. But had a good fair stock of liquor on hand all the time? A. Yes, up to a short period ago.

Q. Beer on draught? A. That I couldn't say.

Q. Didn't you notice anything about that? A. I saw the beer there, I couldn't tell what it was, some kind of beer.

Q. When there is a good fair stock of hard liquor on the bar in Bangor, do you know of any citizens there who come in and take Uno as a matter of choice? A. Uno, I don't.

Q. When there is hard liquor about a bar room and you see something on draught, does that call to your mind that it is pretty good evidence that it is either lager or ale? A. I don't drink, and so I can't tell.

Q. In your experience? A. I have taken some that was ale and some that was Uno beer.

Q. With liquor on the bar? A. No, not with liquor on the bar.

Q. When you find liquor on the bar and take it, you don't have to bring it back? A. No, that settles it.

Q. Now, with three or four thousand, as you stated, people coming in from the woods and other places, transient people in Bangor, congregating down around Exchange and French streets, that means a pretty fair sort of business for the places down there? A. And Washington street, and some on Broad street, but not so many as there used to be.

Q. But it means a pretty fair business for any places that are open there? A. I should say it would.

Q. Now that Annie Burns place that the marshal swore out a warrant for and you went down and found three pints of liquor—was that after some woodsman had been robbed in there? A. No sir.

Q. Wasn't there a complaint made to the marshal and he acted upon that complaint? A. No sir.

Q. He went down there of his own motion? A. Yes sir. Well, he sent me down to swear out a warrant and I went down.

Q. And is it your idea and recollection that the city marshal, desiring to enforce the prohibitory law, selected that one place in Bangor where he could make a seizure? A. No sir, he was getting at a house of ill fame, and

there was a lady arrested, and he told me to go in and talk with her, and I went in and talked with her, and I came out and told Chief of Police Gilman, and he got a warrant, and went down and got the stuff. She was tried and bound over in the sum of \$500 for a nuisance.

Q. You spoke about when the sheriff and his deputies started out on a raid that quite a number of people became watchers and sent the word around.

A. They will do it, yes sir.

Q. Now let me ask you if in the same afternoon, on the 4th day of January last, the sheriff and his deputies seized one cart load of liquor from Arthur Martin Cox's place, hauled it off and had the team come back and went down to Richard Crowe's place, seized another cartload and hauled it off, and had the team come back and seize a cartload at McAuley's place, and then come back with the same cart and made a seizure of a cartload at Jameson's place? A. Do you mean the first raid they started? No one knew they were coming until they came, they had deputies in every place at one time.

Q. You heard the sheriff testify? A. I did, I am speaking now about the first trip.

Q. You heard him testify when he said he didn't have deputies enough to cover all the places? A. The first seizure he covered every place, all but two, and they shut up and ran.

Q. Do you know of any places in Bangor that closed up their bars that day except the two that you have spoken of? A. No, I don't know as I do; I couldn't say.

Q. There were two of them that really got frightened and went off? A. They all got frightened.

Q. But two of them went off? A. Yes sir, two that were frightened and ran.

Q. Did they ever come back? A. They are back.

NORMAN SMITH, called for the defense, sworn, in answer to questions by Mr. Thompson, testified as follows:

Q. You are a police officer in the city of Bangor? A. I am.

Q. And have been a great many years? A. 12 years.

Q. Now where is your present beat, Captain? A. Down on Exchange St., Washington St., French St., Hancock St., and Oak St.

Q. That is down where the crowd of woodsmen are now? A. Yes sir.

Q. Now have you made any seizures or searches lately? A. Not since the middle of last summer.

Q. Will you tell the convention in your own way, Captain, just how the conditions in Bangor are at the present time? A. Well, how far back?

Q. Just during the first of the year until the present time. A. Well, they are somewhat better now than they were the first of January. The first of January I considered they were as bad as any time that I have seen for the twelve years that I have been on the force, but I don't think there are so many arrests as usual at this time in the year. I know of some places that have gone out of business, and one of the worst places that I know of that was running the first day of January.

Q. What was that? A. That was the Moosehead.

Q. That has gone out of business? A. That is out of business; it was running the first of January.

Q. Now are there any other places out of business? A. Well, there is one that opened up about two weeks ago and ran a little more than a week there on Washington street—I don't know but what it might have run two weeks—it opened up, and they raided it and closed it, it went out of business.

Q. Now do you know what they call the "wireless" around Bangor? A. I think I do.

Q. Well, Mr. Smith, describe what the wireless is. What is meant by the wireless? A. Well, if a man starts from city hall, they know it on Hancock street before he gets to Pol's Corner. If a public carriage sees an officer that is known to be searching, is prominent in it, when he starts out he will start ahead of him, if he starts up Harlow street he will notify them up that way, if he starts across the bridge, before he gets to the East side of Harlow street, they will know it the whole length of the street and up Hancock street. I have seen it when I was mak-

ing a search on Hancock street, I would have to go at least three quarters of a mile out of my way in order to have any show at all to make a success of it.

Q. Is that wireless in operation now in Bangor? A. Not as much as I have seen it, although I think it was a week ago last Sunday that I saw Sheriff Emerson, his turnkey, Sheriff Spratt, the Sheriff from Hampden—Trask—on Exchange street, and I came down a ways with them, and I stepped out, away from them. I was in uniform, and I made up my mind they was on business, and they would meet with better success with me away from them, so I took the other side of the road. They walked down the street, and shortly after, I went up Hancock street and down French street, and in front of one of the Woodsmen's hotel, there was a man standing in the door, a bartender. Another man came along and he says "Which way did they go?" "Well," this man told him, "They have gone down Washington street, two of them, and I have seen two of them go up Exchange street." There is one bar room on Hancock street, run by Kelliher where they keep a watch on the door all the time and the door bolted, and no man, citizen or officer, gets in that door until they see who he is.

Q. How long has that been? A. Ever since I have been on the beat. I took that the 18th day of March, I think it was.

Q. Do you know where Mike Hennesy's place is? A. I don't think I do. I don't know this man's first name, but he goes by the name of Dike. That is on Hancock street.

Q. What about that place? A. That is the place I have been telling you about.

Q. Are there any more guards out down in that section? A. None that I know of.

Q. Is the alarm given down there when the officers are coming? A. I have seen it given.

Q. Recently? A. Yes, sir, that Sunday that I was telling you about.

Q. What about the business down there at the present time, are they wide open? A. The shops are wide open.

Q. Anything on the bars? A. No, sir.

Q. Are they putting stuff in hides now? A. I couldn't tell you that, for I haven't been in a search.

Q. Whose place was it you spoke of—one or two of them that kept a locked door—those are what you call joints? A. It is a regular bar room, sir.

Q. Wasn't that a pretty low order of bar room? A. I have seen better ones, and a lot worse ones.

Q. Do you know why this particular man keeps his door locked and all the others are open? A. All I know is appearances. I know he keeps it locked, for I have seen it, I have been in there and waited for him to pull the lock.

Q. You don't know why he keeps his locked while all the others are open? A. I can use my common sense, sir and that is all I have attempted. I only know what the appearance is.

Q. When this wireless is working so that they know the Sheriff is coming, wouldn't it be a pretty hard job to get out the beer on draught, if they are drawing it from barrels, before the officers get there? A. Well, that is owing to circumstances. I have seen places where they would get it off before you could get from the door to the bar. I have known a bar room in Bangor with draught ale on and they would get it out of the way before you could get from the door to the bar.

Q. A barrel of beer? A. I don't know whether it was a barrel, but they would get it out of the way so that you couldn't find it. They would be drawing ale when you came in the door, and when you got there, it would be water from the same faucet.

Q. They had one of those two way faucets that they spoke about in Portland, that pipe must lead somewhere? A. Yes, sir, and I know now where the pipe led. I have found one barrel of ale under the sidewalk, and it was a double pipe.

Q. How long ago was that? A. That was several years ago, it wasn't this spring.

Q. Quite a long while ago? A. Yes, sir.

Q. This Mcoshead that they closed—did you ever know of the Sheriff making any seizures there this year? A. I couldn't say, I don't know that he did.

Q. It went into bankruptcy, didn't it? That is the way it closed? A. I couldn't

say sir, I know it was open, and I know it was closed; that is all I can say about it.

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

F. D. DEARTH, called for the defense, sworn, in answer to questions by Mr. Thompson, testified as follows:

Q. Your residence? A. Dexter.

Q. Profession? A. Attorney at law.

Q. You are at present postmaster in Dexter? A. I am.

Q. And have been for how long? A. About 13 years.

Q. Now, Mr. Dearth, you have lived in Dexter practically all your life? A. 20 years.

Q. Just tell what you know about conditions in Dexter? A. Well, the conditions in Dexter relative to the enforcement of the prohibitory law since January 1st, unquestionably have been very much improved. Prior to January 1st, there were places in Dexter commonly known and called as open places. I don't mean by that saloons or rum shops as such, but there were undoubtedly intoxicating liquors sold there, as sort of a side line, in connection with other business. Since the 4th day of January, on which day the sheriff made seizures in Bangor, I believe and know, so far as an honest belief will result in knowledge, that since that time there has been no place in Dexter where intoxicating liquor has been sold openly. If there has been any sale of liquor since that time it has been in a clandestine manner, and there has been no change since that date. I don't think that during Mr. Emerson's administration there have been actually any searches and seizures in Dexter, because the effect of the searches that he made in Bangor on the 4th day of January was such that there has seemed to be no immediate occasion for it up to the present time.

Q. Your testimony and observation all relates to Dexter? A. I have so testified.

ARTEMAS WEATHERBEE, called for the defense, sworn, in answer to questions by Mr. Thompson, testified as follows:

Q. You are an attorney at law? A. I am.

Q. And trial justice at the present

time in the town of Lincoln? A. Yes, sir.

Q. Now, Mr. Weatherbee, will you kindly tell the convention in your own way just what the conditions are in Lincoln, and incidentally, if you remember, tell us how many searches and seizures have been made this year? A. There have been five searches and seizures made this year. We had at least three open places there upon the first day of January, and two of them have been completely closed. One of the sellers is now in jail, the other went completely out of business. The other one is under indictment, and there was a search and seizure at his place of business about a week ago; I don't know whether he is in business now or not. The general condition is a great deal better than it has been before for years.

Q. Do you have all the drunk cases, --do you act as magistrate in all the drunk cases in the town of Lincoln and vicinity? A. I do, yes.

Q. How are they, Mr. Weatherbee, in comparison with some time ago? A. I should say that they were less than formerly.

Q. And on the whole, so far as you have observed, you would say that conditions are much better than they had been previously. A. Decidedly so, yes sir.

Cross-Examination by Judge Cleaves.

Q. You have a deputy sheriff there at Lincoln? A. Yes, sir.

Q. And you and he work together to close up these places? A. Yes, sir.

Q. You believe in full enforcement of the prohibitory law? A. I do.

Q. And have had a deputy sheriff there at Lincoln this year who would work with you? A. Yes, sir.

MERRITT C. FERNALD, called for the defense, sworn, in answer to questions by Mr. Thompson, testified as follows:

Q. Your profession? A. Educator, retired from active service.

Q. You were formerly president of the University of Maine? A. I was.

Q. And you reside at Orono? A. Orono.

Q. Dr. Fernald, you are about the

streets of Orono quite a bit, going about from place to place? A. I go about freely.

Q. Now, Dr. Fernald, will you kindly describe to the convention in your own way the conditions in Orono as they now are? A. In my judgment, and from a limited observation, I am satisfied that conditions are very much better than they have been. I think there has been a large improvement since the first day of January, and if I am permitted to tell my story in my own way I will endeavor to fortify it. All my experience that I have had with the places where intoxicating liquors are sold is very slight indeed. In fact I have rarely been into places where intoxicating liquors are sold, but a few weeks ago I had occasion to look up a man for a little service, and I was told that he was not employed, and could usually be found in one of two rum shops, and I ventured to try to go in—I would heartily admit that that was falling from grace—but I went in and found this man, or attempted to I went to one of the places and I found it closed, locked, barred. I didn't quite understand how that had come about until subsequently. I went to the other place and found my man, and got him out, told him I could put him into better business, and this second place, I am informed, has since been closed.

Now there are two places that are closed, and from the impressions that I have gained on the street, I have been satisfied that the conditions in regard to the sale of intoxicating liquor have changed very materially since the first of January from the quiet on the streets, and the absence of those who are intoxicated or semi-intoxicated. That is from my observations.

Now I sought to confirm or disprove my own impressions by inquiry from certain gentlemen in the town, prominent in the town, known to many of you—

Judge CLEAVES: This is very interesting, but his conversation with men however prominent ought not to be made a subject of testimony.

The SPEAKER: It is against the rules of evidence, Dr. Fernald, that is the difficulty about it, to state what other people have told you. Your observations and your own knowledge are perfectly admissible, but what other people told you they must tell us themselves.

WITNESS: I wanted to confirm it by the Catholic Priest, who knows Orono—

The SPEAKER: It wouldn't be admissible evidence.

Witness: And by other parties. Well, you have the result of my own observation, and I believe it is correct, and it has been fully confirmed by those with whom it has been my privilege to confer upon the subject.

Cross-Examination by Judge Cleaves.

Q. With the exception of this one place that you have spoken of, have you ever been inside of any bar room or liquor place in Orono or elsewhere? A. Not knowingly except of cours in the earlier years I have been into the hotels.

Q. I mean, within the last 10 or a dozen years, we will say? A. Well, the last half dozen years.

Q. And this man that you were looking for, you say you found him and got him out and told him you could put him into better business, had been drinking at that time? A. I don't think he had been; I would make no implication in regard to that man.

Q. And upon this occasion when you went into this place was it fitted up and apparently being used as a bar room at that time? A. I didn't observe; I didn't look about to see whether there were fittings or not; I went after my man, and when I got him I was satisfied; but the place has been closed I am informed since, and it has been notorious.

CHARLES E. RACKLIFFE, called and sworn, testified as follows:

By Mr. Thompson.

Q. What is your name? A. Charles E. Rackliffe.

Q. And you reside where? A. Old Town.

Q. You are a deputy sheriff? A. I am.

Q. How long have you been a deputy sheriff? A. I was a deputy sheriff six years under Sheriff Gilman.

Q. And then you were out four years under White? A. Yes, sir.

Q. And you have been deputy sheriff since the first of January last? A. I have.

Q. Now, Mr. Rackliffe, have you been connected with the B. & A. strike? A. I have.

Q. Where have you been working during that time? A. I have been to Millinocket, Northern Maine Junction and Old Town.

Q. I want you to tell this convention in your own way just what you have done in regard to the enforcement of the liquor law in the city of Old Town? A. Well, I have had somewhere, as near as my memory serves me, in the neighborhood of 25 warrants. I think that I have been successful in nine of these. These that I have been successful in the court has imposed a fine of \$100 and costs and 60 days in jail, and 60 days additional on the non-payment of the fine and costs; and during that time there have been 12 or 14 places which were selling liquor that have closed up their places of business and gone out of the liquor business.

Q. Can you give the names of the people who have gone out of the liquor business? A. I can; that is, I have them on the list in my pocket. I might call them from memory, but probably I might go over them quicker by looking at the list which I have here. Lewis Jam, Fred Lovejoy, William Tier, William Fisher, Frank Miller, John F. Kennedy, Joseph Rich, John English, Charles Perry, Joseph Boulier, Sr., Joseph P. Boulier—and this fellow went out, Mike Sherry, and the other one went out before I came into office, Michaud.

Q. What about the number of searches? Have you searched a great many places in Old Town? A. I have searched them.

Q. Have you ever asked the sheriff for assistance or to assist you in this work? A. I have.

Q. What has been the result? A. The first time he sent up a man, a deputy by the name of Mullin who was with me a few days and then he sent up a man by the name of Trask, and the deputy from Orono, Davis.

(Document put in and marked respondent's exhibit B.)

Q. I hand you paper marked respondent's exhibit B and ask you if that is a certified copy of the record of the liquor cases for the past three months in the town of Old Town, or before the Old Town municipal court? A. I should say it was, nearly all the cases; that is, all up to that time perhaps.

Cross-Examination by Mr. Cleaves.

Q. These places were running pretty fairly open when you went into office the first of January? A. They were, yes, sir.

Q. And were pretty notorious as liquor places? A. Yes, sir.

Q. And you started in making seizures? A. I did as soon as I could.

Q. And followed them up? A. Yes, sir.

Q. And kept at them? A. Yes, sir.

Q. And sent to Bangor and got help? A. Yes, sir.

Q. When did these places go out of business, how recently? A. There has been none go out in the last two weeks, except by hearsay—I hear there are two that have gone out since that time, but none of those that I have read.

Q. But you gradually kept at them until about two weeks ago you got them all out of business? A. All those that I have told you about.

ALBION OAKES, called and sworn, testified as follows:

By Mr. Thompson.

Q. What is your name? A. Albion Oakes.

Q. Where do you live? A. Milford.

Q. That is right across the river from Old Town? A. It is.

Q. Mr. Oakes, will you give the

convention the result of your observation in the past three months in regard to the liquor law in Old Town and vicinity? A. I think in Old Town the liquor situation is being cleaned up very nicely, and in Milford I consider it is entirely cleaned up. There are no open places in Milford today.

Q. And were there some sometime ago? A. There has been a hotel where liquor has been sold almost continuously for—well, nearly as long as I can remember.

Q. And that is out of business now? A. That is out of business since the raid of January 4th.

(Cross examination waived.)

GEORGE W. HATHORN, called and sworn, testified as follows:

By Mr. THOMPSON:

Q. What is your name A. George W. Hathorn.

Q. And your residence? A. Milford.

Q. You are one of the county commissioners of Penobscot county? A. Yes, sir.

Q. How often do you go to Bangor. A. On an average of twice a week, and sometimes more.

And you have to go through Old Town? A. Most always.

Q. And you are about Old Town a good deal? A. Yes.

Q. And you come down on the steam cars as a rule, do you? A. Yes.

Q. And you have to walk up Exchange street and State street and up Hammond street to the court house? A. Yes, sir.

Q. Where your office is? A. Yes, sir.

Q. Now Mr. Hathorn, will you kindly give this convention what your opinion is in regard to conditions all along the line from Milford to the court house?

Mr. CLEAVES: I object to his stating his opinion.

The SPEAKER: He does not probably mean that. You can give your observations and not your opinions.

Mr. THOMPSON: I meant to have stated that.

A. There is only one thing in particular that I have noticed, that is, I would say that I haven't seen as much drunkenness in that period as there formerly was; I haven't observed it on the street.

Q. What about Milford? A. Well, we have only had, as Mr. Oakes testified just

now, one place that ever I knew up there of late years where they sold liquor. I have understood, although I never have been in there myself to see from my observation, but I have understood that that man had gone out of business.

Q. What about Old Town? A. I couldn't say about Old Town, only what I have heard.

Cross-Examination by Judge Cleaves.

Q. What is the name of this man they put out of business at your town? A. In Milford?

Q. Yes. A. I think his name is Madore; he kept hotel there.

Q. Did he go down to Bangor? A. I don't think so. I think he is keeping hotel there now.

Q. When you go from the railroad station up Exchange street, how far do you go before you come to your office, or turn off to go to it? A. We go up about the full length of Exchange street there until after you get up to State street and then I turn to the left and go across the bridge and right up Hammond street to the court house.

Q. Now upon any of your journeys have you ever been into McNamara's place this year? A. I think I was in there once.

Q. When was that? A. I think it was the first time I came over here this winter at some committee hearing; I should say it was in January sometime.

Q. Pretty well stocked bar room at that time? A. I didn't go into it; I didn't go back where the bar was at all.

Q. Have you upon any of your trips to the office been into any of the places for the purpose of observing whether they had a bar or not, and if so, what kind of a bar? A. No, sir; I have not.

Q. So that your entire observation has been merely as you have walked along the street in the forenoon up to your place of business and back down the street along towards night to take your train? A. Yes, sir.

NORMAN A. SMITH recalled, testified as follows:

By Mr. THOMPSON:

Q. Captain Smith, you heard Mr. Ed. H. Emery testify this morning, didn't you? A. I did.

Q. He testified that on March 14th he went to Bangor and went into P. H. McNamara's place on Exchange street. Now do you know where P. H. McNamara's place is? A. I do, sir.

Q. That is, the place to which he referred A. Yes, sir.

Q. Now, had there been a fire in that place about that time? A. There was a fire there the last of February I think it was, if my memory serves me right, I couldn't give you the exact date.

Q. On March 14th was P. H. McNamara's place running? A. I couldn't say as to the 14th. I went on that beat on the 18th, and he was closed then.

Q. And had he been closed? A. Yes, there was a whole block that closed; they were looking it over for repairs.

Q. And that was all burned out? A. It was all burned out and a board across the door.

Cross-Examination by Mr. Cleaves.

Q. Places right in that same locality that were then running as open shops? A. What is that?

Q. Places right in that locality that were then running as open rum shops? A. It is in the same place.

Q. You don't understand me. At the time you say that McNamara's place was closed for repairs there were in that same locality other places running as open rum shops? A. Not in that block.

Q. In that same locality? A. Yes, above there.

Mr. THOMPSON: How far above was the nearest one? A. I should say it would be 150 feet for a guess.

George W. Stearns, called and sworn, testified as follows:

By Mr. THOMPSON,

Q. What is your name? A. George W. Stearns.

Q. And you reside where? A. At Millinocket.

Q. You are judge of the Millinocket municipal court? A. Yes, sir.

Q. How long have you been judge of that court? A. Four years nearly; four years the 15th of next July.

Q. Will you tell the convention about the conditions in Millinocket, and tell about the court work? A. Can I refer to notes I have here?

Q. Yes, certainly. A. Since January 1st, 1913, from our court there has been

issued,—from the Millinocket municipal court there has been issued 28 search and seizure warrants, of which 12 were returned with no liquors found; eight cases were convictions and fined \$100 and costs which were paid; four were continued for sentence on the respondent taking an oath never to engage in the sale of intoxicating liquors again so long as he should live; two were acquitted; and in two cases no arrests were made; those were "persons unknown" warrants. There were two illegal possession warrants issued; one case continued and another case acquitted; two illegal transportation warrants, one continued, and one paid \$50 and costs.

Q. Now you live right there in the town of Millinocket? A. I have for the last 13 years; yes, sir.

Q. State to the convention your observation of the conditions there for the last three months? A. Why, the conditions are very good at Millinocket at the present time; of course there is pocket peddling there, but no open bar rooms. There are those—I imagine, I think, I know in fact, at the present time there are those who are engaged surreptitiously in the sale of intoxicating liquors, but not openly.

Q. Have conditions improved there lately? A. Very much.

Cross-Examination by Judge Cleaves.

Q. You find, do you not, when you have a deputy sheriff in your town who really means to close up liquor saloons, that you can work with him and make the town pretty dry? A. My experience has been confined mostly to association with Mr. Gates, and I find that he has been very efficient.

Q. And working with him in the way he worked, you closed them up tight? A. Well, we closed them up, as I have described. It is not closed. But the open bar rooms are closed.

Q. There are no open places? A. These places referred to are open by claiming to be doing other business. I do not think that intoxicating liquors, other than Uno beer are sold there.

Q. It has been your experience in this matter with a good deputy you can make the town pretty nearly dry? A. Yes, very satisfactory.

Re-direct by Mr. Thompson.

Q. You are judge of that court? A. Yes, sir.

Q. This Uno beer is not seizable? A. No, sir.

John A. Harlow, called and sworn, testified as follows:

By Mr. THOMPSON.

Q. What is your name? A. John A. Harlow.

Q. And your business? A. Assistant superintendent of a pulp mill at Great Works.

Q. That is in Old Town? A. One ward of Old Town.

Q. Will you state in your own way the conditions in your part of the town where the mill is at the present time? A. At the present time I do not know of any places running open. There may be some pocket peddling and some dives at present. I do not know of any open places running in that ward near the mill.

Q. Are there any dives about your place where people hide liquors? A. There is one place where the owner hid two or three barrels of bottled beer some time during the winter under an old mill which was not used except in the summer. The hide was discovered by the men working there and the beer seized.

Q. What do you say as to the conditions as they are there now? A. I think the conditions are very much better than last year, especially in the last four weeks.

(Cross-examination waived.)

CHARLES J. HUTCHINS, called and sworn, testified as follows:

By Mr. Thompson.

Q. What is your full name? A. Charles J. Hutchins.

Q. And your residence? A. Brewer.

Q. You have lived there sometime? A. I have.

Q. You heard the testimony here today? A. I heard most of it.

Q. You are an attorney-at-law? A. I am.

Q. Kindly tell us in your own way in regard to conditions in Brewer? A. Well, I believe that in Brewer proper today and for the past three months there are no places selling any liquor except possibly the drug

stores. I think there are no open bars in Brewer proper. About the drug stores I do not know whether they are selling or not. I am not informed. In South Brewer about two and a half miles from Brewer proper I think there are two or three places possibly where it is reputed liquor is sold. That is the extent of my information.

Q. What do you say about conditions? A. I think the conditions are very excellent in Brewer, indeed.

Q. What do you mean by very excellent? A. I think in times past in Brewer there have been places where liquor was sold. At present I do not think there are places except possibly the exception of the drug stores, and I do not know about that. I think there are no places where liquor is sold.

Cross-Examination by Judge Cleaves.

Q. Your observation having covered a period of years, have you noticed that the open sale of liquor in Bangor rather has the effect of making Brewer dry? A. I don't think it has any effect on Brewer. I have not noticed that it had.

Q. Brewer is right near? A. Yes, across the river.

Q. So that if Bangor is open it does not make so much difference about Brewer? A. I do not know that it makes any difference in Brewer what the conditions are in Bangor.

Q. Then you think if there were two towns snug together, one license and the other no license, that it would not make any difference to the no license town? A. I am not going to give you my opinion. I am telling you about the conditions in Brewer. I do not think they are affected by the conditions in Bangor.

WALTER A. TRASK, called and sworn, testified as follows:

By Mr. Thompson.

Q. What is your full name? A. Walter A. Trask.

Q. And where do you live? A. In Hampden.

Q. And how far from Bangor? A. Five miles, on the car line.

Q. Are you a deputy sheriff? A. I am.

Q. And one of the liquor squad? A. I am.

Q. Now, Mr. Trask, how many days if you remember were you employed on the B. & A. railroad? A. Five days.

Q. Have you been out of town at all? A. I have.

Q. Where have you been? A. In Old Town.

Q. What for? A. I was up there to assist Mr. Rackliffe in searching for liquors.

Q. Have you been to Brewer? A. Yes, sir.

Q. Tell us what happened in Brewer? A. I went down to Brewer one evening to serve a writ, and I stopped in the house a little longer than I expected to and missed my car. I came out on the street and went into a cigar store to get a match to re-light my cigar. On getting in there I heard noises down below, people talking. I mistrusted there was a bar room there. I made the remark to a fellow there, the fellow that sold the cigars, and he says "Yes," and I said, "How long have you been running a bar here," and he said, "Quite a while," I don't remember exactly. I said that I guessed I would go down and see what was doing. I went down below and there were perhaps half a dozen fellows there, and liquor setting on the table. Of course I had no warrant and I simply asked him what was in the bottles, and he told me, and I said that I should have to take them. I took them and brought them to Bangor and I placed him under arrest and he was sentenced by the court.

Q. Will you state to the convention what your experience is lately in regard to hides? A. We have found hides in different places in Bangor. On Third street I remember a dwelling house, the number I do not remember, just beyond Mr. Foley's store on the right, J. Edward Foley's on Third street. We went in there and we found a jug of whiskey and gin and different kinds of liquor in the kitchen. We asked if there was a cellar, and the lady said there was

not. We looked around and found a trap door that we could lift up, and we went down and hunted around and in a pile of wood we found a keg of beer or ale.

Q. Now have you discovered any watchers as you go about searching?
A. I have, sir.

Q. Tell the convention about them?
A. We had a warrant for J. Edward Foley's store. There were three of us going up. We were walking up Third street and a hack came along driving fast, and as it got to the store a fellow jumped out and went in and the hack went on, and they ran their horses to get there ahead of us. At another place, Mrs. Conova's, there was a fellow there whom we saw giving a sign. At 33 Hancock Place there is a place where as you go by there is always a fellow on watch. At the St. James Hotel there is always a fellow in the window watching. And at different places, I do not think of them now.

Q. What have you taken, Mr. Deputy Sheriff, when you have made these searches and seizures, what have you taken? A. I have taken all the liquor that was in sight, when we had a search warrant, all we could find. When it was a seizure I think we took away whatever was before us.

Q. Has the sheriff assisted you in any searches? A. Yes, sir.

Q. What have been his instructions to you? A. His instructions have been to me always to enforce the law and never to leave anything, but take everything that we found.

Q. Do you remember, Mr. Trask, how many places in Bangor you have searched in the last three months? A. I have not kept count. You mean searches separate from seizures?

Q. How many have you had warrants for? A. I should say somewhere around 75 or 100. I couldn't tell exactly.

Q. Do you go around about these places a good deal? A. Yes, sir.

Q. And go into them quite frequently? A. Yes, sir.

Q. What do you do in those places? A. I go into those places and look around and see what they are doing,

and if there is anything in sight I take it.

Q. Do you do that practically all day? A. When I am not doing other things, I look about and I also get the numbers of different places to take into the sheriff's office.

Q. Do you consider you are doing all that you can? A. I certainly do.

Q. Of course you could not give the convention an idea of how many places you have visited in the last three months with or without warrants? A. It seems to me I have visited about all of them. Of course there may be some that I have not. When I began business in Bangor I was a perfectly new man in that line of work and had to get acquainted with the different places, and of course in doing seizing I have started out and travelled from place to place. In lots of places there would be nothing in sight, and in the others I would seize something.

Cross-Examination by Judge Cleaves.

Q. Say in the month of March, after you sort of learned your way around, how many times have you been into McNamara's place. A. I have been in there I should say twice.

Q. Ever see anything? A. I never did, sir.

Q. And any of these places marked in red above there, have you been in any of them since the month of March? A. Yes, sir.

Q. Ever see anything? A. Yes, sir.

Q. In what places? A. In the month of March the sheriff and I and Mr. Spratt made seizures in those places.

Q. In the Eastern Eating House?

A. That is on the left-hand side of Exchange street going toward the station?

Q. In either of those places that you have been into, in the month of March, did you see anything? A. Mr. Victor Chassen's place, we went into all those places. In Chassen's place we found something and also in the eating place.

Q. In what other places here did you find anything in the month of March? A. At Buckley's.

Q. Is he before you get to Hancock street? A. No, sir; below.

Q. Between Hancock and Washington? A. Yes, sir.

Q. What other places? A. Vic. Foley's, on the corner, we went in there and looked around. That is on the corner of York and Exchange streets.

Q. Away up here? (Indicating on plan.) A. Yes, sir.

Q. You looked around. Did you find anything? A. No, sir; there wasn't anything in sight.

Q. Did you go into the Golden Oak? A. Yes, sir.

Q. And did you see anything there? A. Yes, sir.

Q. How many times did you go in? A. We seized all they had and took it away, and I haven't been in there since.

Q. What time was that? A. I can't tell, but sometime in the month of March.

Q. What is the man's name? A. Augustine McIntyre.

Q. Did that fellow go into Bankruptcy? A. I don't know.

Q. Have you ever been in the place right opposite during the month of March? A. Whose place is it?

Q. I haven't been in Bangor very much and you have. Don't you know where there is a liquor saloon pretty nearly opposite the Golden Oak? A. You mean the Manhattan Cafe, do you?

Q. Yes. A. I have not been in there. That is one of the places I haven't been into.

Q. Have you in the month of March been in the Shack or either of the two adjoining places? A. No, sir.

Q. Did you make a seizure? A. I said I hadn't been in there.

Q. Have you been in that place during the month of March? A. I haven't been in the Jameson place—yes, I have been in there in March and in the places adjoining.

Q. In the month of March? A. Yes, sir.

Q. Have you been in the place on Franklin street in the month of March? A. You mean Peter McAuley's?

Q. Yes. A. Yes.

Q. Did you seize anything? A. No, sir; it was all cleaned out.

Q. The place pretty nearly opposite on Central street, one of the Jameson's? A. Joe Jameson, do you mean on Hammond street?

Mr. THOMPSON: Fred Johnson, he means. A. Fred Johnson's—I have not been in there sir. Excuse me, I have been into the place. I take my dinners upstairs in the dining room, the lower part I wasn't in, haven't been near during the month of March at all.

Q. Have you been to this place on the corner of State and Main street during the month of March at all? A. You mean Joe Jameson's, I have, yes, sir.

Q. Did you see anything? A. Yes, sir.

Q. Make a seizure? A. I did.

Q. Was that one of the seizures or did you make a search? A. No, that was a seizure.

Q. I don't understand in regard to that. If I understand your position correctly, when you go into a place without a warrant, you feel that you have a right to seize all that there is in sight that you don't search for. A. Yes, sir.

Q. Now has it ever occurred to you when you went into one of those places and found a lot of stuff stuck up behind the bar, something in the bar, that it would be a good idea for you to stay right there where that stuff was and have a warrant secured to search so that you could get all that there was there. A. Well, I didn't do that Mr.

Q. Did it occur to you? A. I don't know as it did.

Q. And at the end of three months' service, that has never been done by you? A. No, sir, it has not.

Q. Had you done that your search would have disclosed and given you the opportunity to take away all that there was in that kind of place, wouldn't it? A. I presume it would.

Q. And you didn't do it? A. No, sir.

Q. Have you been during the month of March in the Holland place? A. I have, sir.

Q. Make a seizure? A. I did, sir.

Q. Was a search and seizure? A. Seizure.

Q. Seizure? A. Yes, sir.

Q. And have you been in the Crowe place next to it, or next on this plan? A. I have, yes, sir.

Q. And did you make a seizure? A. No, sir.

Q. And find anything? A. We had a search warrant.

Q. And did you find anything? A. Yes, sir.

Q. Did you take away anything? A. Yes, sir.

Q. And the warrant that is produced to the court will show what you took, what you got? A. I presume it will sir.

Q. And did you go to the place next below on this plan to Cox's restaurant? A. I have been in there.

Q. In March? A. Yes, sir. There were no liquors in sight. I had no search warrant.

Q. When you started out that day to go to the Cox place, did you have an idea that you might want to look it over a little? A. Well, I was going around seeing how things looked in the city of Bangor and of course in going down, I went into all of these places, some I caught, some I didn't catch.

Q. When you started out that particular day, did you have a single search warrant of any sort? A. I did not sir.

Q. As a result of anything that you saw in the Cox place, did you afterwards during the month of March, taking any search warrant and go out? A. I did not sir.

Q. But did you make a seizure that day? A. In that place?

Q. Yes. A. No, sir, not in that place. I made no seizure, there was nothing in sight, sir.

Q. Did you see anything that led you to believe that Mr. Cox was doing a liquor business? A. Well I saw nothing around there, he had been selling liquor, whether he was selling it then I did not know.

Q. And his place was still open? A. His place was open.

Q. Did he have a bar-tender there, some one behind the bar, some one in charge apparently keeping the place open? A. Yes.

Q. And thereafterwards, during the entire month of March, did you take out any warrant, or do you know of the sheriff's department taking out any warrant to search that place? A. Not to my knowledge. Might have done it when I wasn't there. I know nothing of it.

Q. Have you taken out a search warrant to search any of these places in Haymarket square which appear on this plan, during the month of March? A. Well, now, I am not positive about that Mr. -- I didn't keep those records, I know we have been down there.

Q. Do you keep any diary of what you were doing? A. No sir, I do not but there is a dairy kept in the office.

Q. Is the man here who has got it, the man in Augusta? Who is the man? What is his name that keeps the diary? A. Why, it is kept by the girl, I think, or Mr. Spratt, one of them, I don't know who keeps it. I think likely it may be kept—

Q. Going around with your associates, liquor deputies, don't you know who it is that makes the record of what you do? A. I see two people working on the books.

Q. I am not talking about books, I am talking about a diary. Do you keep any personal diary, or do you know of any of your associates who do? A. Yes, there is a diary kept in this office and Mr. Spratt has it. And it is kept by him and the stenographer whom we have in the deputy sheriff's office.

Q. Mr. Spratt here? A. Yes, sir.

Q. Well now, during the month of March have you taken out any search warrants against any of the places shown on the map within the space marked Devil's Half-Acre. A. Yes, sir.

Q. What place? A. Well now the name I don't remember. I know we went to this place and if I remember now it comes to me this stuff was found in a hide upstairs, I think it was under the stair. I wouldn't say for sure, but it was found. We hunted there a long while and when we found the stuff this man, well I think he left the house before we found the stuff, and then after we found it, we tried to find him, and he had gone, left the town well, he hadn't left the town then but he had left the building so we couldn't find him.

Q. Now you speak about some searches over on Third street where you found a keg of beer in the wood-pile? A. Yes.

Q. Third street is not shown on this plan at all, is it? A. Why I presume so sir, I don't know. I have not studied your plan.

Q. Well, will you step round here and look and see if you find it anywhere. A. No it is not there.

Q. So that wherever Third street is it is farther away than this plan shows? A. Yes, sir.

Q. And two of the searches or seizures whichever it may have been, which you have testified to, were made upon Third street were they? A. This house was on Third street.

Q. And the store that you speak of, Foley's, that was on Third street—it is a grocery? A. It is a grocery, and he has the name of selling liquor. I think he did, and this house—

Q. Wait just a minute before we leave the grocery store. He has got some groceries in it hasn't he? A. Yes sir.

Q. And how many times have you searched Mr. Foley's grocery store this year? A. Just once.

Q. Didn't find anything there? A. No sir. But we found indications of it. There was where the wireless went in.

Q. Now 33 Hancock street is where? A. Why it is right opposite the Penobscot Exchange.

Q. On this occasion you have spoken of did you find anything? A. The first time we went there with the search warrant—

Q. I am speaking about this time that you have testified to which was in the month of March. Were you there in March at all? A. At 33 Hancock?

Q. Yes. A. I couldn't say for sure Mr.— when that last—. We had two warrants for that place. The first we wasn't successful and the last was.

Q. And you can't remember whether it was in March or not? A. Now let me see.

Q. Whenever it was, since that successful time, have you searched it again? A. No sir.

Q. Now when was the search of the St. James Hotel? A. We have made two.

Q. When was the last one? A. The last one was about the middle of March, I should say.

Q. Was it successful? A. It was not, sir.

Q. Have you searched it since? A. No sir.

Q. Now was there a seizure that you and Mr. Spratt took part in which related to one Holland? A. Yes sir.

Q. And did you go there upon complaint? A. Yes sir.

Q. And was it at Mr. Holland's house? A. Yes sir.

Q. And who made the complaint to you? A. Ulysses G. Mudgett.

Q. And upon that complaint and that warrant, what did you find? A. At the house?

Q. Yes. A. Well, we found—well, now I can't tell you just what we did find.

Q. Well a very small quantity of hard liquor in some bottles? A. Well there was—

Mr. MOREY of Androscoggin: Mr. President, I rise to a point of order. I think if we are to listen to evidence, there should be a quorum present.

On motion by Senator Morey of Androscoggin, the convention took a recess until tomorrow morning at half past nine.