

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Seventy-Second Legislature

OF THE

STATE OF MAINE.

1905.

HOUSE.

Thursday, March 23, 1905.

Prayer by Rev. Mr. White of Hallowell.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

An Act to incorporate the Augusta Board of Trade, came from the Senate, passed to be engrossed under suspension of the rules.

In the House the rules were suspended, the bill received its three readings and was passed to be engrossed in concurrence.

An Act relating to the Northern Gas and Electric Company, came from the Senate passed to be engrossed under suspension of the rules.

In the House the rules were suspended and the bill received its three readings and was then tabled pending its passage to be engrossed on motion of Mr. Higgins of Limerick.

From the Senate:

Resolve in favor of Widows Island.

The House reconsidered the vote whereby the bill was referred to the committee on insane hospitals, the rules were suspended and the resolve was read once without reference to a committee. Pending its second reading the resolve was tabled on motion of Mr. Philbrook of Lisbon.

From the Senate:

Resolve in favor of the clerk to the committee on telegraphs and telephones, pensions, State prison and manufactures. (Read a second time and passed to be engrossed on motion of Mr. Higgins of Limerick.)

From the Senate:

Resolve in favor of the clerk to the committee on temperance. (Read a second time and passed to be engrossed on motion of Mr. Sargent of Brewer.)

From the Senate:

An Act to establish the Lincoln county municipal court. (Tabled pending second reading on motion of Mr. Turner of Whitefield.)

An Act to incorporate the Fall Brook Dam and Improvement Company, the House having accepted the report of the committee "ought not to pass," it

now comes from the Senate, that branch non-concurring and substituting the bill for the report and passing the bill to be engrossed.

On motion of Mr. Higgins of Limerick, the House receded and concurred with the Senate, and the bill was then read three times under suspension of the rules and was passed to be engrossed.

Bill, relating to the compensation of judges of probate, came from the Senate with Senate amendment A.

The House reconsidered the votes whereby this bill was passed to be enacted and passed to be engrossed, Senate amendment A was adopted and the bill was then passed to be engrossed as amended.

Bill to apportion the expenses of bridges between towns, came from the Senate with Senate amendment A adopted.

The House reconsidered the votes whereby this bill was passed to be enacted and passed to be engrossed, Senate amendment A was adopted and the bill was then passed to be engrossed as amended.

Bill, relating to the protection of deer in Kennebec, Knox, Waldo and Lincoln counties, came from the Senate that branch non-concurring in the adoption of House amendment A, and adopting Senate amendment A.

On motion of Mr. Sewall of Bath, the bill was tabled pending the adoption of the amendment.

An Act to amend An Act entitled An Act to set off part of the plantation Number 7 and annex it to the town of Gouldsboro, came from the Senate with Senate amendment A adopted. (Tabled pending the adoption of the amendment on motion of Mr. Hastings of Bethel.)

An Act for the better protection of lobsters having been passed to be engrossed in the House, came from the Senate indefinitely postponed.

On motion of Mr. Littlefield of Rockland, the House receded and concurred with the Senate.

An Act in relation to registers of deeds, comes from the Senate that branch insisting on its action.

On motion of Mr. Littlefield of Rockland, the House voted to insist and

ask for a committee of conference.

The Chair appointed on the part of the House Messrs. Littlefield of Rockland, Marshall of St. George, and Hale of Portland.

Placed on file:

By Mr. Wilder of Pembroke: Petition of Edward Morrison and 34 others of Robbinston, asking for the proper labelling of proprietary medicines.

Reports of Committees.

Mr. Baxter from the committee on legal affairs, reported ought to pass on bill, An Act to amend Section 43 of Chapter 6 of the Revised Statutes, relating to the rejection of other than official ballots at elections.

Mr. Baxter moved that the rules be suspended and the bill receive its three readings at the present time.

On motion of Mr. Littlefield of Rockland, the bill was tabled.

Mr. Lannigan from the committee on taxation, reported in a new draft bill, An Act to encourage the cultivation and preservation of forests and wood lots, and that it ought to pass.

Mr. Sewall of Bath, moved that the rules be suspended and that the bill receive its three readings at the present time.

Mr. OAKES of Auburn: I would like to ask the gentleman from Bath to explain the provisions of the bill.

Mr. SEWALL: Mr. Speaker, it is one of the worst measures that has been introduced here. It is an attempt to do something in this State to preserve the farmer's wood lot and the small sections of wooded land in the incorporated towns and plantations. It is following in line with the advanced states of the Union. It is taking a step in the matter of forestry which is long needed here. It is a bill which has been under consideration by gentlemen familiar with the subject for nearly the whole session and it has the warm approval of the forest commissioner. In fact, it was suggested by his report wherein he says that the protection of growing timber should be encouraged in every way possible. All of us who have observed as interested citizens the way that the industries of this State and the scenic beauties of this State are suffering through the increasing

price of timber and the inducement thereby on the part of the owner to sacrifice his timber for immediate profit, have realized that it was time we took some step in this direction. This step is a very modest one. No one travelling through our State has failed to notice the depredation of the sawmill, how timber goes from soil which cannot be cultivated and cannot be used afterwards, how it interferes with the source of our water supplies so that in the lower tier of counties in the State streams which used to be rivers in the days of our fathers now are scarcely less than brooks. We have heard a great deal about the vast area of timber lands in our State. This bill is designed to give some measure of protection to the farmer and the small holder of wood lots throughout our State. It will gradually affect the attractions of certain regions of our State and affect the water supply. But the owners of these wood lots find no inducement to keep them when they are taxed today on what in some cases is a heavy valuation if the timber is of any size of any importance; and since the advent of the portable sawmill the question is even a more serious one. In the section where the gentleman from Auburn lives there is a great deal of interest taken in this matter, and the people at Poland Springs have been buying up tracts of land about that region in order to preserve them for the people of the State for the benefit of all. This bill is modelled after laws in a very progressive commonwealth in this matter, the State of Pennsylvania, and has in it a provision which Massachusetts has adopted, and a provision which over 20 years ago we adopted in our own statutes but that law has become obsolete. It has three heads, one to encourage the planting of trees; the second clause gives a rebate on forests which have been cleared once but which are really the farmer's wood lots, trees growing up naturally after the heavy growth has been cut off; and the third clause applies to the larger timber, timber of more value, comprising the many groves of pine and such natural growths as we find too seldom scattered through our State.

That is briefly the bill, and it has been considered thoroughly by the

committee on taxation and it has been shown to everybody who has evinced any interest in forest culture. It is a worthy measure and one which if we adopt it now will save a great deal of this timber which otherwise will fall beneath the axe in the next two years. And the worthiest feature of it to my mind is that it is giving an inducement to the farmer with a wood lot to preserve it; and no farm that is worth passing down to your children is of any good at all without its wood lot. Wood lots have become so valuable that there is a great inducement to the farmer of small means to part with them outright and have them swept entirely away; and in that respect the bill is a slight recognition of what a great many consider is something of an inequality in taxation between the owner of small wood lots and the owners of vast areas of timber lands. The only criticism that can be made in regard to the bill is that it does not go far enough. The areas have been limited in the bill to 100 acres, and alien owners are exempted under the terms of the bill. There is every authority for it in other states. I sincerely hope that the House will give it its approval. (Applause.)

Mr. OAKES: I would ask if it applies to cities.

Mr. SEWALL: It is meant to apply to cities.

Mr. OAKES: I suppose under the general statute definitions it would so apply. I would like to inquire as to the estimate of the probable expense to the towns, if that has been considered.

Mr. SEWALL: That would be a hard matter to get at. The committee on taxation is composed I think chiefly of members from the towns; and it was a principle I was struggling for and not a matter of figures. These gentlemen did not think it would affect the revenues of the towns injuriously. They thought by limiting it to a hundred acres it would be a great inducement possibly to the small owner and would not cut any serious figure in the revenues of the town.

The bill was then passed to be engrossed.

Mr. Weatherbee from the committee on legal affairs, reported in a new draft

bill, An Act to amend Section two of Chapter 211 of the Private Laws of 1895, relating to the Bangor Municipal Court, and that it ought to pass. (Tabled for printing under the joint rules.)

Mr. Littlefield, from the committee on library, reported in a new draft bill, An Act to amend Section 15 of Chapter 57 of the Revised Statutes, relating to free public libraries, and that it ought to pass.

The report was accepted, and on motion of Mr. Jillson of Otisfield, the rules were suspended, the bill received its three readings without being printed and was passed to be engrossed.

Bill to prevent the wilful destruction of trailing arbutus, came from the Senate that branch non-concurring in the action of the House and passing the bill to be engrossed.

On motion of Mr. Stevens of Portland, the House voted to insist and ask for a committee of conference.

The Speaker appointed on the part of the House Messrs. Reed of Portland, Merrill of Skowhegan and Hale of Portland.

First Reading of Printed Bills.

(The following were passed to be engrossed under suspension of the rules.)

An Act to amend Section 2 of Chapter 25 of the Revised Statutes relating to ferries.

An Act to amend Section 16 of Chapter 90 of the Revised Statutes relative to partition of real estate.

An Act to grant certain powers to the town of Eden.

Resolve in favor of Samuel A. Hill.

Resolve in favor of Secretary to committee on sea and shore fisheries.

Resolve in favor of State House employes.

Resolve in favor of Eugene Thomas, secretary of the committee on education.

Passed to be Engrossed.

Resolve in favor of the Eastern Maine Insane hospital.

Resolve in favor of the Maine Insane hospital.

The order passed by the House, yesterday, introduced by Mr. Nash of

Damariscotta, comes from the Senate amended by adding resolve in favor of the town of Bristol.

The House receded and concurred with the Senate in adopting the amendment.

The Chair laid before the House the resolve accompanying the order: Resolve that there be paid the town of Bristol \$67.50, which is one-half of the outlay in maintaining a free High school that remains unadjusted with the department of schools for the year 1904, the committee referring this resolve to the next Legislature.

On motion of Mr. Nash of Damariscotta, the House reconsidered the vote whereby it accepted the report of the committee, and on further motion by Mr. Nash the resolve was substituted for the report.

Mr. Morey moved to reconsider the vote whereby the House substituted the resolve for the report.

The motion was lost.

On motion of Mr. Nash, the rules were suspended, the resolve received its two readings without being printed and was passed to be engrossed.

Passed to be Enacted.

An Act to authorize the town of Castine to construct for itself and for persons and corporations a system of water-works within said town.

An Act to amend Chapter 24 of the Revised Statutes, relating to registering, numbering and regulating the speed of automobiles and motor vehicles and for licensing the operator thereof.

An Act to reimburse the town of Chelsea.

An Act to make valid the action of the town of Standish in uniting the former school districts of South Standish and Bonny Eagle. (Indefinitely postponed on motion of Mr. Hastings of Bethel.)

An Act to amend paragraph 7 of Section 4 of Chapter 49 of the Revised Statutes of Maine, relating to fire insurance policies.

An Act to apportion the expenses of bridges between towns.

Orders of the Day.

On motion of Mr. Thompson of Orono, bill to amend an act establishing a

municipal court in Skowhegan, was taken from the table, and on further motion by the same gentleman, the House receded and concurred with the Senate in indefinitely postponing the bill.

On motion of Mr. Merrill of Skowhegan, bill to enlarge the jurisdiction of the municipal court of Dexter, was taken from the table. (Read a third time and passed to be engrossed.)

On motion of Mr. Turner of Whitefield, bill to establish the Lincoln county municipal court, was taken from the table.

The pending amendment was adopted.

Mr. Turner offered an amendment referring the matter to the voters of Lincoln county.

Mr. Baldwin of Boothbay Harbor, moved that the amendment be rejected.

Mr. TURNER of Whitefield: Mr. Speaker, I know of no one who is in favor of this bill except the lawyers. I don't think there is one out of a thousand of the people of our county that wants it. I don't care myself particularly whether the bill passes or not, but I want the people in Lincoln county to have just what they want. If they want this municipal court, let them have it; if they don't want it, I don't want you to try to force it upon them. I could have procured hundreds of remonstrances against the bill if I had taken the trouble. I think it is better to leave it to the voters on election day. I hope you will adopt this amendment and let us have things in our county just as we want them.

The question being on the adoption of the amendment,

The amendment was adopted.

The bill was then read twice, and on motion of Mr. Turner, the rules were suspended, the bill received its third reading and was passed to be engrossed as amended.

On motion of Mr. Sewall of Bath, bill relating to the protection of deer in the counties of Kennebec, Knox, Waldo and Lincoln, was taken from the table, and on further motion by the same gentleman the House receded and concurred in adopting the Senate amendment.

The bill was then passed to be engrossed as amended in concurrence.

On motion of Mr. Garcelon of Lew-

iston, the House voted to recall from the engrossing department bill to amend Section 35 of Chapter 65 of the Revised Statutes, relating to costs in contested cases.

On motion of Mr. Hastings of Bethel, bill to set off part of plantation Number seven and annex it to the town of Gouldsboro, was taken from the table, and on further motion by the same gentleman the House concurred with the Senate in the adoption of the pending amendment, and the bill was then passed to be engrossed as amended.

On motion of Mr. Hastings, bill, relating to fishing in Magalloway river in Oxford county, was taken from the table.

The bill was then read the third time and was passed to be engrossed.

On motion of Mr. Oakes of Auburn, bill, An Act to secure proper and uniform records in municipal courts and provide for supplies, was taken from the table.

Mr. Oakes moved that this bill be indefinitely postponed.

The motion was agreed to.

On motion of Mr. Baldwin of Boothbay Harbor, report of committee on sea and shore fisheries reporting "ought to pass" on bill, to repeal Chapter 317 of the Special Laws of 1903, relating to clams in Scarborough, was taken from the table.

The report was accepted.

Mr. Baldwin offered an amendment, by striking out all after the enacting clause and substituting the following: "Section 1. Chapter 317 of the Private and Special Laws of 1903 is hereby repealed. Section 2. This act shall not take effect unless a majority of the voters of said town of Scarborough voting shall vote to accept the same at the next annual meeting of said town or at a prior special meeting for that purpose."

The amendment was adopted and the bill was read twice, and on motion of Mr. Baldwin the rules were suspended, the bill received its third reading and was passed to be engrossed.

The Speaker informed the House that bill, An Act to amend Section 35 of Chapter 65 of the Revised Statutes, relating to costs in contested cases, had been returned to the House from the engrossing department.

Mr. GARCELON of Lewiston: Mr. Speaker, this bill passed through the House, yesterday to be engrossed, the

title only having been read. I desire to read the bill:

"Section 1. Section thirty-five of Chapter sixty-five of the Revised Statutes is hereby amended by inserting after the word "costs" the words 'and counsel fees,' so that said section as amended shall read as follows:

"Section 35. In all contested cases in the original or appellate court of probate, costs may be allowed to either party, to be paid by the other, or costs and counsel fees may be allowed to either or both parties, to be paid out of the estate in controversy, as justice requires; and executions may be issued therefor as in courts of common law."

"Section 2. This act shall take effect when approved."

That, gentlemen, invites litigation. It opens the door to a flood of litigation such as perhaps we have never witnessed in this State in reference to dead mens' estates. Considering the lateness of this session and the importance of this matter I cite your attention to this question that you may exercise your best judgment upon this important proposition. There are several objections to this bill. It provides that it shall take effect when approved. This applies to cases now in controversy, and it further allows the judge of every probate court in the State of Maine to grant the fees of the contesting parties. There is no estate in this State that is safe under such a provision. As the law now stands these fees may be allowed as justice requires when a case is carried to the supreme court. By this bill you open the door and allow those fees to be allowed by the judge of probate in every county in the State of Maine. I ask your careful consideration of this question. I move that this bill be indefinitely postponed.

Mr. LITTLEFIELD of Rockland: Mr. Speaker, I think the gentleman from Lewiston is unduly exercised in relation to this bill. He states that the supreme court of probate can do now just exactly what this bill provides. I never heard that the supreme court of probate had any more authority than the original court of probate except to revise the action of the original court of probate. If the supreme court of probate can do this thing now without any act, it is only necessary for a party who wishes fees and costs allowed to appeal to the su-

preme court of probate and have the supreme court allow them, and that would promote litigation because it might all be ended and stopped in the lower court, so if his assumption as to the condition of the law at the present time is correct I think that the failure to pass this bill would rather promote litigation than the opposite of it. I know that the court has allowed fees and costs in some cases, but I think some question has arisen in the court as to its power in relation to that matter. Suppose that one of you is appointed executor of a will and it becomes your duty to prove that will. He may be in no way interested in the will financially, but from the fact that he is named as executor it becomes a part of his duty to go to a reasonable expense to prove the will. Suppose the will is disallowed. Is it not proper in such a case that the court should have authority to allow the expenses incurred by the executor in the performance of his duty notwithstanding the decision was against him? Now this bill does not undertake to give anybody a right to have them allowed. It simply authorizes the court if in its discretion it shall come to the conclusion that it ought to be done, to do it. Do you think that somebody will undertake groundless litigation on the prospect of succeeding in getting a judge to allow fees in a case of that kind?

This bill simply authorizes the judge in a proper case to allow the costs and expenses of both sides; and unquestionably there are cases where the party who is not sustained in the litigation may suffer a great hardship, and the estate ought to bear the expenses as in the case I have suggested, where a will is not sustained, and there is no provision unless the court has authority to pay his expenses in performing his duty. There is nothing objectionable or unusual in the bill, and it is an authority that the courts ought to have by statute so they will know what their authority is; and I submit that we can trust the judiciary of this State in the probate court or in the supreme court to well and wisely administer the law, and we will be it enable them to do justice when the case arises in which they ought to have this authority. I trust the motion to indefinitely postpone will not prevail and that the report of the committee will be sustained.

Mr. OAKES of Auburn: Mr. Speaker, my impression is without discussing the legal effect of the matter, that the practical effect of this will be to extend the allowance of fees from probate estates, and that has gone pretty well to its limit already. I have known cases where it has seemed to me unjust, where a small estate has been loaded with counsel fees, and it is certainly true that large estates are loaded proportionately. The question of costs can perhaps be better taken care of in this way as the law now stands. It seems to me that we are going a step in the wrong direction when we add an inducement to litigation by saying in so many words that counsel fees shall be in the discretion of all the judges of probate in the State of Maine in the case of any contested matter. I hope that the motion to indefinitely postpone will prevail.

Mr. MOREY of Lewiston: Mr. Speaker, I think the motion of the gentleman from Lewiston should prevail. The present law in relation to costs is one which has been there for a great many years, and it only allows to be paid out of the estate the taxable costs of court. It does not allow any counsel fees to be paid. Our law is based on the law of Massachusetts, and the courts of Massachusetts say that counsel fees shall not be allowed out of the estate. I think it fair that any persons employing an attorney to contest a will should pay them for it, and that the estate, when parties do not want to be dragged into litigation, amount. If it becomes a law there is no estate in moderate circumstances but what litigation would be invited to should not be made to pay this it in case of any will being made; and I trust that the motion will prevail and that this matter will be indefinitely postponed and the law allowed to remain as it is and as it has been for years in Massachusetts and in this State.

The question being on the indefinite postponement of the bill, the motion was agreed to.

On motion of Mr. Belleau of Lewiston, bill to amend Revised Statutes relating to proceeding for divorce, was taken from the table.

Mr. BELLEAU: Mr. Speaker, this bill simply adds to the numerous causes for divorce on the statute books, another cause, to wit, insanity. I do not believe, Mr. Speaker, that the people of this State want this other cause added now to the numerous causes for which divorces are so easily obtained; and for the honor of the people of the State of Maine I move you that this bill be now indefinitely postponed.

The motion was agreed to.

On motion of Mr. Josselyn of Portland, bill, to prohibit use of titles applied to banks and trust companies by other than those duly authorized, was taken from the table.

The bill was then passed to be engrossed as amended.

On motion of Mr. Philbrook of Lisbon, resolve in favor of Widows Island was taken from the table.

The resolve was then read a second time and passed to be engrossed.

On motion of Mr. Merrill of Skowhegan, bill relating to testimony when party is executor or administrator, was taken from the table.

Mr. MERRILL: I will read the bill.

"An Act to repeal Section 112 of Chapter 84 of the Revised Statutes in relation to the taking testimony when the party prosecuting or the party defending is an executor or administrator.

"Be it enacted by the Senate and House of Representatives in Legislature assembled as follows:

"Section 112 of Chapter 84 of the Revised Statutes is hereby repealed."

The statute provides now that where the party prosecuting or defending a suit is an executor or an administrator of an estate, that the opposite party shall not be allowed to testify as against the dead man's estate. Now this act provides that that law shall be repealed. For a great many centuries, and late into the past century which has just closed, litigants, being so much interested in their cause, were not allowed to go on the stand as witnesses. But the good judgment of the Legislature of this State gave to all parties interested the right to testify in their own behalf except as this provides, where the other party is dead. Now, this opens the door to

this,—that when a man dies somebody comes up with a claim against him and is allowed to be a witness in all matters and to testify to whatever he sees fit, while the lips of the other party, who is presumed to know the most about the affair, have been closed by death, and his estate is subjected to the attacks of a class of men who may not be absolutely honest and who, by the provisions of this act, can go into court and swear as they see fit against the dead man's estate.

I hope, gentlemen, that we will not sit by and see so iniquitous a bill as that passed: and I move that it be indefinitely postponed.

The motion was agreed to.

Mr. Hale from the Portland Delegation, reported in a new draft bill, An Act in relation to the powers of the Portland Gas Light Company, and that it ought to pass.

On motion of Mr. Hale, the rules were suspended, the bill received its three readings without being printed and was passed to be engrossed.

On motion of Mr. Littlefield of Rockland, bill, enlarging the duties of county attorney, was taken from the table.

Mr. Littlefield offered an amendment by adding to section two; "But shall in no way relate to or give the county attorney control of litigation in which the county is not financially interested, although the official acts and doings of the county commissioners may be called in question."

The amendment was adopted, the bill was then read a third time and was passed to be engrossed as amended.

Special assignment: Bill, relating to advertising hearings before legislative committees.

On motion of Mr. Higgins the bill was tabled and assigned for tomorrow morning.

Special assignment: Resolve, appropriating money for obtaining information in regard to wild lands for purposes of taxation.

On motion of Mr. Higgins, the resolve was tabled.

Initiative and Referendum.

The SPEAKER: The Chair lays before the House as special assignment the following:

Resolve proposing an amendment to article four of the constitution of the State of Maine, establishing a people's veto through the optional referendum, and a direct initiative by petition and at general elections.

Mr. HIGGINS of Limerick: Mr. Speaker, I would ask whether upon its final passage it requires a two-thirds vote of the House?

The SPEAKER: The constitution so reads, two-thirds of those present.

The question being on concurring with the Senate in adopting the minority report.

Mr. MERRILL of Skowhegan: Mr. Speaker and gentlemen of the House, perhaps you don't all understand fully the purpose of this bill. It is called the initiative and referendum. In its principles it is very simple. It is something that we have and always have had in this State in all of our towns in the management of our town affairs. You will all recall the fact that if there is any measure that is desired to be brought to the attention of your town, that by virtue of our statute ten legal voters of the town may ask the selectmen of the town to call a town meeting, and they may ask that a certain article may be inserted into the warrant in that town meeting, and submitting to the people that proposition and asking them to vote upon it. Now, that petition to the selectmen of the town and asking them to insert a certain article into the town warrant is in fact the initiative. By putting that article into the town warrant you initiate the measure upon which the people of that town, your town or my town, are called upon to vote. Now, that is a right that we have always enjoyed in this State; that is the taking of the first or initiatory step to call upon the citizens of the town and ask them to do what you want them to do; that is your constitutional right. When that article is inserted in the warrant, the people of the town assemble, and then the article is submitted to the vote of the people of the town, whatever it may call for, and is decided by a ma-

jority vote. That is your right today. Now, when the people vote upon that article, and the majority vote for it or the majority vote against it, that determines the question, that is the referendum.

Now, gentlemen, there are the principles involved in this bill, asking of this Legislature to extend that same principle of initiative law in this State, and asking for the referendum of those laws to the people of the State. Now, in town matters I ask you, gentlemen, has it not always been a success, has it not always met with the approval of every law-abiding citizen, and should this Legislature attempt to take away from the people of this State the right to initiate a measure in the town meetings? Would you grant it for a moment? This law simply asks that this Legislature extend that principle one step further; it asks that the people of the State, instead of limiting it to the individual in the town, it asks that the people of the State, upon petition signed by ten or twelve per cent. of the legal voters of the State petitioning and initiating a bill, when signed by that percentage of the legal voters, reckoned upon the last preceding vote at the State election, signed by ten per cent. of the legal voters of the State of Maine asking that a bill be considered by the incoming Legislature of this State, by their representatives, when that ten per cent. of the voters of the State ask that a law be presented to this Legislature, then it becomes the duty of this Legislature under this law to introduce that bill, and then if the Legislature passes it, well and good; and then it becomes a law.

Now, gentlemen, I want to read some of the provisions of this bill in order that you may understand more fully just what it is. "That the following amendment to the constitution of this State be proposed for the action of the legal voters of this State in the manner provided by the constitution, to wit:

'Article 4. Part third is hereby amended by adding thereto the following sections:

Section 16. No act of the Legislature not passed to be enacted by a two-thirds vote of each house, taken by yeas and nays, shall take effect until

90 days after the recess of the Legislature passing it." Or, in other words, when a measure passes this House, or both branches of this Legislature by a two-thirds vote, taken by the yeas and nays, when it becomes a law without referring it to the people; but an act not so passed does not become the fixed law and go into effect until after the expiration of 90 days, and during that period of 90 days certain rights are granted to the people. It follows, "Any act, if ten per cent. of the voters calculated upon the vote at the preceding general election for governor, not more than 15 per cent. of whom shall be from any one county, by petition signed and filed with the secretary of State within said time, shall so request, shall be submitted to the people, on a ballot by itself, not later than the next general election and shall only go into effect 10 days after the governor and council canvassing the vote thereon shall declare a majority of the votes upon such act to have been cast therefor."

Now, after it has been passed and ten per cent of the people sign a petition, then it must go to the people to pass upon that law as to whether or not they want it. Now, gentlemen, is that right? What is the fundamental principle, the bed rock, and the foundation stone upon which a true republic or a true democracy is based. It is a government by, for and of the people. It does not interfere with our representative government in any respect. It simply goes a step further than it has up to the present time and increases the rights of all the people of the State. When was the Child of Liberty first born, as it were, and where? It was when the barons of England confronted King John at Runnymede and demanded certain rights and privileges for the people, that no longer would they submit to the tyrannical rule of a king without any rights whatever but the single declaration of a king that such and such should be the law. I say, gentlemen, then and there was born the Child of Liberty; it was then and there that the parents of that child, the barons of England, wrung from King John that great charter, the Magna Charta, under which and to which every republic and every people now have to go and find in that charter the principles that give to us the liberties of today.

Now, Mr. Speaker and Gentlemen of the House, what does this bill ask for? It simply asks that you still give to the people of the State of Maine more rights for themselves the law by which they shall be ruled; it refers to the people the laws passed by this Legislature, and why shouldn't it? Some gentlemen have said in conversation with me, "Why, we are sent here by our constituents to pass laws, and we know better than they do what they want." It was a wise saying of Abraham Lincoln and which has been so often quoted that "the good plain people of this land are safe to rule it." And do you, Mr. Speaker and gentlemen, propose to say to the people of the State of Maine that you know better what they want than they themselves know? Do you propose to say by your vote here that the people of the good old State of Maine do not know what kind of laws they want to live under? Do you assume yourselves to be superior to the men who sent you here? I say that the people of the State of Maine are able and capable of judging for themselves what kind of law they want to live under. In the hurry and rush of a term of this Legislature where there have been considered between 500 and 600 bills introduced into this House and between 200 and 300 introduced into the Senate, making about 700 or 800 bills that have been considered by those two branches in the last three months, wouldn't it be strange if there were not some laws passed here that were not only unjust but such as viewed in the moments of reflection during the 90 days that you give to the people in which to look those laws over—laws made for the people and for them to say if they see fit that those laws are not such as they want—and when 10 per cent. of the whole people of the State of Maine take so much interest in that proposition as to sign a petition and ask to have that bill or that act referred to them, do you propose to say that you will not submit that question to them? You may ask who is behind this bill. Twenty-five thousand petitioners of the labor unions of the State of Maine—40,000 of the grangers of the State of Maine and 25,000 members of the Civic League, making a total of nearly 90,000 who come here and ask for the passage of this law. Who is behind it? The people of the State of Maine are behind it, regardless of party. It is no party measure; there is no

politics in it, but the people of the State of Maine are demanding it, and they are demanding it at our hands.

But, sir, some will say, "Why, if you pass this bill—here are some 200 or 300 or 400 or 500 acts that have gone through this Legislature this winter that the people of the State of Maine will demand that they have a right to vote upon." Now, that is not so; that does not follow; there may not be one act passed by this Legislature where the people will petition and ask for a referendum. If the laws are just and they are such as the people believe in, then there will be no petition, and there will be no referendum. Why, gentlemen, consider what we are, who we are, and what our position is relative to the rest of the State. We are here in the capacity of agents for our constituents—not only our immediate constituencies, but when we have assembled here and have taken our oaths to do our duty as representatives, we then become the representatives of the entire State, and as such what is our duty? We are the mere agents of the people. We are here as the agents of the people and servants of the people and we should be guided and be willing to be bound by their wishes, and if in the haste of legislation we pass a law that the people of the State of Maine don't want, then they should have the privilege of having it submitted to them, and if a majority of the people of the State of Maine say that that law is not in accordance with their wishes they don't want to be governed by such a law, that it is detrimental to their interests—if the majority of them say so, then it does not become a law. Who is to be harmed by it?

Now, Mr. Speaker and gentlemen, I have often heard it said around this State House that the third branch of this Legislature has about as much influence on the floor of this House as any other branch, and has about as much to do with the legislation that goes through this House. What would this initiative and referendum do for those gentlemen? It would consign them to their homes, because with it no longer could they lobby bills through this House or kill bills that are introduced in the interest of the people of the State of Maine. Because why? Because if the people said those laws were wrong, and they had a right to have them referred to the people, then the lobby

that is around this State House for anything that is unjust and for anything that is wrong would be done away with, because they would know and fully understand that the people of the State of Maine would have a voice in saying whether that law shall take effect or not. I say to you, Mr. Speaker and Gentlemen of the House, I believe this is a bill fraught with more good to the people of the State of Maine than any bill that has come before this House this winter. Are you afraid to go into your respective towns and say to your fellow citizens who have confidence enough in you to send you here—are you afraid to say to them, "We have passed a law this winter whereby you may have a direct voice, if necessary, a direct right to initiate legislation if you want to do it."

The gentleman from Boothbay Harbor has handed me this. "This (referring to this House) is in itself only a referendum. It can only be adopted after a majority of the voters voting for it." And that is true to a certain extent. They come here to us and refer to our several committees the propositions which they ask to become law. The committees report to whom? To the referees—to the referendum—you, gentlemen; and this bill simply asks if the people demand it that you refer it to the people themselves, and give them an opportunity to say what the law shall be. We have arrived today at a place where the people have a voice. We want this extended a little further. What do we do in every state and national election? In the first place in our platform we lay down the general rules by which our party shall be governed. That is the initiative. Then we go to the people upon that platform and ask them to sustain the men whom they nominate as the representative of the people to carry out the initiative. You refer it to the people and there you have got the referendum again. And when the National Congress passes a law that does not suit the majority of the people of the United States what do they do in the very next campaign? They turn down that party and install in power another party that will promise to do that which they want to have done. It is only carrying a step further this great principle of the people's

having a government made by themselves and for themselves; it is a government under which the governed make laws for themselves.

Now, Mr. Speaker and gentlemen of the House, I hope when you come to consider this question that you will adopt the minority report of the committee. (Applause.)

On motion of Mr. Downes of Berwick, a recess was taken until half past two o'clock.

Afternoon Session.

The report of the committee of conference to which was referred the disagreeing action of the Senate and House in regard to the resolve in favor of the Eastern Maine Insane hospital came from the Senate reporting that the majority report be accepted.

The report of the committee of conference was accepted and the House then voted to adhere to its former action.

The following from the Senate were passed to be engrossed under a suspension of the rules:

Resolve on the payroll of the Senate.

Resolve on the payroll of the House.

Resolve in favor of Albert W. Buck, messenger to the President of the Senate.

An Act relating to corporations.

An Act to incorporate the Kittery Water and Electric Light Company, came from the Senate with Senate amendment A adopted.

The House reconsidered the votes whereby this bill was passed to be enacted and passed to be engrossed, Senate amendment A was adopted and the bill was then passed to be engrossed as amended.

An Act to amend Section 12 of Chapter 4 of the Revised Statutes of 1903 as amended by Chapter 335 of the Public Laws of 1903, came from the Senate with Senate amendments A and B adopted.

The House reconsidered the votes whereby this bill was passed to be enacted and passed to be engrossed, Senate amendments A and B were adopted, and the bill was then passed to be engrossed as amended.

An Act to amend Section 23 of Chap-

ter 119 of the Revised Statutes relating to offences against persons and to prevent the improper use of telephones came from the Senate having been considered by that branch under a suspension of the rules without reference to a committee, read three times and passed to be engrossed.

The House suspended the rules and received the bill. The rules were then suspended, the bill received its three readings and was passed to be engrossed in concurrence.

An Act in relation to the taxation of mortgages on real estate came from the Senate referred to the next Legislature in non-concurrence.

On motion of Mr. Holmes of Caribou, the House voted to adhere to its former action.

Resolve in favor of towns for reimbursement for money spent on State roads in the year 1903, under the provisions of Chapter 23 R. S., came from the Senate non-concurred in and with Senate amendment A adopted.

On motion of Mr. Hastings of Bethel, the House concurred with the Senate in adopting Senate amendment A, and the bill was then passed to be engrossed as amended.

Unfinished business:

Initiative and Referendum.

(Mr. Kimball of Rockland in the Chair.)

Mr. HOLMES of Caribou: Mr. Speaker, it is with a great deal of timidity that I say a word on this subject on the opposite side from the able and eloquent gentleman from Skowhegan; but I cannot look at this matter in the way he does. I was very much surprised at the position which he has taken. From his argument you would infer that legislation under our present system was restrictive, that the people could not get at this House, could not get at the Senate with a bill, could not introduce measures, that they needed this initiative to help them get a measure before these bodies for consideration, that the House and Senate were standing here with a club, as it were, beating the people back and not allowing them to come before them with the laws which they wish to have en-

acted. I submit that this is not a fact. The fact is that we actually pass more laws than we should. The gentleman this morning, succeeded in killing a measure that had received its three readings and had been passed to be engrossed, and he killed it with the unanimous consent of this House. Does that look as though we could not get bills enough before us? It is just the reverse; we get too many. I don't think that is the trouble at all.

I don't believe, gentlemen, that this initiative is necessary. I know as far as I am concerned that in my own district none of my constituents has approached me in the matter in regard to wanting this measure passed,—not a single person has asked for it. I sincerely trust that the substitution of the minority report of this committee for the majority report will not prevail. The gentleman from Skowhegan brings up the matter of towns. He says that towns have a referendum, but that is not a fair comparison. You might as well compare a small parcel delivery with any of our great common carriers throughout the country. Even though a towns had that little petty referendum, still, I think if you will look back in your own experience you will find that it is not used very often, that it is not necessary. Your selectmen, if they want an office, are usually listening with their ear pretty near the ground trying to find out just what the people do want, and they are glad to put every article imaginable in a warrant. I sincerely trust that the motion of the gentleman will not prevail, but that we will stand by the report of this committee who have looked this matter over carefully and thoroughly.

Mr. O'BRIEN of Lewiston: Mr. Speaker, I would like to say in reply to the last statement of the gentleman from Caribou to the effect that these men seeking office as a rule have their ear to the ground and are desirous of knowing what the people want, that in that I agree with him; but the great danger to the interests of the people today is that the great bulk of the people don't get out and go to the primaries; and following the very line which the gentleman from Caribou has sug-

gested I will say that the politician seeking office keeps his ear to the ground, but it is to the extent of the particular portion of the people whom he controls at the primary elections. Consequently, he oftentimes secures a nomination, or may secure an election, and after securing his election he may possibly come here to the Legislature and be the cause of passing through the channels of legislation something upon which the people in his own city or town or plantation or district, if they themselves were given an opportunity to pass judgment upon it, would pass judgment in such a way that it could not possibly become legislation.

Now, gentlemen, it strikes me that we have on two or three occasions on important matters allowed the referendum, for instance, in relation to the city of Portland. This Legislature granted to those people of Portland the right to vote upon that question. But we have no guarantee of any kind that the Legislature which will come here two years from now is going to possess the same amount of wisdom as the members of this House, and it may be that in the case of such important measures as that one in regard to the city of Portland, that members of the next Legislature would refuse to refer a question of that kind back to the people. What would be the result? I believe that a great majority of the members here think that this House of Representatives when it voted to allow the voters of Portland themselves to pass judgment upon that particular act, I believe that a majority of the members here believed that they were giving what was wise and just and right.

Now, with this referendum we are simply giving to the people a right to say whether or not certain acts may become laws. The gentleman from Caribou says that we have all the referendum and initiative at the present time that we need because in the different towns of the State any ten voters may call on the board of selectmen and have an item inserted in the town warrant so that the voters in those towns can pass judgment upon the proposed legislation. Now, gentlemen, I submit to you whether or not there is any such safety or any such wise protection for

the people of other places. Take the cities for example. We do not hold town meetings in the cities. Are not the people of the cities entitled to the same guaranty that is given to the people of the small towns? I believe, gentlemen, that this is the one issue which has been raised here at this session of the Legislature wherein we as members of this House can show that we appreciate the confidence that has been reposed in us; this is the one grand opportunity that has been presented to us to place ourselves on record as appreciating that confidence; it brings us closer to the people, and if we should pass this bill for the initiative and referendum we are simply making each individual of our constituents an essential part of the entire working machine of legislation, we are simply placing each individually voter in our cities and towns in a position where he can have something to say about legislation. I do not agree with those persons who say that we have been elected here as representatives and thereby that we must legislate for ourselves alone. That is not true. We are sent here as representatives to enact legislation upon matters wherein the voters of the different cities and towns and plantations are not authorized by law to make that desired legislation. They don't wish us to pass legislation in any particular whatever upon a matter upon which they as voters can settle at their town and city elections; and I believe that it is our duty as members of this House to vote for the acceptance of the minority report, thereby proving that we do believe in the principles of Republican government, that we believe in the principles of Democratic government, as a system of government and not as a political issue, but as a system of government. We never should be afraid to get too near to the people. I have always believed that you can trust the great majority of the people, and if the people of this State do not wish this referendum they will not take advantage of it even though you make it a law. Give them an opportunity to use it if the occasion presents itself. You do not by passing this act compel them to use it. Give them an opportunity to make their choice in the matter, and I say that in

so doing you are simply going back to your constituents with a badge handed out to them as a warranty that you appreciate the confidence which they reposed in you when they sent you here, and that you are now trying to show such confidence in them in matters of legislation as they showed in you when they sent you here.

The question being on the adoption of the minority report, Mr. Merrill of Skowhegan, moved that the vote be taken by the yeas and nays.

The motion was agreed to.

The SPEAKER: The vote is on the acceptance of the minority report of the judiciary committee, the minority report being in favor of the referendum. Those in favor of the minority report will say yes when their names are called; those opposed will say no. The clerk will call the roll.

YEA:—Allan, Belleau, Berry, Bradford of Friendship, Byron, Cobb, Cole, Davis of Benton, Davis of Guilford, Dennison, Dudley, Fawsette, Foss, Fulton, Garcelon, Giddings, Grant, Hanson, Hastings, Hill, Hodgkins, Hussey, Hutchins, Jilison, Jones, Jordan of Yarmouth, Kinsman of Cornville, Leighton, Longfellow, Merrill of Skowhegan, Miller, Milliken, Morey, Morton, Mullen, Nash of Damariscotta, Newbegin, Norcross, O'Brien, Page of Appleton, Peacock, Pendleton, Philbrook, Price, Purington, Russell, Sargent of Castine, Sowyer of Milbridge, Scribner of Charleston, Seavey, Sewall, Shaw, Shevnell, Smart, Smith of Saco, Sparrow, Staples, Treworgy, Trickey, Turner, Usher, Verrill, Washburn, Webb, White, Wilder, Witherspoon—67.

NAY:—Baldwin, Barrows, Baxter, Bradford of Livermore, Buzzell, Cushman, Downs, Goodwin, Gray, Hale, Hall, Hathaway, Higgins, Holmes, Howes, Ingersoll, Irving, Jordan of Cape Elizabeth, Josselyn, Knapp, Leonard, Lougee, Martin, Merrill of Dixfield, Nash of Kennebunk, Oakes of Milford, Percy, Poor, Putnam, Reed, Sargent of Brewer, Sawyer of Smithfield, Scribner of Springfield, Swain, Swett, Talpey, Webster, Witt—33.

ABSENT:—Albert, Bean, Blanchard, Bliss, Briggs, Bunker, Burkett, Clark, Cousins, Gannett, Hagerthy of Ellsworth, Hagerthy of Sedgwick, Johnson of Calais, Johnson of Waterville, Laliberte, Lanigan, Libbey, Marshall, Page of Hampden, Perry, Sanborn, Stearns, Terreault, Thomas, Thompson of Orono, Thompson of Roque Bluffs, Thurlough, Tupper, Vittum, Walker, Weatherbee—32.

PAIRED:—Copp, Yes; Abbott, No. Morrison, Yes; Kimball, No. Johnson of Waterville, Yes; Smith of Madison, No. Oakes of Auburn, Yes; Stevens, No. Tracy, Yes; Whitmore, No. Littlefield, Yes;

Powers, No. Kinsman of Augusta, Yes; Newcomb, No.

So the minority report was accepted. The resolve was then read once, and the rules were suspended, the resolve received its second reading and was passed to be engrossed.

(At this point the Speaker resumed the chair.)

The conference committee to which was referred the disagreeing action of the two branches of the Legislature on House amendment A to Senate bill No. 199, being An Act in relation to the compensation of registers of deeds, reported that they recommend that House amendment A ought not to pass and that the following amendment ought to pass. Amend by striking out all but the word "Knox" in line eighteen and all of line nineteen, and insert the words "Nine hundred dollars with two hundred and fifty dollars additional clerk hire."

The report of the committee was accepted. The House then reconsidered the vote whereby House amendment A was adopted, the amendment recommended by the committee of conference was then adopted, and the bill was then passed to be engrossed as amended.

On motion of Mr. Higgins of Limerick, the report of the committee on ways and means, reporting an order on an order, relating to the state tax for the years 1905 and 1906, was taken from the table.

The report of the committee was accepted and the order received a passage.

On motion of Mr. Higgins bill, relating to the Northern Gas and Electric Company, was taken from the table.

Mr. HIGGINS: Mr. Speaker, there is no such corporation existing. A careful examination has been made in the secretary of state's office and this company has never filed a certificate of organization. There is no means of knowing that such a company exists. I move that this bill be indefinitely postponed.

The motion was agreed to.

An Act to make valid the action of the town of Standish in uniting the former school districts of South Stand-

ish and Bonny Eagle, having been indefinitely postponed in the House, came from the Senate that branch insisting and asking for a committee of conference.

On motion of Mr. Hastings of Bethel, the House voted to adhere.

On motion of Mr. Higgins, Senate order in relation to printing extra copies of act relating to negotiable instruments, was taken from the table.

The order received a passage in concurrence.

The committee of conference to which was referred the disagreeing action of the two branches of the Legislature on House bill No. 191, came from the Senate reporting that they concurred with the House in referring the bill to the next Legislature.

The House accepted the report of the committee.

Passed to be Enacted.

An Act to amend section 22 of chapter six of the Revised Statutes relating to the regulation and conduct of elections.

An Act relating to the compensation of registers of probate.

An Act providing for a bounty on bears in Franklin county.

(Tabled on motion of Mr. Milliken of Island Falls.)

An Act to extend the charter of the Bluehill and Bucksport Electric Railway Company.

An Act to amend sections 116 and 117 of chapter six of the Revised Statutes, relating to caucuses in cities of over thirty-five thousand inhabitants.

An Act to amend An Act entitled "An Act to amend chapter nine of the Revised Statutes, relating to the assessment of taxes on lands in unincorporated places."

An Act to revise, consolidate and amend the charter and laws of the city of Augusta.

Finally Passed.

Resolve in favor of C. O. Purinton, secretary of the committee on agriculture.

Resolve to amend chapter 194 of the Resolves of 1893, relating to industrial exhibits.

An Act to amend Chapter 180 of the Private and Special Laws of 1879, establishing the police court of the city of Belfast, having been indefinitely postponed in the House, came from the Senate passed to be engrossed under a suspension of the rules in non-concurrence.

The House voted to insist on its former action and asked for a committee of conference.

The Chair appointed on the part of the House Messrs. Sparrow of Freedom, Poor of Belfast and Gray of Paris.

An Act additional to Chapter 113 of the Revised Statutes, in relation to the assignment of wages, having been passed to be engrossed in the House, comes from the Senate indefinitely postponed in non-concurrence.

On motion of Mr. Gray of Paris, the House voted to recede and concur with the Senate in indefinitely postponing the bill.

On motion of Mr. Higgins of Limerick, House order relating to the description of lands sold by the State for taxes, was taken from the table and on further motion by the same gentleman it was indefinitely postponed.

On motion of Mr. Higgins, bill relating to advertising hearings before legislative committee, was taken from the table and on further motion by the same gentleman it was indefinitely postponed.

On motion of Mr. Stevens of Portland, the House took a recess until 8 o'clock this evening.

Evening Session.

An Act to establish the Lincoln county municipal court, having been passed to be engrossed by the House as amended by House amendment A, came from the Senate that branch refusing to adopt House amendment A and asking for a committee of conference.

Mr. Baldwin of Boothbay Harbor, moved that the House recede and concur with the Senate.

On motion of Mr. Hodgkins of Jefferson, the bill was tabled.

An Act relating to the duties of county attorneys came from the Sen-

ate that branch refusing to adopt House amendment A, insisting on its former action and asking for a committee of conference.

On motion of Mr. Higgins of Limerick, the House voted to insist and join the committee of conference.

The Chair appointed on the part of the House Messrs. Higgins of Limerick, Sewall of Bath, and Kimball of Rockland.

An Act to amend Section 36 of Chapter 65 of the Revised Statutes, relating to costs in contested cases, having been indefinitely postponed in the House, came from the Senate that branch non-concurring and asking for a committee of conference.

On motion of Mr. Oakes of Auburn, the House voted to insist and join the committee of conference.

The Chair appointed on the part of the House Messrs. Oakes of Auburn, Morey of Lewiston and Garcelon of Lewiston.

From the Senate:

Resolve in favor of the stenographer to the presiding and recording officers of the Senate and House. Passed to be engrossed under a suspension of the rules.

From the Senate:

Resolve in favor of the clerk to the committee on taxation. (Passed to be engrossed under a suspension of the rules.)

The conference committee to which was referred the disagreeing action of the Senate and House relating to bill, in regard to wilful destruction of trailing arbutus, came from the Senate reporting that the bill be indefinitely postponed.

The question being shall the report of the committee be accepted,

It was not agreed to.

The question being shall the committee be discharged from further consideration of the bill,

It was not agreed to.

An Act to encourage the cultivation and preservation of forests and wood lots, having been passed to be engrossed in the House, came from the Senate indefinitely postponed in non-concurrence.

Mr. Higgins of Limerick, moved that the House insist.

Mr. Buzzell of Old Town, moved that the House recede and concur.

Mr. BALLEAU: As the gentleman from Bath (Mr. Sewall) the author of the bill, is not in his seat, I move that the bill be tabled.

The motion was agreed to.

On motion of Mr. Hastings of Bethel, the House voted to request the Senate to return bill, An Act to make valid the action of the town of Standish in uniting the former school districts of South Standish and Bonny Eagle.

The Speaker subsequently announced that the bill had been returned.

On motion of Mr. Hastings, the House voted to recede and concur with the Senate in its action.

The bill was then passed to be engrossed.

On motion of Mr. Higgins of Limerick, resolve appropriating money for the purpose of obtaining information in regard to the wild lands for the purpose of taxation, was taken from the table.

The resolve was then read a second time and was passed to be engrossed.

Mr. Higgins introduced the following order:

Ordered, That Senate concurring, that the chairman of the judiciary committee be and is hereby authorized to withdraw from the files certain exhibits used at the Prouts Neck Village Corporation hearing.

The order received a passage.

The majority and minority reports in relation to bill, relating to the taxation of mortgages on real estate, came from the Senate that branch insisting and asking for a committee of conference.

Mr. Higgins of Limerick, moved that the House still adhere.

The SPEAKER. The House adheres unless it reconsiders its vote.

Passed to be Enacted.

An Act in relation to sentences in municipal or police courts or by trial justice.

An Act to amend Section two of Chapter 119 of the Revised Statutes, defining manslaughter.

An Act to amend Section 18 of Chapter 117 of the Revised Statutes, relating to the fees of registers of deeds.

An Act to abolish the office of public printer and to authorize contracts for

State printing on the basis of competitive bids.

An Act to prohibit the throwing of sawdust and other mill waste into Fish river in Aroostook county.

An Act to amend Section 10 of Chapter 12 of the Revised Statutes, relating to the amount of fines for law libraries for counties.

An Act to abolish the common council of the city of Augusta, and otherwise to amend the charter of said city.

Finally Passed.

Resolve in favor of Moses Moon, a Civil War veteran.

Resolve in favor of Sereno T. Kimball, secretary of the joint select committee on State printing.

Resolve in favor of James Chase, mail carrier of the House.

Resolve in favor of the secretary of the committee on insane hospitals.

Mr. Higgins of Limerick, moved that the House take a recess for half an hour.

The motion was lost.

On motion of Mr. Sargent of Brewer, Adjourned.