

MAINE STATE LEGISLATURE

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Legislative Record

of the

Seventy-Third Legislature

of the

State of Maine.

1907.

HOUSE.

Wednesday, Feb. 27, 1907.

Prayer by Rev. Mr. Livingston of Augusta.

Papers from the Senate disposed of in concurrence.

Senate Bills on First Reading.

An Act to incorporate the Northern Water Company.

Resolve, in favor of the Maine State Sanatorium Association.

An Act to prevent desertion and non-support of families.

An Act to amend Chapter 123 of the Public Laws of 1905, entitled An Act for the protection of children.

An Act to provide for the care and education of the feeble minded.

An Act to amend Section 14 of Chapter 60 of the Revised Statutes, relating to agricultural societies.

An Act to amend the charter of the Caribou Water, Light & Power Company.

An Act to change the name of Widows' Island.

Resolve in favor of the re-establishment, where necessary, of the boundaries of the lots reserved for public uses in the several plantations and unincorporated places.

Resolve in favor of the State School for Boys.

An Act to incorporate the Cupsuptic Stream Improvement Company.

An Act to prohibit the throwing of sawdust and other mill waste into Higgins stream and tributaries, in the counties of Somerset and Piscataquis.

An Act to incorporate the Magalloway River Improvement Company.

Resolve in aid of navigation on Sebect lake.

The following petitions, bills, etc., were presented and referred:

Judiciary.

By Mr. Hill of Machias—Petition of Machias Daughters of American Revolution for passage of An Act to amend the Revised Statutes relating to holidays.

By Mr. Davies of Yarmouth—Petition of Charles L. Foster and about 75 others of Portland urging the passage of bill regulating the practice of

osteopathy; of Frank B. Harris and about 100 others of Biddeford and Saco; of Nathan Weston and about 150 others of Augusta and vicinity; of Frederick W. Plaisted and about 40 others of Augusta for same.

By Mr. Johnson of Waterville—Bill, An Act to amend Chapter 88, Section 55, R. S., relating to trustee process; Bill, An Act relating to proceedings to determine the title to goods in the possession of common carriers.

By Mr. True of Portland—Bill, An Act to amend Section 19 of Chapter 55 of the Revised Statutes relating to the cutting and removal of wires and poles.

By Mr. Weeks of Fairfield—Bill, An Act to limit the time for bringing actions for the recovery of uncultivated lands in incorporated places.

Legal Affairs.

By Mr. Frost of Lewiston—Resolve and petition of Lewiston and Auburn Merchants Association in favor of improving the storage capacity of Rangeley lakes as asked for by the Union Water Power Company; petition of W. L. Darrington and 23 others of Livermore Falls for same.

By Mr. Lowe of Turner—Petition of J. S. Moore and 39 others, operatives in the Falmouth mill, Jay, for same.

Banks and Banking.

By Mr. Davies of Yarmouth—Bill, An Act to provide for the taxation of trust companies.

Inland Fisheries and Game.

By Mr. Minahane of South Berwick—Petition of L. C. Donnell and seven others favoring an extension of open season on duck; of H. E. Knight and 29 others for same; of F. G. Hellier and 21 others for same; of Howard Collins and 26 others for same.

By Mr. Thomas of Harpswell—Petition of L. F. Knight and 12 others for same; of T. R. Larrabee and 33 others for same; of F. W. Elwell and 12 others for same; of Fletcher Crowell and 14 others for same.

Public Buildings and Grounds.

By Mr. True of Portland—Petition of E. R. Bowers and others in favor of the removal of State capital from Augusta to Portland upon condition that

the latter city contribute at least \$500,000 towards the expenses thereof.

The following remonstrances against removal of State capital were presented:

By Mr. Herrick of Brooklin—Of A. E. Hutchins and 31 others of Orland.

By Mr. Davidson of Vinalhaven—Of S. H. Witherspoon and 17 others of North Haven.

By Mr. Tolman of Glenburn—Of Charles N. Patten and nine others.

By Mr. Tucker of Wiscasset—Of H. A. Stilphen and 18 others of Alna.

By Mr. Johnson of Waterville—Of Levi Richmond and 13 others.

By Mr. Stuart of Belgrade—Of C. J. Chase and 45 others.

By Mr. Young of Hiram Grange; of 61 members of Denmark Grange; of 55 members of Round Mountain Grange; of 58 members of Fryeburg Grange.

Temperance.

By Mr. Farrar of Corinth—Remonstrances against resubmission by E. L. Scribner of 39 others of Bradford.

By Mr. Havey of Sullivan—Remonstrance against resubmission by T. A. A. Killman and 42 others of Ellsworth.

Orders.

On motion of Mr. Weeks of Fairfield.

Ordered, That the clerk of the House prepare and cause to be printed under his supervision 700 copies of the journal of the House for the present session.

Reports of Committees.

Mr. Folsom from the committee on pensions, reported ought not to pass on resolve in favor of Winfield S. Severance.

Mr. Clark from the committee on federal relations, reported ought not to pass on resolve requesting delegation in Congress to oppose the consolidation of pension agencies.

Mr. Stubbs from the committee on appropriations and financial affairs reported in a new draft and ought to pass resolve in favor of the Northern Maine General hospital of Eagle Lake.

Mr. Moore from the committee on railroads and expresses, reported in a new draft and ought to pass, Bill, An Act to enlarge the powers of the Au-

burn, Mechanic Falls and Norway Street Railway and to change its name to Lewiston, Augusta & Waterville Street Railway.

Mr. Folsom from the committee on pensions, reported ought to pass on resolve in favor of Magaret Jane Tibbetts.

Mr. Colcord from the Waldo county delegation, reported in a new draft and ought to pass Bill, An Act relating to the record of instruments effecting or conveying title to real estate in the county of Waldo and now recorded in other counties.

Mr. Barrows from the committee on claims, reported ought to pass on resolve in favor of the town of Waldoboro.

Same gentleman from same committee, reported ought to pass on resolve in favor of the assessors of Moro plantation.

Same gentleman from same committee, reported ought to pass on resolve in favor of the town of Liberty.

The reports were accepted and the bills and resolves ordered printed under the joint rules.

First Reading of Printed Bills.

An Act to extend the powers of the Canaan Power Co.

An Act relating to the building and maintenance of weirs on the Presumpscot river.

An Act to regulate fishing through the ice in Southeast pond, in Baldwin and Sebago, in the county of Cumberland, and in Barker pond and Middle pond, both situated partly in Sebago in said county of Cumberland, and partly in Hiram in the county of Oxford.

An Act to prohibit the throwing of mill waste into the tributaries of Lake Webb, also to regulate fishing in Lake Webb and Webb's river in the county of Franklin.

An Act to regulate fishing in Rapid river, in the county of Oxford, also in so much of Lake Umbagog as is situated in the State of Maine.

An Act to incorporate the Lisbon Falls Gas & Electric Co.

An Act relating to recorders and clerks of municipal and police courts.

An Act to incorporate the Van Buren Light and Power Company.

An Act to amend Section 17 of Chap-

ter 41 of the Revised Statutes, relating to measurement of lobsters.

An Act in addition to Chapter 144 of the Revised Statutes, relating to the commitment of the insane.

Resolve in favor of a Maine Soldiers' Monument at the national cemetery at Salisbury, North Carolina.

Resolve in favor of a monument in memory of the soldiers of Maine who were at Valley Forge—with statement of facts attached.

Passed to Be Engrossed.

An Act to incorporate the Sagadahoc Trust Company.

An Act to prevent the pollution of the waters of Lake Nokomis.

An Act to further define State printing.

An Act to extend the charter of the Gardiner Trust Company.

An Act to grant certain powers to the North East Harbor Water Company. (On motion of Mr. Joy of Eden this bill was tabled pending its passage to be engrossed.)

An Act to make valid the organization of the Middle Intervale Telephone Company and to legalize its acts and doings.

An Act to incorporate the Penobscot Bay Electric Company. Mr. Johnson of Waterville, offered an amendment to this bill by adding Section 6: "This Act shall take effect when approved."

The amendment was adopted and the bill was then passed to be engrossed as amended.

An Act to amend Chapter 310 of the Private and Special Laws of 1905, incorporating the State Loan Company.

An Act relating to the Bar Harbor and Union River Power Company.

An Act to change the time of holding the January session of the court of county commissioners for Hancock county.

An Act to abolish the January term of the supreme judicial court for the county of Hancock.

Resolve to encourage the utilization of tidal and sea power in the State of Maine.

Resolve in favor of the Maine Women's Christian Temperance Union.

Resolve for payment of premiums on

bonds of clerks in State treasurer's office.

Passed to Be Enacted.

An Act to authorize the Somerset Railway Company to extend its railroad from North West Carry in the town of Seboomok, westerly and northerly to the Canadian line by one or more routes, and to authorize other railroad companies to purchase its franchises and property.

An Act to set off a portion of the town of Starks and annex the same to the town of Norridgewock.

An Act to authorize the town of Southport to build and maintain a bridge across Decker's Cove.

An Act to amend and extend the charter of the Caratunk Power Company.

An Act to incorporate the town of Bowerbank.

Finnally Passed.

Resolve in favor of the Saint Elizabeth's Roman Catholic Orphan Asylum of Portland.

Orders of the Day.

Special assignment: Majority and minority reports of committee on legal affairs, reporting "ought not to pass" and "ought to pass" on Bill relating to police and city marshal of Biddeford.

Mr. Horigan of Biddeford moved that the minority report be substituted for the majority report.

The question being, shall the minority report be substituted for the majority report.

Mr. HORIGAN: Mr. Speaker, we come here asking no special favors, we ask for the passage of no law that will be a benefit to the city of Biddeford and an injury to the rest of the State, but we do ask the right of local self-government, a right that should be dear to every honest American be he Democrat or Republican, a right that he should prize as his life, a right that has been a beacon light to the down-trodden of every country under the sun, lighting their paths to these shores from the day upon which was born that document which guarantees equal rights and exact justice to all. The

passage of the act creating a police commission to be appointed by the Governor is without a precedent in all the acts of all the Legislatures that have convened since Maine became a State; and I say to you that there never has been a time in the history of our city when her people were not competent and able to manage their own affairs; and whatever there has been of unenviable notoriety heaped upon her has come solely from the fact that her people are imbued with that kind of Americanism which insists upon their supremacy over self-constituted bosses and which has fought this police commission from the day of its inception until the present time and which will continue to fight it so long as strength lasts or until the commission has been abolished. Had there been no prohibitory law in Maine there never would have been a police commission in the city of Biddeford, for there would have been no occasion for it, but from the very day upon which this act was passed creating the police commission it has been the purpose of those who wanted to sell rum and those who wanted to use the prohibitory law for selfish ends—it has been their purpose to get together and to form an organization to nullify laws, to discredit our city and to line the pockets of those who are engaged in this business with ill gotten gains.

The claim of those who ask for the passage of this law is and has been that our city was a lawless place, that its people were not competent to manage their own affairs and that they needed help from outside. Whatever the conditions which existed in the city of Biddeford prior to the passage of this act, they were conditions that were brought about by exactly the same conditions and the same power that rules Biddeford today. Even the various Legislatures of the State of Maine on the passage of this act have been called upon to bolster up the unholy alliance which has been formed between the police commission of Biddeford and those who wanted to and who do sell rum. Beginning with the very first meeting of the Legislature after the passage of the act creating

this commission, they came here and asked for the passage of special acts to abolish constables, officials that had been provided for in the original charter of the city; and here you can see the drift and purposes for which this commission was formed. These constables seeing the way in which the liquor course was spreading throughout our city, seeing that it was being protected by this police commission and police force—these constables began to make seizures in an attempt to clean it out.

After having made a few seizures the friends of the commission came to the Legislature and asked for the passage of an act to abolish constables in the city of Biddeford. That act was passed—Chapter 53 of the laws of 1895. A few days later Saco came here and asked that constables be abolished in Saco; and that was done excepting that the city marshal of Saco had the right in his capacity as constable to serve warrants and do criminal work outside of the city. The conditions seemed to warrant that the liquor industry of Biddeford was safe once more and things went along until in March, 1897, the city marshal of Saco came to Biddeford and took from the Biddeford Bottling Company a hayrack load of liquors valued at between \$2,000 and \$3,000. Then it was that a public law was enacted by the Legislature cutting off from the constables in York county the right to go beyond the confines of the town in which they were elected. This act was introduced into the Legislature on the 14th of March, two days after the seizure; it was approved on the 28th of March, 16 days after the seizure. So thus you see that the Legislature of Maine in 16 days from the time this seizure was made had passed an act taking away from the Saco city marshal the rights which he had under the city charter of Saco and prevented him from going beyond his city to make seizures or to do anything in the liquor business; and yet we, the people of Biddeford, have been before you for eight weeks asking for simple justice at your hands, and this bill is just up for discussion.

In 1900 this police commission adopted a rule that is known to the citizens of Biddeford as Rule 56, and by this rule the commissioners were given power to discharge or to increase the number of men upon the police force at will. I could cite evidence to show that the purpose of this commission was simply to protect the rumsellers in the city of Biddeford. I hold in my hand a petition signed by 52 of Biddeford's leading women addressed to the police commissioners. The president of this association, a lady of some means and well along in years, is one of those women who uses her means for the benefit of the community in which she lives. This woman formulated this petition to the police commissioners asking that things might be corrected in our city in respect to the sale of liquor. She took that petition to the chairman of this police force. He read it and said to her, "Madam, my heart is with you but I am helpless." She took it to the next member of the police commission. He read it, passed it back and said, "You know I am a strict temperance man but I can do nothing." She takes it to the head of the police department. He reads it and asks her why she don't mind her own business, spurns her petition, insults this grey headed and respectable old woman, and sends her from the police department without accepting the petition.

Again, here were a series of charges signed by Benjamin F. Hamilton and others, all of them Republicans, addressed to the police commission and demanding that a hearing be had on them. And George Emery, the last county attorney of York county, was trying a series of liquor cases before the municipal court of Biddeford. As he progressed with the trial he found that the efforts of the police department were blocking him at every point. He finally stood up in open court and complained that this police department, instead of aiding him to enforce the laws, were doing all they could to make his efforts null and worthless. He went further and made the statement in open court that he came here to Augusta and made charges before the Governor, asking that those condi-

tions be remedied. The only noticeable effect in our city after it was all over was the statement of one of the commissioners in conversation with a friend as to what would be the result of the complaint of the county attorney to the Governor—the answer of this member of the commission was "Let the Governor go chase himself, he has no authority over us. He has appointed us, and there his authority ceases. He can do nothing. We will do this thing to suit ourselves." An incident occurs to me where the head of the non-partisan police force goes to a business house of one of the citizens of Biddeford and attempts to dictate to that man whom he shall employ. He had hired an ordinary working man to work at his trade. This working man offends him for some reason or other. He goes to this man, he threatens to ruin him, he threatens to ruin his business unless this ordinary working man is discharged. I submit to you that when he was making those charges against a business man in Biddeford he was acting as a despot and because he had upon his breast that badge of authority which the people of Biddeford cannot get rid of. We are powerless because he gets his appointment from the Governor of the state. I come here and ask that this police matter may be put into the hands of the citizens of Biddeford.

It is not only in politics but in private matters that this police department has interfered. It has even gone into our schools, and to this fact I believe more than to any other is due the fact that my colleague and myself are representing Biddeford in this Legislature. The people will stand a great deal before openly revolting but the schools are something that are to them sacred. The head of this commission stepped into the grammar school of Biddeford and removed from the teaching force of that school one of the most successful teachers that ever taught there. A little later he goes to the same school and has the principal of the school removed simply because he has a boy that he wanted to make principal of that school—a good boy, a pretty boy as there is in Biddeford, of good morals, good habits,

everything of that kind, but he is not fit for a school teacher—never had any training—has no ability in that line; and yet he put into the grammar school that young man, without experience and not particularly fitted for that kind of work. Here is the testimony of one of the members of the school board:

“To the Committee on Legal Affairs of the legislature in session at Augusta, in hearing on a bill introduced to abolish the Police Commission in the city of Biddeford, State of Maine.

“I, John Higginbotham, of Biddeford, Me., engaged in the oil business, 46 years of age; member of the common council three years; of the board of aldermen two years, and now a member of the School Board, on oath depose and say, that last summer, Charles B. Harmon, Chief of Police of this city, sent for me, to come to his house. Arriving there he asked me to vote for his son for the position of teacher in the Summer street grammar school. I told him that I could not promise until I learned whether or not Mr. Strout, the present teacher, intended to resign. Mr. Harmon said that he had resigned, and later that he had not resigned, and that he was playing two positions. I told him that I must first know the facts, whereupon Harmon asked me if I did not remember what he had done for the citizens' party; how much money he had put in and raised; how he had helped me politically, and that he had intended to make me chief engineer of the fire department. He even went so far as to ask me who elected me to the school board. I told him that I supposed it was the city council. He enquired if I thought I could have been elected unless he had said that I could. I told him that while I had not asked or looked for his assistance, yet I was no fool, and that he was undoubtedly an important factor in the matter.

“He further asked me if I did not remember how he had helped my cousin, Benj. Goodier, Jr.; had made him Chief Engineer of the fire department. I again told him that I wanted to ascertain the truth as to Mr. Strout's desire for reelection. He then became angry, tore around some, and I left him.

“Later, I was told that Mr. Harmon was making talk of an angry and threatening character because of my conduct, and something that he had heard that I had said and I sought him and demanded that he tell me of anything that I had said or done which was not proper, and he told me that if I denied saying anything he would take my word for it.

“That one day during the past week, Frank B. Waterhouse, janitor of the High school, made a complaint to me, as a member of the school board, and reported that a fellow janitor and member of the police force, had presented to him a petition of remonstrance to the bill pending in the legislature asking for relief from the police commission, for his

signature. That he declined to sign the petition, whereupon the police officer informed him that a Republican member of the school board had instructed him to tell him that if he did not sign the petition he would lose his place as janitor. Mr. Waterhouse thought it strange that he might lose his job because he elected to exercise the rights of an American citizen, and reported the matter to me because I was a member of the school board.”

There is a statement signed and sworn to by one of Biddeford's reputable citizens, and in that statement is demonstrated the fact that this man Harmon tries to coerce the members of the school board to do his will, and that he has tried to coerce even the janitors of the school to do his will. This is evidence that this department goes into our schools.

There is evidence in plenty that this same thing goes through our fire department. Last spring a man after being given a job to drive a truck spent something like \$700 for a team to haul that fire truck. The head of this police department sends his command to the street commissioner that he must not hire this man, must not employ his team; and the man was obliged to sell his horses at a sacrifice even though he had been elected by the fire department to drive that team. Now there are here remonstrances signed by 800 of the people of Biddeford against the repeal of this police commission act. It seems to me that in a city as large as ours the surprise is that a petition of only 800 could be got together to remonstrate against this repeal. I submit to you that it is not any great surprise if they got 800 signatures. I submit another thing, that among those 800 are the names of many who are not citizens of Biddeford but residents of Saco and other places. On those remonstrances are in many cases the same names upon different remonstrances. You will find a great many names that are in the same handwriting, showing that many persons whose names are there never saw the remonstrance. At the hearing the attorney who made the argument for the remonstrants in this case laid great stress on what he claimed to be the fact that our great corporations up there were in favor of a continuance of

this commission. He knew when he was making that statement that he was telling an untruth. He knew that the remonstrants had been to the agent of the Pepperell corporation, employing thousands of hands, and that he had absolutely refused to sign this remonstrance. They know also that the agent of the Saco & Pettee Machine Shops did not sign, and that the superintendent of the Pepperell, Mr. Gibbs, is not among the remonstrants. They know that the names of the Deering Lumber Company, the Diamond Match Company, and in fact all our principal business men are not there. Those people realize that the safety of their plants and of their business and of our city and its citizens is a great deal more secure in the hands of the people than it is in the hands of this police commission.

You ask me, perhaps, where are our petitions for this law which I have presented? I say to you that we brought no petitions. We had them at the time this act was presented here originally, petitions bearing the names of 10,000 of the people of Biddeford asking that this law be not enacted; and yet in spite of the request of those people it became a law. We felt that petitions were useless. We probably could have got 10,000 or 15,000, and perhaps every single individual in Biddeford except the 800 that they bring here on these remonstrances, to ask that this law be repealed. My colleague and I come before you nominated upon a platform calling for a repeal of this police commission. We come here backed by the votes of 1,287 of Biddeford's best citizens. Not a rumseller was there that voted for us; not one of the 1,287 was a criminal. On the other hand, every minister in the city of Biddeford but one voted for the ticket upon which we ran. They were all people who have a pride in their birthright. They were all people who believed in the principles of local self-government and home rule. They sent us here to do the best we could to have this thing repealed. We have not brought any great lobby here. The citizens of Biddeford have left it to the good judgment and to the good sense

and honesty of the members of this House. On the other hand, you have had here employed by this police commission, a lobby. And such a lobby! Appealing to your prejudices, appealing to your baser passions, appealing to all that is mean and low in any individual, not to enact this law and to retain this old police commission. I submit that it has been an expensive matter for this police commission to maintain this lobby here, to pay their attorneys and to make the fight they have for the retention of this commission. Where do you imagine this money comes from? Let me cite to you something that happened before the probate court in the county of York within a short time. Judge Cleaves of our municipal court had a matter before this probate court, and during his argument he made a statement, boldly, plainly, that it was a well known fact that druggists in the city of Biddeford were oftentimes called upon to pay large sums of money for political and for other purposes. There must be of course some club, there must be something hanging over the heads of those men when according to Judge Cleaves they will contribute large sums of money for political purposes. There is where the money will come from to pay this lobby, to pay its attorney to come here, to pay the expenses created by this police commission.

We come here from the citizens of Biddeford asking that they be relieved from this charge of imbecility and feeble-mindedness and that we be allowed to manage our own affairs. We come here believing in the principles of local self-government attached to that principle which had its foundation at Plymouth Rock and around which has grown this country of ours and around which has grown the constitution of which we are so justly proud. Give us local self-government or home rule, something which is enjoyed by the citizens of every other city in the State of Maine. Justice Brewer of the Supreme Court of the United States not long ago in addressing a village improvement society near Chicago touched upon the subject of police commissions, and he said to this as-

sociation that police commissions were a menace to the best interests of the citizens and had been failures wherever tried. In our recent election the issue was police commission or no police commission. The fact that my colleague and I came here with a change of more than 600 votes from the election of two years ago would indicate that we have practically had in our city a referendum vote upon this measure of the police commission and that we have voted that we do not want it. And it seems to me that there is but just one thing which stands between the citizens of Biddeford being free and being obliged to live under this police commission, and that is the fear of losing. There is that among men, that fear of losing, to which they sometimes sacrifice good laws and their own self respect; and yet I submit to you, gentlemen, that no man and no party ever lost influence with the people for doing right. It is only when men and parties go before the people after having done wrong that they are made to suffer. And I say to you in all honesty and sincerity that I believe the only thing necessary to pass this bill by a unanimous vote is character. There are among the members of this House men of ability, men of ambition, men of brilliancy; but there is evidence also that they will sacrifice all that and their honesty simply for this fear of losing. The roll call will reveal who such men are. Gentlemen, mark them well. (Applause)

Mr. DYER of Buckfield: Mr. Speaker, this is a matter which does not concern me personally in the slightest degree. I have had the privilege of serving on the committee which heard the evidence and as one of the committee I signed the majority report that this bill ought not to pass. It seems to me to be an elementary proposition that after a law is once placed on the statute books it should not be repealed unless good cause is shown for it. This law creating the Biddeford police commission was enacted 14 years ago, and it is to be presumed, for all the purposes of this case, that it was enacted after careful

consideration. It was the opinion of the majority of this committee that for the purposes of this case we had no right to go behind the law of 14 years ago but we were to found our opinion on the facts as they exist today, whether or not the evidence in this case warranted the repeal of a solemn act of this Legislature.

The burden is on the proponents of this bill to sustain by some sort of evidence the proposition that they claim. They base their claims on two or three propositions, more or less general, upon some evidence. In the first place, they assert that this bill is contrary to public policy, un-American, arbitrary and vicious. It does not seem to your committee that this bill is un-American, is arbitrary or is vicious, for the reason that the people of Biddeford themselves came to this Legislature and asked it to pass the act. It would seem from all the evidence that was introduced that the Legislature which passed the original act was well advised as to what it was doing, and that it did so upon the request of the people of Biddeford. There was no evidence before this committee that the Legislature arbitrarily and wickedly took the management of the local affairs out of the hands of that city, but there was evidence that they demanded this legislation, and having demanded it it was their right to have it. Now this is a police commission two members of which are appointed by the Governor, the third, the chairman, is Mayor of the city acting in his official capacity. Now that is not outside rule. Those men are citizens of Biddeford. They are property owners there, they are voters there. This commission is not run by anybody outside of that city. I submit that it is its home rule, that it is not rule by outside influence in any sense of the word. That proposition, in the judgment of the majority of the committee, falls to the ground.

They also ask, if the commission is good as far as the police department is concerned, why isn't it good as to the other departments? Why not extend the principle so as to include schools, fire, insane, paupers, if you please?

The only answer is that the people of Biddeford have never asked for commissioners for the other departments; and when they do and this Legislature is convinced that a majority of the citizens of that city want commissions established for those departments they will undoubtedly have them.

I wish to refer to some of the matters referred to by the last speaker. He alluded to the petition headed by a beneficent lady of Biddeford and signed by a large number of the W. C. T. U. Now, that petition is six years old—outlawed by the statute of limitations; and it is a pertinent inquiry, if the gross outrages were perpetrated which are asserted, why didn't the good citizens of the city take cognizance of them six years ago? It seems to me to be ill-advised to come to this Legislature and ask for legislation in regard to a matter which was closed more than six years ago. As far as that is concerned I wish to state that it seemed to the committee that that petition was headed and circulated by a lady of refinement, culture and wealth. She was very much interested in humanitarian projects. I submit we all know such ladies, and with all due respect for them I submit also that they are oftentimes unpractical, that they are oftentimes hard to deal with, and, if you please, oftentimes cranky. That was the condition which the police board of Biddeford had to face when that proposition was put up to them; and it seemed from all the evidence that they got out of that situation as well as anybody could be expected to.

In relation to the charges which he said Mr. Hamilton filed with the board, I wish to say that those charges are nine years old. If those charges were true it seems strange that something has not been done within the last nine years about them. The evidence in relation to those charges simply is that they were filed by Benjamin Hamilton and others against a member of the police force. They were presented to the police commission. The commission ruled that they were vague and indefinite and could not be entertained, and they instructed Mr. Hamilton and his friends that if they

would set out specific acts in their charges on which that commission could rule, they would entertain them. The result was that when Mr. Hamilton came to look into these charges he found that they were not true and he stated himself before that committee that he went to the police commission and withdrew his charges and stated to them that they were unfounded and could not be proved. I submit that that is an improper matter to bring into this case.

Now the evidence in relation to the man who purchased a pair of horses never was called to the attention of the committee at all and as far as I know never has been spoken of until today. That I know nothing about. In relation to the evidence which was presented to the committee I wish to say that the proponents of the bill came here with 23 affidavits and seven witnesses—not one single petition from any person in Biddeford demanding a repeal of this act, but 23 sent their papers here. They did not appear themselves; there was no opportunity to cross-examine them. And in those documents which they sent, the committee could not find a single charge against this commission. Every one of those confined his attack to the person of one Charles B. Harmon and nobody else. There was no allegation of any rottenness, of any vice, of any graft, of any corruption, on the part of the police commission of Biddeford or any individual member of that commission, but it seemed to be an attempt to discredit Harmon, an attack upon him personally, simply because he happens to be the city marshal of Biddeford. The seven witnesses who appeared made the same charges. On cross-examination every man of them admitted that the police affairs of Biddeford had never been so ably managed as since the establishment of this commission. They admit that the affairs of that city have never been so ably managed. They admit that the laws of the city of Biddeford have never been so well enforced, that life and property were never so well protected as at the present time, and each man of them said that Charles B. Harmon in his private character and his private life was a kind-hearted, a noble and

an honest gentleman. Now the statements of those witnesses were so utterly inconsistent that the majority of your committee were absolutely obliged to throw out the evidence pertaining to the graft and corruption.

In defense, the people who object to the passage of this measure came here with 30 witnesses, every one of whom sustains the position that the police commission is an able, energetic and an honest board, and they also came here with remonstrances against the passage of this repealing act signed by 869 of the good citizens of Biddeford; and I submit that the evidence of 369 remonstrants and thirty witnesses is sufficient to outweigh the evidence of 23 aflants and seven witnesses. Now, on that ground the majority of the committee deemed that the case was not proven and that the bill ought not to pass.

In conclusion, in regard to the conditions at the last election. The assertion has been made that the election in that city revolved round the question of home rule, of whether or not the police commission there should be abolished; and the gentleman states here that his colleague and he were elected members of this House on that issue. There is a little side light upon that proposition. The Hon. Nathaniel B. Walker who occupies a seat in this House from Biddeford was mayor of Biddeford, and as mayor served as chairman of that obnoxious police commission. Mr. Walker is on record in this matter. In one of his addresses before the city as mayor he especially commends the Biddeford police commission and states that it is a beneficent institution and calculated for the city's best good. Now if these gentlemen were elected on the issue of police commission or no commission, why is the gentleman from Biddeford (Mr. Walker) here today when he was distinctly on record as being in favor of the commission? With all due regard to the other representative from Biddeford (Mr. Horigan) I believe that the questions which affected the last election in other cities affected the city of Biddeford. I believe that the great wave of discontent which swept over this State had the same effect in Bid-

deford that it had in neighboring cities. And I do not concur in the proposition that all the good people voted for the gentlemen who occupy these seats and that all the bad people voted for their opponents.

I am going to leave this question here. I do not wish to touch on the question of rumselling and protection to crime by the commission of Biddeford for that is too puerile for anyone to consider for a moment. The police commissioners are representative citizens appointed by the Governor of this State, men of character and standing in that community, and if they countenance rumselling, if they father vice, the evidence would be so strong and so convincing that anyone who runs might read. But I wish to say one word about Charles B. Harmon. The attack, as I said, centres around him. He is the storm centre of this whole business, and I submit that this is an attempt to discredit and ruin him. It is a vicious, wicked and unwarranted attack upon a good citizen. They assert that Harmon is the Czar of Biddeford, that he not only controls this police commission but controls the fire department, the school department, the poor department, he draws jurors, he levies tribute and blackmail from every interest in Biddeford; and if that is true, if he is the monster which they claim, the repeal of this commission is not going to help affairs one bit. If Charles B. Harmon has got the city of Biddeford by the throat the only way for them to get rid of him is to sentence him to labor for life on some quiet isle of the sea. This repeal of this act will never help affairs in Biddeford one particle.

Now this is not a political question. It is a question which affects the people of Biddeford and them alone. They came here fourteen years ago and asked the Legislature to enact a law, which it did. No evidence has been presented to the committee that the citizens of that city now wish its repeal; and I submit that it is the duty of this Legislature to leave it just where it is. (Applause.)

Mr. WALKER of Biddeford: Mr. Speaker, This bill was the result of a

general bill introduced into the Legislature of 1893. That bill was designed to establish a board of police in all the cities of this State having a population of 10,000 and upwards. It was provided that there should be a commission of three, one of whom should be the mayor—not the chairman—and the other two should be appointed by the Governor. It was provided that the organization of the police department should be placed entirely in the hands of this commission. It was given to this commission without any consultation with the authorities in Biddeford to contract debts and liabilities, and instead of these debts and liabilities being put through the usual course of the committee on accounts and auditing it was designed that those commissioners should draw their warrant directly upon the city. And further than that, under this general bill it was provided that no one in that city had authority to investigate the records of the department. This was left entirely to the Governor or by the Governor to some one whom he might appoint. When it became known throughout the state that the purposes of this bill were so outrageous and unjust on the cities of the state, immediately there was great opposition. The people rose in rebellion. They came here and opposed it. They sent in remonstrances signed by thousands. And the result was that when this matter came before the committee there was such opposition to the bill that the committee deemed it unwise to enact it into law. What did they do? The delegation from Biddeford, when they discovered the purpose of the committee, they immediately besought them to make it applicable to Biddeford, and they set out certain reasons for it. Unfortunately the opposition of Biddeford did not appear before the committee. The committee was urged to report the bill in a new draft to make it applicable especially to Biddeford; and under the representations which were highly colored they made this report and they reported a bill for the city of Biddeford alone. Now I feel that in this matter we were dealt with most unjustly. They claimed that they desired to establish a non-partisan police depart-

ment in Biddeford. They represented that the police of Biddeford were inefficient; and we say that history has shown that these were mere matters of pretense, and as a matter of fact you will find that for several years prior to 1893 we had a man there in charge of the police department who subsequently went to some of the largest cities of Massachusetts, in two at least, and held the important position of chief of police in those cities, establishing certainly the efficiency of that man to control the affairs of Biddeford. Before him we had Benjamin F. Chadbourne, the present commissioner of railroads; and is there any one in this House that will not admit that he was fully competent to control the police department? Before him we had the present chief of police who held the position for several years. So that for ten years prior to the time this bill was passed we had just as efficient control and management of the police department in Biddeford as they have had since that date. When they come here and urge that they want a non-partisan police force there, we say that that is utterly absurd. There was much evidence presented to the committee, and the gentleman from Buckfield (Mr. Dyer) says that this evidence was of an antiquated nature, of years ago. But you will pardon me for alluding to some of the evidence which was presented. I understand that many members of this House were not present; they knew nothing about the evidence that was presented there. I have here the deposition of George R. Andrews of Biddeford, one of the leading merchants in that city, a life-long Republican, and after what has been said I deem it proper for me to present this deposition to this House:

To the Honorable Committee on Legal Affairs of the Maine Legislature:—

Gentlemen:—In the matter before you relating to the "Police Commission" of Biddeford, I wish to call your attention to the fact that an effort is being made to make a political question of this matter.

In order that you may understand that such it not the case, and to refute any such claim on the part of the supporters of the Police Commission, I respectfully call your attention to the following:—

I was in the army from 1861 to 1865. My first vote was cast for Abraham Lincoln and from that day to this I have re-

mained an active working Republican. I was one of the delegates to the last Republican State convention holden at Portland.

Under Republicans only I have held a few political offices, among them—member of the city council, city treasurer and tax collector, city marshal, member of the school committee, and the first chairman of the Board of Registration. I mention these things simply to show that I have and have had some standing as a Republican in the Republican party. These things took place when the members of the Republican party had a voice in the affairs of their party.

We, and I mean the Republicans of this city, tried our best to have our Republican representatives present a bill to the legislature to repeal the present obnoxious police commission bill and allow the voters of this city a voice in the selection of their police force, but we failed because the ones who manipulated their nominations and elected them, owned them politically.

As a last resort, we elected two men, Messrs Walker and Horigan, squarely on this issue. There was no other issue in Biddeford in the last election except "Abolish the Infamous Police Commission." The campaign was made squarely on that issue, and after the most desperate political battle this city ever held with every power seemingly against us, we changed the vote over 600.

Who did it? REPUBLICANS.

More Republicans than Democrats voted for Mr. Horigan and Mr. Walker, standing on the issue of abolishing the commission of police.

In Ward 3, Harmon's own ward, where he exerted himself with all the desperation and offensiveness of which he is capable, and which he has always before carried by a majority of from 75 to 90, Mr. Horigan and Mr. Walker received a majority of 10. Harmon's own ward!

The whole independent wing of the Republican party voted for the present representatives from Biddeford.

We did not dream that any one would go to Augusta and try to secure the vote of any member of the legislature against the repeal of this police commission bill on the ground that it is a Democratic measure entirely. We supposed and still believe that it will be settled as a matter of right and wrong.

The independent Republicans have not the time or money to spend in personally fighting for the repeal of this infamous police commission bill at Augusta, but we can, and we shall, continue to vote on this question until this one-man power is abolished, and it is a fact that sympathy for our suffering under the act creating our present police commission, is spreading rapidly over this section of the State.

I most earnestly ask that you gentlemen do not allow this matter to be a party issue. Don't help one man to banish us from our political homes.

Don't let Mr. Charles B. Harmon, to

save himself, push hundreds more of Republicans out of the party of their faith.

We don't want this matter carried into County and State and Municipal elections as it has been for the past five years or so, but we want this bill repealed by this legislature.

I believe there is nothing any party can do which will strengthen it more than to let the voters have a voice and vote at the polls.

They may lose occasionally, but in the end will win.

This is a question of whether all men are free and equal, or is one man equal to all?

I enclose papers marked exhibits "A" and "B" which corroborate my statement that this matter is not a question of party.

The Police Commission bill was a mistake when the legislature passed it, but mistakes can be rectified, gentlemen, and although you did not make it, you can repeal it.

In conclusion, gentlemen:—I believe that the police commission act should be abolished for the following reasons: that the act intended that the police should be non-partisans and that not only they, but the Chief of Police and the Commissioners should also be non-partisans; that it has entirely failed in that purpose, and as a result, the Chief of Police, Mr. Harmon, is one of the most, probably the most, offensive partisan and political boss who was ever inflicted upon a suffering community.

That the Police Commission have allowed and do now allow Harmon to be Chairman of the Republican City Committee and member of the County Committee, that they allow him to remain as the head of the Industrial league, which is nothing more nor less than a political club, which has for its active political workers men who largely have criminal records in the courts of this State.

That the chief of police works with these men actively in politics and that they look to him for and obey, without questioning his orders; that the Commissioners have allowed Mr. Harmon to meddle with the school department, the fire department, the street department, and other departments of the city, to the detriment of the city's welfare; that the police commission is dominated largely by Mr. Harmon; that Mr. Harmon selects the members of the Commission, and that it is notorious that some of the Commissioners do his every bidding.

That, therefore, gentlemen, I believe from the bottom of my heart, that this outrageous state of affairs which now exists in Biddeford by reason mainly of the tremendous power which Mr. Harmon has gained and which the Police Commission have allowed him to gain, should be stopped, and that Biddeford should be relieved from her present guardianship, that the voters should have the right which has so long been denied them of exercising that greatest of all privileges which belong to a man in a

free republic,—that right of saying by their ballot who shall be in authority over them.

GEORGE R. ANDREWS.

STATE OF MAINE.

York, ss. Biddeford, Feb. 2, 1907.

Came George R. Andrews this day and made oath that the above statement by him signed is true to the best of his knowledge and belief. Before me,

[L. S.] CARLOS C. HEARD,
Notary Public of State of Maine.

My commission expires Dec. 30, 1913.

It has been suggested that this matter of the commission was not an issue in the election in the city of Biddeford, that there were other issues. I presume the gentleman alluded to resubmission. The Democrats of that city stood upon a platform for resubmission. What did the Republicans stand for? It was regarded as a fact that there was no question of resubmission coming up between the nominees of the two parties in Biddeford. The only issue was the police commission. The evidence existing today shows that the police force of Biddeford is dominated by Mr. Harmon, that they are active in partisan politics. That he is the active worker is known to this police commission; what he is doing there is known to the commission. There have been charges made against Harmon of a criminal character on the platform of the Opera House in Biddeford and in the streets. The police commission know these things. They have not taken any step to investigate the charges made; so we say that these charges against Mr. Harmon are just as strong against the police commission as they are against him, for they tolerate these things. We have here a large number of these depositions all along the same line as that which I have read, and all of recent date, not antiquated as the gentleman said, but within a month. So we say that this is a present issue.

The Citizens party represents the citizens of Biddeford today. This party in 1896 took that city with an indebtedness of over \$600,000, over \$250,000 in excess of the statutory limit. In the eleven years that that party has been in power it has reduced that indebtedness until today it is only \$240,000, some \$100,000 below the statutory limit. Besides this it has expended

larger sums for sewers and bridges than were ever expended during a like period. It has created a sinking fund of over \$28,000 for the construction of a fire department building in the city of Biddeford. So that we say that this record of the citizens of Biddeford shows that the citizens are fully competent to govern themselves, that there is no reason why this State guardianship should not be removed; and we say we are entitled and of right entitled to be upon an equal footing with all the other cities of this State. If there is any city in the State which has a record better than that of Biddeford I would like to see it produced. I say that Biddeford today not only stands the equal of any other city in the State, but by its municipal management it has taken the lead of all the cities in the State. Why, then, should this city be placed under State guardianship?

But the Citizens party has had trouble. In every case where the citizens' party has come near defeat it has been because of the interference of this police commission and the chief of police of Biddeford. The whole power and right of the people there in Biddeford depends upon the vote of this House. If we could settle this question we would settle it in such a manner as would satisfy the people of Biddeford. But the power is not in us. The power is vested in this House now and we ask you as a matter of right and of justice to come to our aid, to repeal this law, to place Biddeford where she should be, and then she can go on and her people will have confidence in the government which has been maintained there for eleven years; but the people of Biddeford never will have confidence longer in the party that suffers the irreparable injury to continue in respect to our schools in Biddeford, when our schools have become simply a system of graft.

I wish to allude to some things for the purpose of informing you somewhat as to the conditions that exist in Biddeford. Under the police commission they were reaching out after men who were working on the streets, working on the department, and all

these people were brought together in a club, and that power has been acquired and the result is that I defy any member of this House to name a single prominent Republican in Biddeford who has power enough to secure his appointment as a delegate to any convention, State, district or county, or even to secure his appointment or nomination to the most subordinate office in the city of Biddeford. Now this is a matter I leave for your consideration. When Republican candidates for the various offices try to secure assistance in their nomination, where do they go? There is but one place. They go there simply to get that person to interfere in their behalf or to assist them and apply to the police of Biddeford.

Now something has been said as to how I supported this police commission, that I said it was a proper thing for Biddeford. As mayor of Biddeford for several years I did report and make statements, but in none of my statements did I say a word commendatory of the police commission of Biddeford. I have here all the statements which I made at various times when I was mayor of Biddeford in regard to this matter. You will find that my remarks were of the most perfunctory character. It is not the efficiency of the police themselves of which we make an issue; it is the pernicious activity of the chief of police in the municipal affairs of Biddeford of which we complain. I said not one word of commendation of the chief of police or the police commission, so that the remarks which have been attributed to me of how I supported the police commission of Biddeford are entirely unfounded. I only referred to the police department as is customary in the inaugural of every mayor. A claim has been made that because of the police force under the commission we have had better order in Biddeford at elections. It is not to this police commission or police force that we are indebted in the least to this good order in elections. Prior to the Australian ballot law there was more or less trouble as no doubt there was in all the cities of this State, but there was

no more. When the Australian ballot law went into effect in 1892 the situation was changed. It has been said that the good order we have had at our caucuses was because of the police commission. That is not so. The police commission went into effect in 1893. In a Republican caucus we had one of the most outrageous transactions that ever occurred in Biddeford and that was after this police commission was established. The police were responsible for the whole trouble. Since the caucus law was passed there has been no trouble in our caucuses in Biddeford. So we say that there can be no claim made that the police of Biddeford have made better order at our elections or at our caucuses.

Now, gentlemen, the city of Biddeford is the fourth city in size in the State, and we say that that city is one of the most progressive and enterprising of any in the State, that it has the most prosperous manufacturing industries not only in the state but in the country, and we say that the city of Biddeford is fully competent to run itself. And we appeal to you upon the merits of this matter, we ask you to support us because from the evidence in this case there can be no question but what the city of Biddeford is perfectly competent to govern itself not only in its municipal affairs but in its police affairs. We ask to be placed on the same footing as these other cities. (Applause)

Mr. MOORE of Saco: Mr. Speaker, we have listened for a long time to matter pertaining particularly to Biddeford. It occurred to me that I would quietly and unassumingly rise and offer an amendment to the pending report, and would ask my Brother from Biddeford (Mr. Horigan) if he will support the same. Amendment "A" to the bill reported by the minority report of the committee of legal affairs. Amend by striking out section three and inserting in place the following:

Section 3. This act shall take effect when and if approved by a majority vote at a special election of the qualified voters of the city of Biddeford to be called and held for that purpose on

the first Monday of April 1907; and the municipal officers and city clerk of Biddeford are directed to issue their warrants for such an election and prepare ballots submitting such question to said voters at said time under the provisions of the law and of the charter of said city of Biddeford.

Mr. MILLIKEN of Island Falls: Mr. Speaker, I rise to a point of order. As I understand it neither bill is before the House until one report or the other is accepted, and the amendment would therefore not be in order until one report or the other has been passed upon by the House.

The SPEAKER: The Chair will rule that the point of order is well taken.

Mr. SAFFORD of Kittery: Mr. Speaker, I think it well to consider first the nature of the act; second, the necessity for its passage; and third, the necessity of the conditions of repeal. It has been stated that this is a peculiar act, that it relates to a solitary city in this State. That is true, but Biddeford is a peculiar city. It was a peculiar city in 1903 and I contend that it is a peculiar city today. All the elements that are slumbering there in such quietude are liable to be aroused when the strong arm of the police law is removed therefrom. I make the prediction and that if this bill is repealed you will see whether it will come true or not. This city had a reputation not only in the State of Maine but south of Mason and Dixie's line; and a member of Congress from this State, when the frauds of election were being examined in the state of South Carolina, was confronted with this very city of Biddeford's frauds at elections. Now, I say there was ground at the time this law was passed for passing it.

I want to refer to one thing which the gentleman from Biddeford (Mr. Horigan), alluded to. The testimony before the committee was to the effect that he had been twice defeated upon the issue of the repeal of this very law. Now if that is the fact it seems to me that the contention of the gentleman from Buckfield (Mr. Dyer) is very reasonable, that it was the resubmission question that brought him here, and also my friend Mr. Walker, and not the other question of the repeal of the police bill. When we

come to consider this question as legislators let us look at it and see, if we eliminate Charles B. Harmon, if there is anything else left of it. I cannot see that there is. The committee has carefully examined the testimony. You have had twenty odd affidavits in favor of repeal. No cross-examination was possible in those cases, and one of them has been read here; and I wish to remark that that gentleman, Mr. Andrews, is a business partner and the father-in-law of the gentleman from Biddeford (Mr. Horigan); and those things are usually taken into consideration sometimes by lawyers. And further in relation to that matter I think it is in testimony that Mr. Andrews has been called in question in relation to accepting bribes and so forth as an officer of the city of Biddeford and that a public meeting has been held under the auspices of clergymen; and Mr. Andrews now is and always has been a disappointed office seeker. I dislike to refer to personalities in such matters but when the deposition has been referred to I cannot help calling attention to the standing of this man before the citizens of Biddeford. He has been brought before them prominently and an indignation meeting has been held by the clergymen of the city and he has had charges preferred against him, whether true or not I don't know, but they do very peculiar things in Biddeford. Mr. Walker states that a good deal was done in a perfunctory manner when he was mayor but I think that some of the things he said are very commendatory of the police commission. When he delivered his comments he was one of the members of the police commission. The various mayors of late years have commended the work of the commission. The gentleman says that he eliminated the chief of police from his reports. Now if I understand anything about a police department the chief of police is an important part of it and he should be included; he would naturally be included unless he was excluded in any commendatory words about the acts of the police department.

Gentlemen, we can enact law but we cannot make men to execute them. There is something for the city of Biddeford to do. I think if we confine ourselves to what seems to be our duty in the enactment of this law we can very fairly leave out Charles B. Harmon and proceed with our business and let them take up the burden there in Biddeford where it belongs. Complaint has been made that no investigation has been made by the commission in relation to these matters. Why have not the mayors instituted the investigation if it was necessary? I cannot understand this logic. I am in favor of the conditions of the police bill and I hope it will be sustained.

Mr. WALKER: The gentleman asks why as mayor of Biddeford I did not make these investigations. Last summer subsequent to the expiration of my term of office I read in the papers of Biddeford a statement made by George F.

Emery, county attorney at that time, wherein he charged that the city marshal of Biddeford had been extorting money illegally to the extent of some \$3000. Immediately upon that I began to investigate the matter and I looked into it to such an extent that I became satisfied that there was money not only taken out of criminals who were brought before the court, taken out illegally, but that the county was also being defrauded by witness fees built up when the witnesses never attended court. This was just before the election. I looked the matter up and then because of the other occurrences in Biddeford and because of our schools, we went into the fight and we said that this police commission must go; and that was the issue.

Our troubles in Biddeford in regard to elections have come from men who have been dominating our police department and whom we want reduced from power. As for Mr. Andrews, he stands today one of the most respected citizens in that city, and I don't know why the gentleman from Kittery (Mr. Safford) comes here and urges some criticisms that might have been made against him years and years ago. I don't know upon what they are based. I do know that today there is no man in Biddeford who stands any better than George R. Andrews, and that he has no superior as to respectability today.

Mr. HORIZAN: I want to say one personal word. The gentleman from Kittery makes the charge that I am the son-in-law of George R. Andrews. I want to say that Mr. Andrews had nothing to do with choosing me for a son-in-law. (Laughter and applause.)

Mr. STEVENS of Jonesport: As a citizen of Maine who received the unanimous support in my district of both parties, I wish to say that it is unjust, unpatriotic and un-American for a Republican state administration to force upon a Democratic city a Republican police commission. (Applause.)

And now, gentlemen, before we vote upon this question I want to say that I have the words of Bangor's gifted son will serve as your motto in this case. Gentlemen of the 73rd Legislature of the State of Maine, let the order of your allegiance ever be "Right, State, Constituents, Party." Do this and you will vote to substitute the minority for the majority report and will do justice to Biddeford. (Applause.)

Mr. Horigan moved that the yeas and nays be called.

The motion was agreed to.

The SPEAKER: The question is on substituting the minority for the majority report. Those who wish to do away with the police commission of Biddeford will vote yes; those opposed will vote no. The clerk will call the roll.

YEA:—Allan of Dennyville, Brawn,

Brown, Charles, Cyr, Dondero, Donigan, Duncan, Duntun, Edwards, Fannham, Flaherty, Frost, Gallagher, Harriman, Harris, Harthorn of Milford, Havey, Hibbard, Higgins, Horigan, Johnson of Waterville, Jordan, Kelley, Leader, Leighton, Lowe, Lynch, McClutchy, McKinney, Michaud, Minahane, Montgomery, Moore, Morneau, Mullen, Murphy, Newbert, Noyes, Perry of Randolph, Pike, Pinkham, Pooler, Preston, Scates, Skidmore, Snow, Stevens of Jonesport, Stover, Strickland, Thomas of Harpswell, True, Tucker, Waldron of Portland, Walker, Wardwell, Weld.

NAY:—Allen of Columbia Falls, Allen of Mt. Vernon, Allen of Richmond, Baldwin, Barrows, Brackett, Chase, Clark, Cobb, Danforth, Davidson, Davies, Davis, Dow, Dyer, Emerson, Farrar, Folsom, Fulton, Giddings, Gleason, Gordon, Hadlock, Hall of Caribou, Hall of Dover, Haskell, Hathorn of Detroit, Hawkes, Herrick, Hill of Machias, Hill of Monticello, Irving, Joy, Kendall, Knowton, LaBree, Lane, Langley, Libby, Loring, Lovejoy, Martin of Rumford, Mayo, Merrill, Milliken, Newcomb, Newton, Oram, Peacock, Perkins of Alfred, Perkins of Kennebunkport, Perry of Fort Fairfield, Putnam, Safford, Smith of Lisbon, Smith of Patten, Spear, Sprague, Stearns, Stevens of Portage Lake, Stuart, Stubbs, Tarbox, Theriault, Thomas of Howland, Titcomb, Tolman of Glenburn, Waldron of Dexter, Weeks, Whitehouse, Wight, Wood, Young.

ABSENT:—Barker, Blanchard, Colcord, Copeland, Crosby, Emery, Goodwin, Grinnell, Jacobs, Johnson of Calais, Lord, Merriman, Merry, Randall, Skillin, Witham.

Yes, 58. No, 72. Absent, 16.

PAIRED:—Decker, no; Tolman of Portland, yes. Martin of Bangor, yes; Reynolds, no.

So the motion was lost.

On motion of Mr. Dyer of Buckfield the majority report was accepted.

Mr. Moore of Saco offered amendment "A" to the bill.

The SPEAKER: There is no bill before the House. The House has accepted the majority report which is that the bill ought not to pass.

Mr. MOORE of Saco: I move a suspension of the rules that the bill may be taken up so that I may offer an amendment.

Mr. SMITH of Patten: I object to that. We have accepted the majority report.

Mr. JOHNSON of Waterville: I rise to make an inquiry. I understood the gentleman from Saco to move a suspension of the rules. I do not understand that unanimous consent is necessary to suspend the rules.

Mr. WEEKS of Fairfield: I think there is a rule of the House that requires a certain number of days' notice where a member desires to introduce a bill a second time covering the same subject.

Mr. Waldron of Dexter moved to adjourn.

On this motion a division was had and the motion was lost by a vote of 47 to 59.

Mr. MOORE of Saco: I understand by rule No. 57 that it requires two-thirds and not unanimous consent for a suspension of the rules.

The SPEAKER: I understand that it requires two-thirds to suspend the rules, but in order to introduce a bill I understand that unanimous consent must be given to introduce a bill out of order which is what I understand the gentleman desires to do, and the gentleman from Patten (Mr. Smith) objects; but I will put the question on a suspension of the rules.

The question being, shall the rules be suspended, a division was had and the motion was lost by a vote of 44 to 60.

On motion of Mr. Horigan of Biddeford,

Adjourned.