

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

**SENATE.**

Tuesday Morning, April 1, 1913.

Senate called to order by the President.

Prayer by Rev. Wiley H. Smith of Hallowell.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Resolve in favor of the reconstruction of the easterly span of the Old Town-Milford bridge.

In the House the original resolve was substituted for the report of the committee on ways and bridges, "ought to pass in new draft."

In the Senate, on motion by Mr. Conant of Waldo, the report of the committee was accepted in non-concurrence with the House, and the bill was tabled for printing under the joint rules.

Mr. DUTTON of Kennebec: Mr. President, I understand that parties desire to offer amendments before this bill is printed. I do not. I move the resolve be taken from the table.

The motion was agreed to.

Mr. CONANT of Waldo: Mr. President, I move that the resolve lie on the table pending the offering of amendments. Senator Colby was to offer amendments and he is not present.

The PRESIDENT: The Chair will state that if the senator is willing that the resolve be printed under the joint rules, then senators will have an opportunity to offer amendments.

The resolve was tabled for printing under the joint rules.

**House Bills in First Reading.**

Resolve in favor of the Eastern Maine General Hospital, Bangor.

Resolve in favor of the stenographer of the presiding and recording officer of the House of Representatives.

Resolve in favor of the secretary of the committee on Indian affairs for expenses of members of that committee in visiting the Penobscot reservation at Old Town.

Resolve in favor of the commission on enlargement of the State House. (On motion by Mr. Hastings of Androscoggin, pending commitment to

committee on bills in second reading, tabled.)

Mr. BOYNTON of Lincoln: Mr. President, may I ask whether it is a majority report on that bill or simply an unanimous report.

The PRESIDENT: The Chair will state that the bill is accompanied by but one report, but there is a notation in pencil that it should be a majority report.

Mr. BOYNTON: Mr. President, a majority report is what it should be.

The PRESIDENT: The Chair will state that the senator from Lincoln in conference with other members might prepare the necessary additional papers.

Resolve in favor of a highway bridge over St. John river between Fort Kent, Maine, and St. Francis, New Brunswick.

An Act in relation to the safety and improvement of highways.

An Act to provide for the preservation of highways and bridges.

**Senate Bills in First Reading.**

An Act to revise, collate, arrange and consolidate the inland fish and game laws of the State, both general and public, and private and special, and the rules and regulations of the commissioners of inland fisheries and game now in force.

**Passed to Be Engrossed.**

Resolve in favor of the Maine State Sanatorium Association, Hebron.

An Act to amend Section 51 of Chapter 51 of the Revised Statutes in relation to certificates of safety granted by railroad commissioners.

An Act to enable the county of Sagadahoc to rebuild Merrymeeting Bay bridge.

Resolve in favor of the Androscoggin Anti-Tuberculosis Association.

**Passed to Be Enacted.**

An Act to amend the charter of the city of Auburn and provide a commission form of government.

An Act to regulate and establish mileage rates for the conveyance of passengers over the steam railroads within the State.

An Act to grant additional powers to the Rockland, South Thomaston and St. George Railway.

An Act to amend Section 32 of Chapter 27 of the Revised Statutes relating to the care and support of paupers.

An Act additional to Chapter 61 of the Revised Statutes providing for the correction of errors in the record of births, marriages and deaths.

An Act to amend Section 5 of Chapter 23 of the Revised Statutes relating to ways.

An Act to amend the act which constitutes the police court for the city of Rockland. (On motion by Mr. Packard of Knox, tabled pending passage to be engrossed, and assigned for this afternoon.)

An Act to regulate the packing, shipping and sale of apples.

An Act to amend Sections 18, 22 and 23 of the Primary Election law.

An Act to create a body politic and corporate by the name of Bustin's Island Village Corporation.

An Act to incorporate the Bowdoinham Water and Electric Company.

An Act relating to the payment of funds to minors under any decree of court.

An Act to amend Section 24 of Chapter 5 of the Revised Statutes, relating to boards of registration.

An Act to amend Chapter 118 of the Private and Special Laws of 1911, relating to the Park commission of the city of Portland.

An Act to incorporate the Houlton Street Railway Company.

An Act to incorporate the Pittsfield Water District.

An Act to authorize the town of South Berwick to own and maintain an electric lighting and power plant.

An Act to amend Section 8 of Chapter 289 of the Private and Special Laws of 1907, entitled, "An Act to incorporate the Livermore Falls Sewer District."

An Act relating to the construction of sidewalks in the town of Sanford.

An Act to amend Section 97 of Chapter 15 of the Revised Statutes, as amended, relating to appropriation for schooling children in unorganized townships.

#### Finally Passed.

Resolve in favor of the Maine Eye and Ear Infirmary for maintenance.

Resolve in favor of the Bath city hospital for maintenance..

Resolve in favor of the Presque Isle General hospital for maintenance.

Resolve in favor of the Maine School of the Deaf for maintenance.

Resolve in favor of the York hospital for maintenance.

Resolve in favor of the Hayes' Young Women's Home of Lewiston, for assistance in carrying on its work.

Resolve in favor of the Webber Hospital Association for maintenance.

Resolve in favor of the Knox County General Hospital for maintenance.

Resolve in favor of the Girls' Orphanage of Lewiston for maintenance.

Resolve in favor of the Lewiston and Auburn Children's Home for maintenance.

Resolve in favor of the Maine Children's Home Society for maintenance.

Resolve in favor of St. Mary's General Hospital for maintenance.

Resolve in favor of Mellen Tryon, secretary of the committee on Maine School for Feeble Minded for certain committee expenses.

Resolve in favor of the Maine Industrial School for Girls for medical examination and treatment with supplies.

Resolve for the appointment of commissioners to the International celebration of the opening of the Panama Canal.

Resolve in favor of the Temporary Home for Women and Children, for maintenance.

Resolve in favor of the Maine General Hospital for maintenance.

Resolve in favor of the Maine Mission for the Deaf for maintenance.

Resolve in favor of the Maine Institution for the Blind for maintenance.

Resolve in favor of the Women's Christian Temperance Union Temporary Home for Children for maintenance.

Resolve in favor of the Greenville Junction Young Men's Christian Association for maintenance.

Resolve in favor of the Northern Maine General Hospital for maintenance.

Resolve in favor of Edward W. Murphy for expenses of the committee appointed by the 75th Legislature to investigate methods of distributing the State school funds.

Resolve in favor of John W. Higgins, for services as clerk of the committee on Maine School for Feeble Minded.

Resolve in favor of the Bath Military and Naval Orphan Asylum for maintenance and repairs.

Resolve relating to the trust fund held by the State for the Penobscot tribe of Indians.

Resolve for laying the county taxes for the year 1914.

### Assigned for Today.

The PRESIDENT: The Chair lays before the Senate for consideration the first matter assigned for today, House Document 523, An Act relating to inspection of hotels, inns and lodging houses.

On motion by Mr. Boynton of Lincoln, the bill was tabled and assigned for consideration at the end of the calendar this morning.

The PRESIDENT: The Chair lays before the Senate for consideration the next matter on the calendar, An Act relative to the direct elections of delegates to national conventions, and to provide for the expression of preference for candidates for President and Vice President of the United States, House Document No. 144, the pending question being the second reading.

Mr. DUTTON of Kennebec: Mr. President, I have asked the Senate twice to reassign this act, with a view of redrafting it so that it would in some way meet the situation desired by its proponent, but I have found that it is really a big task to draw a direct primary law that would meet the situation without making involved and expensive complications.

Now I am entirely in favor and in hearty accord with the idea expressed in this act, and with the idea attempted to be attained. I believe that the time is coming when the old convention idea will be abolished in this country, and when candidates for President and Vice President of the United States will be selected by as nearly as possible a direct vote of the people; that is, that the people will by their own choice select a man for whom they desire to vote for President and Vice President of the United States.

This idea is not a very old one in this country. It has been only recently agitated. It has been enacted into

law in only a few of the states. It is being considered this winter by quite a good number of the states, and an examination of the bills now pending in various states of the Union discloses the fact that it is a more or less complicated machinery.

Now the purpose of the author of this bill is to provide a means whereby the people of the State of Maine may express their views on the question of the election of delegates to the national convention of the different parties, and at the same time express their own preference for a candidate for President and Vice President.

Now this is a matter which has been governed in the past, as everybody knows, by the national executive committees of the parties. It has been so much agitated in the past two years, and particularly in the past year, that it is not improbable that Congress itself will take some action upon a matter of so great general public importance.

Now after fully considering this and attempting to redraft this bill to meet the conditions which confront us, I have come to the conclusion that there is much need of more time to do this work. This act, if passed by this Legislature, would not become operative in actual practice before the election of 1916.

In two years from now a legislature will meet here, and there will be then ample time to enact a proper law for this purpose. And my idea is that if this Legislature would appoint a committee for the purpose of drafting such a law and presenting it to the next Legislature, not only would that committee have the benefit of the experience of the acts of other legislatures, but it would also have the benefit of any possible act of Congress on this matter. It might be that the State of Maine would enact a law, or another state might enact a law that would be in direct contravention of some act which Congress might pass.

Now with the view of having this Legislature appoint such a committee to accomplish this result, I move that this bill be indefinitely postponed.

Mr. HERSEY of Aroostook: Mr. President, the senator from Kennebec,

Senator Dutton, and myself sat down yesterday with the intention of amending the present bill so that it might be passed at this Legislature, and we procured from the library all the acts before the legislatures in the United States that are now pending. But they were so antagonistic to each other, and so crude in their arrangement, that we could not get much of an idea from them, and the present bill is in such shape that it would be very hard to amend it.

For illustration, you will recall one paragraph of that bill provides—that is the bill that we are considering here in Maine—that the candidate for president and vice-president shall become a candidate by petition, we requiring the candidate for president or vice president somewhere in the United State to become a candidate by petition before they can be voted for in Maine. You see the absurdity of the matter—that Maine can legislate what presidential candidates shall do in some other place, and if they don't do it we can't vote for them of course.

It is true, as the senator from Kennebec has said, that two years from now we can pass this law, in ample time for presidential election. It is unnecessary to enact a law at this time, and if this is indefinitely postponed, Mr. President, I have an order I wish to present for the appointment of a committee to examine into the matter and present a bill at the next Legislature.

The PRESIDENT: The question is upon the motion of the senator from Kennebec, Senator Dutton, that the bill be indefinitely postponed.

The motion was agreed to.

Mr. HERSEY of Aroostook: Mr. President, I ask unanimous consent to present an order at this time, out of order, in relation to the appointment of a committee to investigate these matters, and move its passage.

Unanimous consent was given, the senator presented the following order, which was passed and sent down for concurrence:

"In Senate, April 1, 1913.

Ordered, the House concurring, that a committee of five consisting of two

of the Senate and three of the House be appointed by the President of the Senate and the Speaker of the House to consider the matter of preference at primary election of candidates for President and Vice President, and report a bill to the next Legislature."

The PRESIDENT: The next matter is House Document 643, An Act establishing a municipal court in the town of Readfield.

The pending question is first reading.

Mr. ALLEN of Kennebec: Mr. President, the gentleman from Readfield told me that I could amend this, and I looked the bill over and thought I would prepare an amendment, but the more I examine the bill, the more I find that a new draft would be necessary in order to amend it, so that I have not prepared it.

I do not see any other way except to ask for further time. I move that the bill lie on the table and be assigned for tomorrow morning.

Mr. DUTTON of Kennebec: Mr. President, my colleague and I are in hearty sympathy in regard to this particular bill. I entirely endorse the sentiments expressed by him the other days when this matter came up.

I have no doubt that the proponent of this bill is very much interested in it, very much interested in having a municipal court established in the town of Readfield. The town of Readfield has about nine hundred, a little rising nine hundred inhabitants. It has one lawyer, and this lawyer is the only lawyer, so far as I have yet heard, who resides in the town of Readfield, Vienna, Mt. Vernon or Fayette, the towns embraced within this bill.

Now the people from that whole section up there very naturally, as my colleague said the other day—very naturally come to Augusta to do their business, and it is going to inconvenience the people of every one of these towns and a large number of people in the town of Readfield itself if this court is established. There is only one lawyer, as I have said, up in that section. Now this bill gives exclusive jurisdiction to this municipal

court in civil matters and criminal matters over all this territory.

Now if the good law-abiding citizens up there get into any trouble, civil or criminal, involved in any way, they must either go to Waterville or come to Augusta to get a lawyer. Now what happens? They are deprived of coming to Augusta to do their business down here in this municipal court, but they must come here—most of these people do their business in Augusta—they must come here and get a lawyer, and if they cannot do their business here in Augusta they have got to take this lawyer way out to Mt. Vernon, Readfield—twenty miles from here—to do that little trifling business that happens to be in this court.

Now it is a hardship upon the people of these five towns to put that burden upon them.

Not only that, but this provides a system of fees for the judge of that municipal court, a system that has been abolished in this State, and I think it has been the policy of the State not to establish any more courts that have fees. I notice also that it is provided that from this little court out here—not satisfied with having appeals go from this court up to our superior court the way that all appeals go from all our other municipal courts—appeals shall go right over the head of our superior court to the supreme judicial court. So important their matters are they must go directly to the supreme judicial court.

Then another thing, the judge is going to get the fees, and this bill provides that whereas the fees for the actual trial of a case in our municipal courts are eighty cents and the taxable costs, the fees in this court provided here, and the taxable costs, are two dollars—almost three times what they are in any other municipal court in the county.

Now there are dozens of things in that bill, I say, that work a hardship upon the people of my county, and there is no occasion for it, no demand for it, excepting from somebody who is going to be benefited by the fees established there, and I ask that this bill be indefinitely postponed.

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

The PRESIDENT: The Chair lays before the Senate for consideration the next matter on the calendar, Senate Document, No. 545, an Act to license stallions for public service, the pending question being the consideration of non-concurrent action of the two branches.

Mr. CONANT of Waldo: Mr. President, I yield to Senator Moulton.

Mr. MOULTON of Cumberland: Mr. President, what is the present status of the bill?

The PRESIDENT: The Chair will state that the parliamentary situation is as follows. This bill was reported to the Senate by the committee on agriculture "ought to pass," read twice and passed to be engrossed.

Mr. MOULTON: Mr. President, I move that the Senate insist and ask for a committee of conference.

The PRESIDENT: The Chair announces as the Senate members of the committee on the disagreeing action of the two branches on Senate Document 545, the senator from Cumberland, Senator Moulton, the senator from Waldo, Senator Conant, and the senator from Kennebec, Senator Reynolds.

The PRESIDENT: The next matter is House Document 588, An Act creating a State board of charities and corrections.

On motion by Mr. Flaherty of Cumberland, the bill was given its second reading and was passed to be engrossed.

The PRESIDENT: The next matter is House Document 638, An Act to amend Section 69 of the Revised Statutes, as amended by Chapter 41 of the Public Laws of 1905, relating to non-feasance of duty by sheriffs, deputy sheriffs and county attorneys.

On motion by Mr. Bailey of Penobscot, the bill was given its first reading, and its second reading was assigned for this afternoon.

The PRESIDENT: The next matter is the majority reports "ought to

pass" and minority report "ought not to pass" of the committee on judiciary, on bill, An Act relating to the powers of the board of prison and jail inspectors.

The pending question is the acceptance of either report. The House accepted the minority report.

Mr. STEARNS of Oxford: Mr. President, while I believe thoroughly that the bill ought to pass, yet realizing that the House having adopted the minority report, and even if the Senate saw fit to take non-concurrent action, it is very doubtful if anything could be accomplished, I therefore move that the Senate concur with the House and that the minority report be accepted.

The motion was agreed to.

The PRESIDENT: The next matter is Senate Document 552, An Act providing for a license for a resident of the State to hunt on the wild lands of the State.

In the Senate report of the committee "ought to pass in new draft" on this bill was accepted, the bill was given its readings and passed to be engrossed.

In the House the report "ought to pass in new draft" was accepted in concurrence; then House Document 648, Amendment A to Senate Document 552, was adopted. Subsequently the bill as amended was indefinitely postponed.

The pending question is action upon the non-concurrent action of the two branches.

On motion by Mr. Boynton of Lincoln, the Senate concurred with the action of the House in the indefinite postponement of the bill.

The PRESIDENT: The next matter is House Document 663, An Act relating to the fee of the registration of physicians and surgeons.

This bill was reported to the House, "ought not to pass," and the bill was then substituted for the report, read three times and passed to be engrossed.

Mr. ALLEN of Kennebec: Mr. President, I yield to the senator from Cumberland, Senator Moulton.

Mr. MOULTON: Mr. President, this bill was considered by the committee and it was the unanimous opinion of the committee that the bill ought not to pass, and was so reported. If it is in order, I move that we accept the report of the committee in non-concurrence with the House.

The motion was agreed to.

The PRESIDENT: The next matter is House Document 662, An Act to amend Chapter 120 of the Private and Special Laws of 1899, relating to the establishment of a municipal court in the town of East Livermore.

This is a divided report of the committee on judiciary, majority report "ought to pass in new draft," minority report "ought not to pass." In the House the majority report was accepted, the bill read three times and passed to be engrossed.

Mr. MOREY of Androscoggin: Mr. President, I move that this matter lie on the table, and be assigned for this afternoon. The representative from East Livermore has agreed upon an amendment to this bill, and I think I will be ready to take it up, this afternoon.

The motion was agreed to.

The PRESIDENT: The next matter is House Document 523, An Act relating to inspection of hotels, inns and lodging houses.

Mr. MOULTON of Cumberland: Mr. President, if it is in order to accept the report of the committee, I move that the report be accepted, as this is the unanimous report of the committee "ought to pass."

The PRESIDENT: The parliamentary situation is this: The report of the committee on public health, "ought to pass in new draft," was unanimous. In the House the report was accepted, the bill was given two readings, and pending third reading, was tabled and then indefinitely postponed. A motion to accept the report of the committee would be in order.

On motion by Mr. Moulton, the report of the committee, "ought to pass in new draft," was accepted in non-concurrence, the bill was then given its first reading



and second reading was assigned, this afternoon.

#### Orders of the Day.

MR. BAILEY of Penobscot: Mr. President, I ask unanimous consent—I do not know just the parliamentary situation, but I will explain it and then perhaps the President will make some suggestion.

It seems that one John B. Curtis, who was a very wealthy man born and raised in the town of Bradford in the county of Penobscot, in his last will and testament left \$30,000 to establish a free public library in the town of Bradford. Under his will it provided that a board of trustees should be chosen, and the lawyers who were executors of his will said that they should be incorporated under the laws of Maine. A bill was introduced in the House after the time fixed for the introduction of private and special legislation. The bill was given its three readings, passed to be engrossed and sent up to the Senate, but under the ruling made by the Senate it was rejected.

Now this is a bill providing for the building of a public library. In the case of Sawyer v. Gilmore, in which I happened to be counsel, it was decided by the law court. The question under controversy was the constitutionality of the laws of 1907 relating to the distribution of the mill and a half for public schools, and in that decision the court based its ruling that the bill was constitutional on the fact that any bill or any measure which sought the diffusion of education or literature was not a private and special matter because the benefits of education were common to all and they reach into every corner and nook of business, and commerce, and homes in our State.

Now under that ruling of the supreme court I claim that, although this may be technically a private and special matter, yet being in its scope and in its intent a bill for the diffusion of education and literature, it should be accepted under the rule which we have made in some other cases.

I move that the rules be suspended

and the bill be received at this time in the Senate.

The PRESIDENT: The Chair will state that this is a private and special matter, and it is also a matter that has been disposed of once, and may not be revised for reconsideration except by suspension of the rules.

On motion by Mr. Bailey, 27 voting in the affirmative and none in the negative, the rules were suspended and the bill was laid upon the table for printing pending its first reading, without reference to a committee.

On motion by Mr. Dutton of Kennebec, House Document No. 644, An Act to provide for the election of officers in cities by plurality vote, was taken from the table.

MR. DUTTON: Mr. President, I tabled this for the purpose of framing an amendment on account of the phraseology in the third section, which stated that any city might vote to accept this act and it would apply to every other city. But I have been informed since tabling this, that the city of Augusta is the only city in the State where the majority rule now obtains, and of course if that is so, this bill as it now is, is in proper form and would not injure anybody, and I move it have its second reading.

The motion was agreed to and the bill received its second reading.

MR. EMERY of York: Mr. President, I ask unanimous consent to present at this time, out of order, reports of a committee:

Unanimous consent was granted and the senator presented the following report of the committee on appropriations and financial affairs:

"Ought to pass" on Resolve in favor of Charles R. Kingsbury.

Also "ought to pass" on Resolve in favor of Charles R. Kingsbury.

Also "ought to pass" on Resolve in favor of the clerk and stenographer of the committee on towns.

Also "ought to pass" on Resolve in favor of clerk and stenographer of the committee on ways and bridges.

Also "ought to pass" on Resolve in favor of Charles R. Kingsbury.

The report was accepted and the

several Resolves were tabled for printing under the joint rules.

On motion by Mr. Murphy of Cumberland, Senate Document, No. 493, An Act to repeal Section 9, Chapter 30 of the Revised Statutes as amended by Chapter 74 of the Public Laws of 1909 and Chapter 291 of the Public Laws of 1909 relating to apothecaries, was taken from the table, and on further motion by the same senator it was passed to be engrossed.

On motion by Mr. Clark of York,  
Adjourned until this afternoon, at 2.30 o'clock.

### SENATE.

Tuesday Afternoon, April 1, 1913.

Senate called to order by the President.

Prayer by Rev. Henry E. Dunnack of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House: Resolve in favor of the adoption of an address to the Governor of the removal of Lewis W. Moulton, sheriff of Cumberland county.

In the Senate this resolve was adopted and sent down for concurrence. It came back from the House amended by the adoption of House Amendment A. In the Senate, House Amendment A was indefinitely postponed in non-concurrence.

The order came from the House, that branch insisting upon its former action and asking for a committee of conference.

Mr. HERSEY of Aroostook: Mr. President, I have no objection, in one sense, to the appointment of a committee of conference. It has been done a great many times, during the present session. I do not know but that it is the only thing we can do in the course of procedure. But it seems to me, Mr. President, that we ought at this time to look the matter squarely in the face and know where we are.

A few days ago the Governor of this

State submitted to the Legislature certain charges or evidence in his possession against one of the sheriffs of this State, the sheriff of Cumberland county. He set forth fully in his message to this Senate and to this Legislature his reasons for doing so, clearly, honestly, squarely. He did it because he believed it to be his duty as a Governor of a great State, when the people appealed to him that the law was being violated and the Chief Executive of the State had the responsibility under the Constitution to see that the laws were enforced. He set forth, as you senators recall, in his message to us at the organization of this Legislature, his attitude in regard to the prohibitory law and to the nullification of it in the State. He gave due and sufficient warning to law-breakers in the State of Maine and to public officials in the State of Maine, who had the duty and the responsibility of the enforcement of the law, as to his, the Governor's attitude, should they persist in violating the law.

Three months, Mr. President, have gone by, passed into history,—three months in which officers who had the enforcement of the law in their hands could have adapted themselves to the Governor's message. And after three months the Governor claims that there is evidence thrust upon him by the people of the State, which he cannot put aside, which he cannot ignore, which he must do something with, and he submits it to the Legislature to investigate this evidence, to investigate these charges against these officials.

He says that he has one case, he thinks, complete, which is the case against the sheriff of Cumberland. He says he has other evidence which he is likely to submit further on—open and square about it.

The Senate did what under the Constitution it must do, at that time, and I want to read the Constitution to you. Doubtless many of you are familiar with it, as to our duty.

"Section 5. Every person holding any civil office under this State, may be removed by impeachment, for misdemeanor in office." We are not proceeding under impeachment proceedings but

we are proceeding under this section. "And every person holding any office, may be removed by the Governor, with the advice of the Council, on the address of both branches of the Legislature. But before such address shall pass either House, the causes of removal shall be stated and entered on the journal of the House in which it originated and a copy thereof served on the person in office, that he may be admitted to a hearing in his defence."

Following the constitution, this Senate, in solemn session, after hearing the address of the Governor, drew up a resolution which was the embodiment of the charges submitted by the Governor, and the only charges on which he could be tried and will be tried, and sent that resolution, with a committee appointed, to the House for concurrence. And it seemed to us that the duty of the House was plain, to adopt that resolution which had originated in the Senate and become a part of the records in the Senate, endorse the order for the committee, appoint the House members of the committee; and then, under the constitution, a copy of those charges, a copy of that resolution, should be served on the sheriff of Cumberland county, and he be directed to appear at the bar of the Senate and the House in joint session and answer to the charges that had been made. And that procedure was the same that was followed here a year ago in a Democratic Legislature. Two officials were charged then. Two officials were tried then. But each one proceeded with separate proceedings in both houses. The Democratic party then, with the responsibility upon them, did not dare to place those two men together in one instrument, and try them, or attempt to try them.

But when it gets down in the House, the Democratic leader of the House rises in his place and offers an amendment to that resolution. I know it came as a surprise to the House. I know it came as a surprise to every Republican in the House. It was not a surprise, nor a new thing, to the leaders, because they had behind them the brains of a man who could set a trap and knew how to do it.

And this amendment—what was it? Such a thing never was heard of in the history of legislation. Such a thing never

was known in a Legislature. Such a thing never was heard of in impeachment proceedings in the world. What? Why, they made a like resolution in the House, but they put in the sheriff of Sagadahoc county in that resolution, and they put separate charges in that resolution against him. And then they put in another resolution, a second resolution against the sheriff of Penobscot county, and a set of charges there. And they said under those resolutions that the Senate—think of it!—that the Senate should take the charges of the House and enter those charges upon its journal, when I read to you the constitution, that the house in which the charges originated should enter them upon their journal.

Now the Speaker—an able man, I have no doubt he also was surprised—a man eminently fair, a man who intends to do the right thing, a man who has about him no tricks—he wanted to be more than fair with the Democrats with whom he was contending, and knowing that he was the Speaker over a house which he politically could not control, and of which his party was not in control, wishing to be fair, what did he say? Certainly it was a surprise to him.

When the point of order was raised that it was not germane, that no such amendment should be put upon it, he said that on first consideration he was of the same opinion—thrust upon him—and he goes on, I am reading from the Record, he goes on to give the reasons that came to him. He says: "The Chair thinks that in a case of doubt the doubt should be resolved in favor of such amendments"—he is in doubt, you see, what to do—not time to consult, don't take the time, and wishing to be fair, he says: "The Chair is of the opinion that while at first it would seem to be not germane, it is not after all an indictment which we have before us, but an expression of a plan or purpose to proceed on a certain day against a certain official." You see what is running through the brain of the Speaker—it is not the indictment—he is thinking of charges as coming further on, when he had before him the only charge that there would be. He says it is a plan or purpose of what they are going to do further on.

Well, it was not a plan and a purpose of what they were going to do

further on, but a plan and a purpose to defeat the prosecution. Why I need not say to you senators, that when a man rises in the senate and offers an amendment to a document going through this Senate, that as soon as the amendment is adopted it is a part of the bill; when the bill is passed and made a law, it is a part of the law. And when we amend the prosecution against the sheriff of Cumberland county by putting on prosecutions against two other sheriffs as an amendment, and the amendment is adopted, it becomes a part of the instrument and it is one instrument after that for all time to come.

And do you think under the Constitution that you have got anything that you can try a man on? Why, think of it! This Constitution says that after you have got this instrument approved by both Houses—what shall you do? Enter it on the Journal of the House in which it originated, and then a copy thereof shall be served on the person in office, that he may be admitted to a hearing in his defence. And what are you going to serve on the sheriff of Cumberland county? You are going to serve on him charges against him, and also charges against Ballou, and also charges against Emerson. That is what you are going to serve on him. He is charged with them all, not only his own shortcomings but the shortcomings of the other sheriffs.

You have got one instrument and that is all, and if this Senate and House should try a man on such charges as that and find him guilty, do you imagine for a moment that the law court of Maine would say that man had been convicted under the Constitution which gives him a right to stand in his own defence and not be mixed up with somebody else? Now in the House, in trying to put on this amendment the gentleman from Portland, Mr. Kehoe, said this: "This is like trying three men for a felony who are concerned in the same felony." A man has got to give himself as a lawyer an awful twist politically before he can make a statement like that in public. A man steals a horse up in my town, another man down here in Androsceggin, at Lewiston—are you go-

ing to put them in the same indictment? They are both felons. They are both larceny. It is the general crime of larceny you are trying them for—put them right in—box them up—let them stand there.

Well, now, Mr. President, when that matter came in from the House, I think the Senate, every man of us here, was disposed to do everything we could to hasten this matter and have it settled in a proper procedure beforehand as we should.

There came up here to this Senate from the House an order, with the return of these amendments, and that order called upon the Governor of our State to furnish this Legislature all the evidence that he had in regard to any other officials that were violating the prohibitory law of the State. And the Governor immediately sent to this Legislature a message, accompanied with all the evidence he had in regard to anybody, and mentioned the names of certain officials in connection therewith. And the Senate at that time did what? We made separate resolves against every man, be he Republican or Democrat, that the Governor had mentioned in that message—separate resolves, Mr. President, you remember, separate orders, separate appointment of committees, just as a grand jury would send out separate indictments. We did not leave out a single person and I think the Senate stands ready to send down to the House a resolution against any man whom a Democrat will stand up and say there is any evidence against for violating his oath of office. We sent them all down, five of them, or six of them, and said: "It is up to you, now. If you are not playing politics, if you mean business, you will endorse these resolutions. Give every man his separate trial, don't mix him up with anybody else, let every man stand on his now merits. Send them back to us and we will proceed with each one in the due course of procedure as a court ought to do."

The Senate assumed that what had been done down in the House was done in good faith as I said on the floor of the Senate, the other day, that I didn't believe they were playing politics with us.

I said that I didn't believe it would come to that here in a matter of this kind, where we are jurors—must sit as jurors upon this case—that we would put in mere party politics, and I wanted to believe that down in the House, the men who were responsible for those amendments, the men who presented them, did it out of ignorance of their legal rights and not because they wanted to play mean little dirty party politics. But I sat in the House this morning when the leader of the House arose in his place—one of the leaders—and insisted that the House should not adopt those separate resolves but insist that those amendments should still cling to the original resolve, and keep up here in a deadlock from going ahead and doing business. For we all know that under our oath of office we must stay here till the judgment day before we will attempt to try a man under the constitution in violation of our oaths.

What right have I, as a senator, sitting here in my place as a judicial officer, to try a man for the high crime of violating his oath of office, for the highest crime of using his office in an improper manner, for removal from office—what right have I to sit here and try him for that, when he is put in the same instrument with two other men, with different evidence and different witnesses, for a different charge?

What right have I to sit here and enact a farce, and then people of the whole State know it is a farce? The Democratic party of the House, through their leader there in the House, this morning insisted that they should stand by the amendment. They knew if that must stand it means then you never can try the sheriff of Cumberland county. Now they didn't mean business by it. If there wasn't dirty, party politics in it they would have accepted the resolutions we sent down to them and had this matter ended at once. Does someone say that you will try the sheriff of Cumberland and you will not try anybody else, therefore we will put them in together? Well, if that is your argument, then you know you could not try them separately. The very moment you say that you admit that you are not giving them their separate trials. Now I do not believe that this Legislature intends to

try one man and leave another out. I say to you what I believe, every senator here believes, that they are ready to try any man who is charged at the bar of this Legislature and give him a fair and impartial trial, and that is all he should have. And that is all you should ask for. If they meant business this morning down in the House, why did they not take all the rest of these five and annex them on? They did not ask to do that by any further amendments, but sent it back, because it is an attempt to keep this Legislature from investigating the first one that the Governor put in here.

And it will be very effective if they can do it. Now I want the people of the State of Maine to understand that this is little peanut politics of little peanut politicians and is not the business of the State.

Now you can appoint your committee of conference. What does your committee of conference amount to? Down in the House there is a committee there of two men at least that will not agree to anything of this kind and you cannot get a majority of both of these committees to agree to any procedure. Go ahead with it. It will only delay, and that is all that those who are playing politics want—a delay. It is not an investigation—it is not something that we are doing for the best interest of the State—but it is simply playing politics. Now if the Democratic party in this Legislature can make anything out of this in the way of politics, and help themselves as a political party, they are entitled to the benefit of it. I only want to state to you my conclusions, that I am here to do business, and if I sit here as a member of this jury, I will give every man a fair hearing and vote according to the evidence, no matter whether Republican or Democrat, but until that time comes no man with my consent will stand before the bar of this Legislature charged with a crime and have his trial along with somebody else charged with a different thing and in a different locality in the State.

I have said all I want to say, Mr. President.

The motion was adopted by a viva voce vote.

The Chair appointed as Senate members of the committee of conference on

the disagreeing action of the two bodies: The senator from Oxford, Senator Stearns, the senator from Franklin, Senator Wing and the senator from Aroostook, Senator Hersey.

From the House: Senate Document 441, An Act to amend Section 67 of Chapter 52 of the Revised Statutes, relating to accidents on railroads.

In the Senate this bill was indefinitely postponed. It came from the House, the report of the committee accepted, the bill read three times and passed to be engrossed.

Mr. PACKARD of Knox: Mr. President, I move that the Senate recede and concur with the House.

Mr. COLE of York: Mr. President, I move that the bill lie on the table and be assigned for tomorrow.

The pending question being the adoption of the motion of the senator from Knox, the motion of the senator from York that the bill be tabled and assigned for tomorrow, was agreed to.

From the House: Resolve in favor of the appointment of three commissioners by the Governor to act with the commissioners from certain other states in proposing and recommending a uniform code of laws for motor vehicles to be adopted by the Legislatures of said states.

In the House this resolve was given its several readings and passed to be engrossed under suspension of the rules.

On motion by Mr. Bailey of Penobscot, under suspension of the rules, the resolve was tabled for printing without reference to a committee.

#### House Bills in First Reading.

Resolve in favor of W. V. Peebles.

Resolve in favor of Warren B. Clark.

Resolve in favor of John Metcalf.

Resolve in favor of Fred F. Lawrence.

Resolve in favor of Clyde Scribner, messenger for the committee on inland fisheries and game.

Resolve in favor of the clerk and stenographer of the committee on inland fisheries and game.

From the House: House Document

145, An Act relating to the assistant assessors of the city of Portland.

In the House this bill was passed to be engrossed. And in the Senate, the bill was passed to be engrossed. In the House, it was then passed to be enacted, and in the Senate, pending passage to be enacted, it was indefinitely postponed. It came from the House, that branch insisting upon its former action and asking for a committee of conference.

Mr. MURPHY of Cumberland: Mr. President, I move that the Senate insist and that a committee of conference be granted.

The motion was agreed to.

The Chair appointed as Senate members of the committee of conference on the disagreeing branches of the two branches: The senator from Cumberland, Senator Murphy, the senator from York, Senator Cole, and the senator from Sagadahoc, Senator Maxwell.

Resolve in favor of W. A. Ricker, secretary of the committee on education.

An Act in relation to Main street in the city of Westbrook and certain streets in the city of Portland.

#### Senate Bills in First Reading.

An Act to incorporate the trustees of the John B. Curtis Free Public Library in Bradford.

The joint standing committee on public health made its final report.

The report was accepted.

#### Passed to Be Engrossed.

An Act relating to inspection of Hotels, Inns and Lodging Houses.

An Act to amend Section 69 of Chapter 29 of the Revised Statutes as amended by Chapter 41 of the Public Laws of 1905, relating to non-feasance of duty by sheriffs, deputy sheriffs and county attorneys.

An Act to provide for the election of officers in cities by plurality vote.

Resolve in favor of the Eastern Maine General Hospital, for maintenance.

Resolve in favor of a highway bridge over St. John river between Fort Kent, Maine, and St. Francis, New Brunswick.

An Act to regulate the size and construction of caboose cars.

Resolve in favor of the Stenographer of the Presiding and Recording Officers of the House of Representatives.

Resolve in favor of the Secretary of the Committee on Indian Affairs, for expenses of members of that Committee in visiting the Penobscot Reservation at Old Town.

An Act to provide for the preservation of highways and bridges.

An Act in relation to safety and improvement of highways.

An Act to provide for appointment of road commissioners by selectmen.

An Act to amend Chapter 193 of Public Laws of 1909 creating the Maine Forestry District and providing for protection against forest fires therein.

An Act to revise, collate, arrange and consolidate the Inland Fish and Game Laws of the State, both general and public and private and special, and the rules and regulations of the Commissioners of Inland Fisheries and Game now in force.

#### Passed to Be Enacted.

An Act relating to the disbursement of appropriations to institutions receiving State aid.

An Act to create the office of Assistant Attorney General.

An Act to amend Section 4 of Chapter 61 of the Revised Statutes, as amended, relating to marriage and registration of Vital Statistics.

An Act to establish a Board of State Park Commissioners and to define its powers and duties.

An Act to amend Section 1 of Chapter 93 of the Revised Statutes as amended, relating to mortgages of personal property.

An Act to amend Chapter 119 of the Public Laws of 1911, regulating the sale of agricultural seeds, commercial feeding stuffs, commercial fertilizers, drugs, foods, fungicides and insecticides by amending Section 9 thereof and by adding two new sections thereto.

An Act relating to municipal elections in the town of Eden.

An Act to appropriate moneys for the expenditures of the Government for the year 1913.

This bill carrying an emergency

clause required a two-thirds vote of all the members of the Senate.

A rising vote was taken, and 28 senators voting in the affirmative, the bill was passed to be enacted.

From the House: Senate Document 575, an Act relative to compensation to employees for personal injuries received in the course of their employment and to the prevention of such injuries.

In the Senate, this bill was passed to be engrossed, as amended by various amendments. It came from the House with all the Senate amendments. Adopted in concurrence, and with additional House amendments adopted.

The vote whereby the Senate passed this bill to be engrossed, was reconsidered.

House Amendment F, House Document 682, to Senate Document 575, was adopted in concurrence with the House.

House Amendment G, House Document 683, to Senate Document 575, was adopted in concurrence with the House.

The bill, as amended, was then passed to be engrossed in concurrence with the House.

#### Orders of the Day.

The PRESIDENT: The Chair lays before the Senate for consideration the first assignment for this afternoon, House Document 647, Resolve in favor of the commission on enlargement of the State House.

The pending question is the commitment of the resolve to the committee on bills in second reading.

Mr. HASTINGS of Androscoggin: Mr. President, I yield to the senator from Penobscot, Senator Richardson.

On motion by Mr. Richardson, the resolve was committed to the committee on bills in second reading, and second reading was assigned for tomorrow morning.

The PRESIDENT: The next assignment is House Document 662, an Act to amend Chapter 120 of the Private and Special Laws of 1899, relating to the establishment of a

municipal court in the town of East Livermore.

The pending question is on the concurrent action with the House.

In the House, House Amendment A was adopted.

On motion by Mr. Morey of Androscoggin, the Senate voted to non-concur with the House in the adoption of House Amendment A.

On motion by Mr. Hastings of Androscoggin, the report of the committee "ought to pass in new draft" was accepted in concurrence.

Mr. HASTINGS: Mr. President, I offer Senate Amendment A to House Document 662, and in explanation I wish to say that this amendment is offered by request of the people from Livermore where this court to be established. It receives the endorsement of the Androscoggin delegation. I move that the vote be reconsidered whereby this bill was passed to be engrossed.

The motion was agreed to, and on further motion by the same senator the amendment was adopted, and the bill, as amended, was given its first reading, and its second reading was assigned for tomorrow morning.

From the House: In the House of Representatives, April 1, 1913. Ordered, the Senate concurring, that whereas the Governor of the State in his address to the Legislature stated there were five sheriffs that were derelict in their duties with reference to the enforcement of the prohibitory law and upon order being subsequently passed by both branches of the Legislature, the Governor of the State only presented the names of four sheriffs, so derelict in their duties, now, therefore, the Governor of the State is hereby requested to furnish forthwith the name of the fifth sheriff who is derelict in the performance of his duties as stated in his original communication, and all evidence in his possession in reference to the same matter.

Mr. COLE of York: Mr. President, this seems to be another chapter in the events which have come along in the past week, and what the end may be, we know not.

I believe, however, that it is the feeling of every member of this Senate that if there is any sheriff in the State of

Maine of whatever political party who is not enforcing the law according to the oath which he took, that it is the duty of the Governor and the duty of the Legislature to see that the law is enforced.

I believe that it is the duty of the members of the Legislature to work in harmony to the end that the law may be enforced.

I do not know why the House has taken the action that it has, but I presume that it is for good and sufficient reasons best known to itself. It is not the first time this session that the House and Senate have disagreed, and that committees of conference have been appointed. It may not be the last time.

It seems to me that the action of the House from a legal standpoint is wrong, but I view it only as a personal matter, and it seems to me that the members of the House think their action is right and that the Senate is wrong.

I believe, Mr. President, that it is our duty to get together, to find out what the law is regarding the procedure and then to follow the law of procedure in an orderly manner and arrive at such a result as from the evidence we may determine.

I believe that it makes no difference to the members of this Legislature, to whatever political party we may belong, how many sheriffs are brought here, or to what political party those sheriffs may belong. I believe that we should not ask ourselves the question whether a man is a Democrat, whether he is a Republican or whether he is a Progressive, or whether he is a Protestant or whether he is a Catholic, or whatever he may be, for he is an officer of the law, and if he is breaking the law or is not enforcing the law, then it is the duty of this Legislature to investigate it, and if the evidence shows that he is not performing his duty in conformity to his oath of office and the laws of the State of Maine, then it is the duty of the Governor to remove him and put someone in his place who will enforce the law and carry out the laws of the State of Maine.

As one member of the Senate, I am sorry that there should be any disagreement between the two Bodies, but I do not believe that the action



or any one or two parties in the Bodies here should be taken as the spirit of the vast number of members who make up the 180 or more individual members of these Bodies.

I believe that we are all here as honest men to do our duty and that as honest men we shall before that duty is done see that the rights of the men who come before these Bodies, are protected and that they shall be given with all force of the law thrown around them, and under the rights especially guaranteed to them, a fair trial.

Mr. President, the House—and we must consider that it asks it honestly—asks us to concur with that branch in calling for the name of the fifth sheriff which the Governor mentioned in his message. I believe it is only right that we should concur with the action of the House and do everything possible to make peace in order that we may get through our business.

So far as the action of the two Houses at this moment is concerned, I do not think we are any farther apart than we have been on other matters. It may be there are some politics in this. It would not be surprising if each one of us individually hoped that there would not be a man of his political party who would be found not doing his duty.

It would not be surprising if we did not care so awfully much if a member of another party were found a little remiss in his duty. But that is only a little individual mind. It does not go to our duty here a particle. And it seems to me that as we stand in our places here, we stand here not as individuals, but that we stand here as the sworn representatives of the people of the State of Maine, not only to make laws, but when the duty comes to us to see that those laws which are made are enforced, and that it is the duty of each House to do its duty toward the other House, so that in the end justice may be done to all parties concerned, and especially to the great body of the people of the State of Maine.

As I have said, I do not know what may be the result of any committee of conference, but I know that this Senate ought to go to the House in all fairness, in all openness, and ask that House to do

its full duty, and if the House has sent papers up here with which we do not agree in form or anything, if there is anything that this Senate can do which shall change those papers, which will, by some giving way of our rights, if you please, bring the two Houses in harmony, it is our duty to do it, for only as we are in harmony can we do anything here.

We are all, members of this body, and I presume members of the House, sincerely sorry that the matter was started as it was. As one member I am willing to believe that it was started honestly and under a mistaken knowledge of the law. I do not stand here to impugn the motives of any member of the lower House. I do not wish to stand here and criticise the action of any member of the lower House, for I believe that the great majority of the members of the lower House have acted, as the great majority of the members of this House, and as every individual member of this body has acted, according to his conscience, in all matters that have come before us.

And with that in mind, I move you, Mr. President, that this order have a passage in concurrence with the House. (Applause.)

The motion was agreed to.

On motion by Mr. Murphy of Cumberland, the vote whereby House Document 647, Resolve in favor of the commission on enlargement of the State House was assigned for tomorrow morning, was reconsidered.

Mr. MURPHY: Mr. President, I move that this resolve lie on the table, and that tomorrow afternoon be assigned for its consideration. And I would like someone to give a good and sufficient reason why we should pay out the State's money in this way.

The motion was agreed to.

On motion by Mr. Conant of Waldo, the vote whereby the resolve in favor of the reconstruction of the easterly span of the Old Town bridge was tabled for printing, was reconsidered.

On further motion by the same senator, the resolve was tabled and assigned for next Thursday morning.

Mr. ALLEN of Kennebec: Mr. President, I move that the vote be reconsidered whereby the Senate, this morn-

ing, indefinitely postponed an Act to establish a municipal court in the town of Readfield.

I would say, Mr. President, that I make this motion because after adjournment the representative from Readfield interviewed me and was disappointed at the action of the Senate. He assured me that if he could be allowed to present a new draft that he would eliminate all the objectional features of this bill in connection with the surrounding towns and that it would be in such shape that we would allow it to pass.

Not desiring to prevent any progression that we may have in the town of Readfield, I make this motion.

Mr. DUTTON of Kennebec: Mr. President, this bill, the offspring of its distinguished and prolific parent is now dead, and I object to my colleague here officiating in the capacity of a physician or surgeon for the transfusion of new blood into it. In the first place the transfusion of blood requires a surgical operation to start with, and my colleague, at least, is nothing but an osteopath, and under the Osteopath bill which has been before the Legislature and is now sojourning either in the Elysian fields or other fields between the two Houses, it is not provided that an osteopath could perform any surgical operation.

I can well understand the position of my colleague here and his desire to gratify the wishes of the proponent of this measure. I myself, if I were acting here in a personal capacity, would be very glad indeed to grant the wishes of the proponent of this bill. It is true he has stated that he is willing to amend it so that it would satisfy my colleague and myself. I suppose that my colleague here would like to strike out of it any reference to the town of Mt. Vernon and perhaps some other town. If this bill were to be amended in order to satisfy me,—not personally, because I have no interest in this matter, it does not affect me personally, but in my representative capacity, I should want him to strike out every town excepting Readfield, and then provide that this court should have jurisdiction concurrent with trial justices only.

Now the proponent of this bill himself is the trial justice in Readfield, and it would be a hardship and a burden upon him, especially when we are going to have a Public Utilities Commission, to establish in the town of Readfield a competing court with him as trial justice.

Why I stand here in my representative capacity and object to this bill is this: These people up here in Readfield are a law abiding set of people. They are not committing crime; they do not have need for a court with a jurisdiction called for here. They are people who pay their bills; they do not have much litigation over small matters. Therefore there is no requirement for the business of that community that they should have such a court as is called for here. Were I not on such kindly and friendly personal relations with the proponent of this measure, standing here in my official capacity, I should be inclined to think that this were an attempt on the part of the only lawyer in this section to gather in all the small legal business in those five towns. I do not care anything about that, but it is a burden put upon the people of those five towns to compel them to do business in one court, punish them if they do not employ one lawyer. The business of that town is now done largely in the city of Augusta, and it is done very cheaply. The people come down here to adjust what legal business they have, but you change that law and establish a municipal court in the town of Readfield, and what would the litigants have to do?

They must either employ the lawyer in that town or come to Augusta and employ one or two lawyers. And what then? They cannot do their business here, after both parties have gotten here. They have to take the two lawyers out to Readfield or Mount Vernon, and lawyers charge them four times as much for going out there. It will cost the people of Readfield, Fayette and Mount Vernon five times as much to do their business as it costs them now.

And if it please the honorable senators, the fees provided for this municipal court here are more than twice, take them as they run, more than twice

the fees in the other municipal courts in this county.

I cannot, even in order to indulge my colleague, I cannot approve of establishing a court like that, when there is no demand for it, and go back to the pernicious fee system that has been abolished and I insist that this bill be not resuscitated.

Mr. BAILEY of Penobscot: Mr. President, this bill came before the legal affairs committee and there seemed to be evidence presented before the committee that such a court was wanted or desired in that particular locality. But the representatives from Kennebec seem to be divided on this matter, and it looks to me as if this bill was in the position that the Bible speaks of, the house divided against itself. And I think my-

self before this Senate can be asked to pass a bill of this sort at least the representatives of Kennebec should get together on it, and I think under the circumstances, where there is so much controversy between them, that the motion of the senator from Kennebec, Senator Dutton, is correct.

The question being upon the motion of the senator from Kennebec. Senator Allen, that the action of the Senate, this morning, in indefinitely postponing this bill be reconsidered, a viva voce vote was taken and the motion was lost.

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On motion by Mr. Morey of Androscoggin,

Adjourned until tomorrow morning at 9 o'clock.