

STATE OF MAINE

JOURNAL

OF THE

SPECIAL SESSION

OF THE

SENATE OF MAINE

1912

Seventy-Fifth Legislature

AUGUSTA
KENNEBEC JOURNAL PRINT
1912

STATE OF MAINE.

IN SENATE,
March 21, 1912.

Ordered, That the Secretary of the Senate prepare and cause to be printed, under his supervision and direction, three hundred copies of the journal of the proceedings of the present session of the Senate.

Read and passed.

W. C. HANSON, *Secretary*.

A true copy.

ATTEST:

W. C. HANSON, *Secretary*.

State of Maine
SEVENTY-FIFTH LEGISLATURE

JOURNAL OF THE SENATE

WEDNESDAY, March 20, 1912.

In obedience to a call from the Governor of the State, convening a special session of the Legislature, Senators met in the Senate Chamber, at the hour designated in the Proclamation, being ten o'clock in the forenoon, and were called to order by the President.

Prayer was offered by Rev. H. E. Dunnack of Augusta.

By direction of the President the Proclamation of the Governor was read by the Secretary, as follows:

STATE OF MAINE.

By the Governor.

A PROCLAMATION.

Our laws relating to the conduct of elections, the making of returns to the Governor and Council, the tabulating of such returns and the declaration of the result thereof are uncertain in their wording and inadequate in substance. There is no provision in our statutes for an official inspection or recount of ballots or even for the depositing of such ballots in a place of safety. These defects in the law became startlingly apparent after the special election of last September. They afforded opportunity for overriding the will of the people as expressed at the polls. It is imperative that before we enter into another State-wide election a careful and thorough revision of these important laws should be made by the Legislature.

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In order to comply with the requirements both of our State law and of the act of Congress concerning the division of the State into congressional districts it is necessary that the Legislature should pass a re-districting bill before we again elect representatives to the national Congress.

The situation with regard to the prohibitory law and its enforcement is the cause of universal complaint and criticism. No thinking man in Maine is satisfied with present conditions. Those who are pleased with the law are dissatisfied with the manner in which it is enforced. Others regard the law itself as impracticable and incapable of State-wide enforcement. The problem is vital and pressing. The Legislature should find a means to solve it, or, at least, should be able to submit to popular vote some one or more possible solutions of it.

In consideration whereof, I, Frederick W. Plaisted, Governor of the State of Maine, by virtue of the power vested in me by the constitution, convene the Legislature of this State, hereby requiring the senators and representatives to assemble in their respective chambers, at the Capitol, in Augusta, on Wednesday, the 20th day of March, 1912, at 10 o'clock in the forenoon, in order to receive such communications as may then be made to them, and to consult and determine on such measures as they may consider will best promote the welfare of this State.

In testimony whereof, I have hereunto set my hand and caused the seal of the State to be affixed.

Done at Augusta, this 29th day of December,
in the year of our Lord 1911, and of the
Independence of the United States of
America the 136th.

FREDERICK W. PLAISTED.

By the Governor.

Attest:

CYRUS W. DAVIS,
Secretary of State.

The roll of Senators was then called by the Secretary, and the following responded:

Allen,
Blanchard,
Boynton,
Chandler,
Clifford,
Dodge,
Donigan,
Farrington,
Foss of Androscoggin,
Fulton,
Gowell,
Hill,
Irving,
Kellogg,
Leach,
Mayo,
Milliken,
Mullen,
Noyes,
Osborn,
Sanborn,
Smith,
Staples,
Stearns,
Theriault,
Winslow.

Communication was received from the Secretary of State transmitting the following reports:

STATE OF MAINE.

OFFICE OF SECRETARY OF STATE.

To the Secretary of the Senate:

I hereby certify that the following are the names and residences of the senators-elect to the 75th Legislature to fill the vacancies in the following senatorial districts, as appears by the report of the Governor and Council under date of March 15, 1912.

FIRST SENATORIAL DISTRICT.

Cecil F. Clark.....Hollis.

FOURTH SENATORIAL DISTRICT.

Roscoe C. Reynolds.....Lewiston.

THIRTEENTH SENATORIAL DISTRICT.

Edgar F. Hanson.....Belfast.

In testimony whereof I have caused the seal of the State to be hereunto affixed at Augusta, this nineteenth day of March, A. D. nineteen hundred and twelve, and of the Independence of the United States of America the one hundred and thirty-sixth.

CYRUS W. DAVIS,
Secretary of State.

On motion by Mr. GOWELL of York, that Senator was requested to conduct Senator-elect Clark to the Council Chamber for the purpose of taking and subscribing the necessary oaths of office to qualify him to enter upon the discharge of his official duties.

On motion by Mr. FOSS of Androscoggin, that Senator was requested to conduct Senator-elect Reynolds to the Council Chamber for the purpose of taking and subscribing the necessary oaths of office to qualify him to enter upon the discharge of his official duties.

On motion by Mr. MAYO of Hancock, that Senator was requested to conduct Senator-elect Hanson to the Council Chamber for the purpose of taking and subscribing the necessary oaths of office to qualify him to enter upon the discharge of his official duties.

Subsequently Senators Gowell, Foss and Mayo reported that they had attended to the duties and that the Honorable Cecil F. Clark of York, Honorable Roscoe C. Reynolds of Androscoggin, and Honorable Edgar F. Hanson of Waldo have before

the Governor and Council taken and subscribed the oaths required by the constitution to qualify them to enter upon the discharge of their official duties.

At this time recess.

Senate called to order by the President.

On motion of Mr. WINSLOW of Cumberland,

Ordered, That the Secretary inform the House, by message, that a quorum of Senators is present and ready to proceed to business.

Which was read and passed, and the Secretary conveyed the message.

On motion of Mr. WINSLOW of Cumberland,

Ordered, That a message be sent to the House of Representatives, proposing a convention of both branches of the Legislature, for the purpose of hearing a communication from the Governor.

Which was read and passed, and the Secretary conveyed the message.

On motion of Mr. BOYNTON of Lincoln, Mr. Boynton of Lincoln, Mr. Staples of Knox and Mr. Stearns of Oxford were appointed a Committee by the Chair to inform the Governor that in obedience to his proclamation a quorum of Senators is present in the Senate Chamber and ready to receive any communication he may be pleased to make.

Subsequently the Committee reported that they had delivered the message with which they had been charged.

A message was received from the House of Representatives, by Mr. Harvey, its Clerk, informing the Senate that a quorum of the Representatives is present, and ready to proceed to business.

Subsequently a message was received from the House by Mr. Harvey, its Clerk, concurring in the proposition of a joint convention.

The time of the convention having arrived, the Senate repaired to the Hall of the House of Representatives, where the convention was formed.

IN CONVENTION.

The President of the Senate in the chair.

On motion of Mr. STAPLES of Knox,

Messrs. Staples of Knox,

Boynton of Lincoln,

Milliken of Aroostook,

—of the Senate.

Strickland of Bangor,

Peters of Ellsworth,

Sleeper of South Berwick,

Otis of Rockland,

Scates of Westbrook,

—of the House.

were appointed a Committee to wait upon the Governor and inform him that the two branches of the Legislature are in convention assembled in the Hall of the House of Representatives, ready to receive from him such communication as he may be pleased to make.

Mr. STAPLES subsequently reported that the Committee had discharged the duties assigned it and the Governor was pleased to say that he would forthwith attend upon the convention.

Thereupon the Hon. Frederick W. Plaisted, Governor of Maine, attended by the Executive Council came in, and the Governor addressed the convention as follows:

THE GOVERNOR'S ADDRESS.

Members of the 75th Legislature of Maine:

The work of the last session of this Legislature was indeed great in accomplishment and it has been found necessary for you to re-assemble, not on account of any act of omission or commission on your part but because problems which were not and could not have been presented to you a year ago, press for prompt and intelligent solution.

I desire first of all, to congratulate you on the work which you have already done. No one can look over the record of your labors, spread upon the statute books of our State, without being impressed with your fidelity, zeal and watchful interest in the public welfare. The self-denial which you prac-

tised in the matter of appropriations authorizing the expenditure of the people's money has made it possible for the present administration to reduce the public debt almost a million dollars in fourteen months, a record unprecedented in the history of our State.

That alone would be sufficient credit to one Legislature. But you did more. You placed Maine in the first rank of sanely progressive states. You put the seal of your approval on the proposition to elect United States Senators by vote of the people and added Maine to the list of states favoring a national income tax as a means of procuring public revenue. You enacted a Direct Primary law, now superseded by the more comprehensive law adopted by the voters last September. You passed a corrupt practice act, the good effects of which have already been apparent. You paved the way toward equalizing the burdens of taxation by wisely amending our existing tax laws. You did much more of benefit to all of us whose lives are to be spent within this splendid state of ours and whose hopes are centered upon her future growth and prosperity.

Among the subjects to which I called your attention in my inaugural address was that of the advisability of imposing upon automobiles a sufficient tax to create a substantial state highway fund. The law which you passed on that subject is proving a remarkable success. It will yield this year at least \$100,000 in net revenue and with the development of the automobile business is likely to yield double that amount annually, within a few years. We did not anticipate such a splendid result from that law. The accomplished fact, however, speaks for itself and suggests an opportunity to do what the State has long wanted to do but has been prevented from doing by reason of lack of funds, namely, the entering upon State road building on a large scale.

Good roads are to the farmer, the merchant, the manufacturer and the traveler, as important, in a local sense, as are railroads and steamship lines in a wider sense. Local prosperity depends as much upon the one as does world-wide prosperity upon the other.

We have 25,000 miles of roads in Maine. We spend an-

nually about \$1,500,000 in building new roads and in maintaining old ones. We do not obtain nearly the results we should by that expenditure, principally for two reasons: first, we do not spend enough of the money in one place at one time, and, second, we do not spend it under proper supervision. In the course of twenty years it costs more to patch up poor roads and keep them barely passable than it would to build good roads the first year and maintain them during the entire period. But poverty always compels extravagance and many towns that can raise \$1,000 a year for 20 years cannot raise \$10,000 all at one time to do work which would last 20 years, although the adoption of the latter course would mean a large saving of money.

The State of Maine has for the past eight years been aiding the towns in road building. We are now appropriating \$250,000 annually for that purpose. That is well but it is not enough. The tax on automobiles furnishes us the means with which to take hold of this work in earnest.

If the State should issue \$2,000,000 of 4 per cent bonds, falling due serially during a period of 30 years, and set aside so much of the proceeds of the automobile tax as is necessary to meet the principal and interest of the loan, a substantial fund for road building would be at once available, good roads would become an immediate reality, and no property owner in Maine would find his taxes increased a single cent by reason of the act.

The only obstacle in the way of entering at once upon this undertaking is the clause in our constitution which prohibits the issuing of State bonds excepting for one specific purpose. I therefore recommend that you submit to the people, to be voted upon next September, an amendment to that section of the constitution which shall permit the carrying out of the plan herein outlined.

At the time of your adjournment last year Congress had not determined the number of Representatives to which Maine was entitled, hence it was not possible for you to pass a congressional apportionment bill at the regular session, as would ordinarily have been done. It is your duty to pass such a bill at the present session and in framing it you will necessarily

have in mind this provision of the national law: "Congressional districts are to be contiguous in territory and as nearly equal in population as practicable."

The State of Maine has four Congressional districts. One-fourth of our population is, in round numbers, 188,000. The first and second districts, at present, contain approximately 362,000 people, about evenly divided between the two districts, while the third district has a population of 158,000 and the fourth of 222,000. In any reasonable plan of re-apportionment the great inequality between the two eastern districts should be taken into account. In view of the fact that the fourth district embraces the portion of the State which is growing most rapidly this inequality is likely to increase rather than diminish.

A revision of the laws relating to the carrying on of elections, the making and tabulating of returns and the correction of errors made by election officers, will be presented to you as a basis for action. This is a matter of the greatest importance. It required a close election to call sharply to public attention the weakness of the machinery which our law-makers had constructed for the purpose of ascertaining and recording the will of the people as manifested at the polls. As our laws now stand, the popular will may readily be defeated by technicality, ignorance, carelessness or fraud. A fair ballot, an honest count, and a true return, is the desire of honest men of all parties and while it may be impossible to always secure these by legislation we should go as far in that line as human ingenuity will permit.

You attempted last year to settle a problem which has disturbed Maine for more than half a century when you submitted to the people an amendment to the Constitution which took from that instrument the section relating to the prohibitory law. The people rejected the amendment, although by a majority so small and by a vote so peculiarly divided as to leave the question still unsettled.

In the 20 cities of Maine a majority of more than 12,000 recorded itself as opposed to constitutional prohibition. That majority was barely overcome in the 500 towns. The issue

was so presented through the press and from the platform that the great mass of the voters did not cast their ballots on the actual question before them but really voted on the proposition of license or no license as applied to the particular towns in which they lived. It is no reflection upon the intelligence of the voters to say this. They were confronted daily with the query, "Do you want rum sold in your town?" Cool argument and calm reasoning were displaced, in great measure, in such discussion of the subject as was had, by appeals to prejudice, by abuse and misrepresentations. The real issue was hidden behind a mass of false issues. Questions were heatedly debated in the negative on which no sane man ever had presented or ever could present an affirmative. It is not strange that the people were misled.

The ballot box is the court of last resort and the decision of that court is worthy of all respect. No one who analyzes the vote of last September can fail to learn a lesson from it. The result showed that the smaller towns and the agricultural sections of the state desire to continue prohibition in the Constitution. They are satisfied with the working of the law in their communities and they have the undoubted right to retain it.

I know of no safe principle upon which government can be administered excepting that of permitting the people to govern themselves. The majority of the people of Maine who live outside of our cities have declared for prohibition and I would deem myself unworthy of citizenship if I did not respect their wishes and assist them in retaining the law. On the other hand, the cities, the large manufacturing towns and certain of our summer resort towns, just as emphatically object to prohibition and desire to experiment with some legal form of local option such as has proved satisfactory in the other New England states. In the absence of that opportunity they continue to experiment, as they have done for many years, with certain forms of illegal local option, the exact form differing according to circumstances and ranging from open nullification to a hidden yet none the less determined defiance of the law.

Lawlessness is abhorrent to all good citizens and lawlessness in one respect breeds lawlessness in all respects. But one thing I hold self evident—that no people constituted as are the

people of the State of Maine can be governed by force. We can and do govern ourselves. It is as impossible to effectually enforce a law in Maine in the face of adverse public sentiment as it is to turn back the tide that flows against our shores.

Local self government is the corner stone of New England civilization and the voice of the voters of Maine's cities must be listened to by their neighbors in the country with the same respect with which the resident of the city must listen to the voice of the voters in the towns.

It is easy to say that honest officials can enforce the prohibitory law anywhere and everywhere if they will endeavor to do so. It is easy to blame our county attorneys, sheriffs and mayors for their failure to secure enforcement of the prohibitory law in communities where it is not sustained by public sentiment. Having served as Mayor of this city and as sheriff of this county I know something at first hand of the problems which confront an officer directly charged with the law's enforcement. The voters of Oxford and Aroostook may stand firmly behind the principle of state-wide prohibition but they lend no aid or comfort to the man on the firing line in Bangor, Portland or Lewiston and unless state-wide enforcement accompanies state-wide prohibition then the law becomes a mocking and a farce.

What is the remedy? I am willing to suggest one and am as ready to listen to the suggestions of others. The logic of the late election convinces me that the remedy is to so amend the Constitution as to preserve prohibition for the country and permit regulation, by local option, in the cities. Is there a better solution of the problem? If there is, present it. I can think of but two alternatives, nullification or another Sturgis law. The people of Maine have tried both. They want neither. Cannot we, the servants of the people, chosen to do their bidding, trusted, honored and respected by them, find a solution of this problem?

Shall we not, regardless of party, regardless of personal ambition, actuated solely by a desire to promote the welfare of our great state, here and now, present to the people of Maine for their consideration some plan of legislation which will relieve a situation which is not creditable to an enlightened State?

There may be men in Maine who fail in patriotism but they

are too few in number to count and too insignificant to appear in public life. I have full confidence, gentlemen, in your intelligent judgment and patriotic purpose and therefore entertain no fears but that you will with thoughtful care and still without undue delay perform the work for which you are assembled and I assure you that you may, so far as it is permitted me to render it, safely count upon my cordial cooperation and assistance.

At the conclusion of the address the Governor and suite retired.

The purpose for which the convention was formed having been accomplished, it was dissolved, and the Senate retired.

IN SENATE.

Senate called to order by the President.

On motion of Mr. FULTON of Sagadahoc,

Ordered, The House concurring, that when the Senate and House adjourn, they adjourn to meet on Thursday, March 21, at 10 o'clock in the forenoon.

Which was read and passed and sent down for concurrence.

Subsequently the foregoing order came up from the House, passed in concurrence.

On motion of Mr. MILLIKEN of Aroostook, the following resolution was presented to the Senate:

Whereas, Death, the great leveler of all human distinction, has, in the midst of his activities and usefulness, while many years of happiness and service seemed opening before him, struck down an honored ex-Governor of Maine in the person of the Hon. John Fremont Hill of Augusta, Therefore be it

Resolved, That in the death of Governor Hill the State of Maine loses a man whose conscientious and unselfish service shed luster upon her name, and the nation a distinguished citizen who was ever ready to give his best efforts for the public good.

Resolved, That the members of the Seventy-fifth Legislature of Maine learn with the deepest sorrow of the untimely death of this honored public servant and private citizen, that the sin-

cerest sympathy of this bond be extended to the stricken family in their bereavement and that a copy of these resolutions be spread upon the records of the Maine Senate and House of Representatives and a copy sent to the bereaved family.

Read and passed and placed on file.

On motion by Mr. DODGE of Kennebec,

Adjourned.

THURSDAY, March 21, 1912.

Senate called to order by the President.

Prayer by Rev. Leroy W. Coons of Augusta.

Journal of yesterday read and approved.

Message from the Secretary of State.

STATE OF MAINE.

OFFICE OF SECRETARY OF STATE.

AUGUSTA, MARCH 20, 1912.

To the President of the Senate and Speaker of the House:

I have the honor to herewith transmit the Report passed at the meeting of the Governor and Council November 6th, 1911, relating to the vote cast at the election September 11th, 1911, upon the question "Shall the constitution be amended so as to abrogate and annul the twenty-sixth amendment adopted on the eighth day of September, in the year of our Lord one thousand eight hundred and eighty-four, realting to the manufacture and sale of intoxicating liquors?"

Very respectfully,

Your O'bt Servant,

CYRUS W. DAVIS,
Secretary of State.

Which report was read and accepted and placed on file.

Message from the Executive Department.

STATE OF MAINE.

EXECUTIVE DEPARTMENT,

AUGUSTA, March 21, 1912.

To the Senate and House of Representatives:

I hereby notify you that a vacancy occurred in the representation of this State in the Senate of the United States on the eighth day of August, 1911, by the death of Honorable William Pierce Frye, and that under the provisions of Section III of Article I of the Constitution of the United States, that vacancy was temporarily filled on the twenty-third day of September, 1911, by the appointment of the Honorable Obadiah Gardner. Your attention is respectfully called to the duty of filling said vacancy.

FREDERICK W. PLAISTED.

Which report was read and accepted and placed on file.

Mr. STAPLES of Knox presented "Resolve providing for an amendment to the Constitution relating to the manufacture and sale of intoxicating liquors."

And on motion by the same gentleman it was laid on the table for printing, one thousand copies being ordered printed.

And the same Senator at this time gave notice to the Senate that at the regular session on Friday he would move that the Senate suspend its rules and ask to have this Resolve referred to a committee of the whole rather than to a joint standing committee.

On motion of Mr. STAPLES of Knox,

Ordered, That Fred W. Lee of Augusta be appointed Official Reporter of the Senate.

Which was read and passed.

On motion of Mr. MULLEN of Penobscot,

Ordered, That the Secretary of the Senate be directed to invite the clergymen of Augusta, Hallowell and Gardiner to officiate as Chaplains of the Senate in rotation during the present session.

Which was read and passed.

On motion of Mr. MOULTON of Cumberland,

Ordered, That the Secretary of the Senate be authorized to procure the services of a stenographer and typewriter during the special session of the Legislature.

Which was read and passed.

On motion of Mr. IRVING of Aroostook,

Ordered, That the official reporter of the Senate be and hereby is authorized to secure the services of a stenographer and typewriter operator during the present session of the Legislature.

Which was read and passed.

On motion of Mr. HILL of Penobscot,

Ordered, That the Secretary of the Senate prepare and cause to be printed, under his supervision and direction, three hundred copies of the journal of the proceedings of the present session of the Senate.

Which was read and passed.

On motion of Mr. MAYO of Hancock,

Ordered, That eight hundred copies of the Governor's message be printed for the use of the Senate.

Which was read and passed.

On motion of Mr. HANSON,

Ordered, The House concurring, that when the Senate and House adjourn, they adjourn to meet on Friday, March 22, at 10 o'clock in the forenoon.

Which was read and passed and sent down for concurrence.

Subsequently the foregoing order came up from the House, passed in concurrence.

On motion of Mr. BOYNTON of Lincoln,

Ordered, The House concurring, that the Committee on Apportionment be directed to present a bill dividing the State into Congressional Districts made necessary by the U. S. Census of 1910.

Read and passed and sent down for concurrence.

On motion of Mr. BOYNTON of Lincoln,

Ordered, The House concurring, that no bill, resolution or resolve shall be considered, except by unanimous consent, in either branch of the Legislature at the special session except such bills as may be necessary to carry out the recommendations contained in the Governor's message, viz.:

1. A Resolve amending Article 9 of the Constitution so as to provide for a bond issue for State Highways.

2. An Act to amend the election laws.

3. A Bill to divide the State into Congressional Districts.

4. A Resolve amending the 26th amendment to the Constitution.

Which was read and passed and sent down for concurrence.

The President appoints as temporary member of the apportionment committee, Mr. Boynton of Lincoln in place of Senator Foss of Cumberland.

On motion of Mr. CLARK of York,

Adjourned.

FRIDAY, March 22, 1912.

Senate called to order by the President.

Prayer by Rev. W. F. Livingston.

Journal of yesterday read and approved.

Papers from the House:

Whereas, The inhabitants of the State of Maine have been called upon to mourn the loss of a beloved son in the death of ex-Governor Frederick Robie, who, bearing his four score years and more as an ornament rather than a burden to him, passed to the Great Beyond on February 2 last, and

Whereas, The finer edge of morality, the care for delicacy and dignity, the sweetness and graciousness of living always remained in his keeping, and

Whereas, The distinguished services rendered to his country during the years of the Civil War are worthy of our recognition

and unstinted gratitude; that his loyal devotion and keen sense of duty to the interests of the State marked his administration of the State's affairs by exciting our admiration to a study of every detail of it; and his close and honored association with the industrial, educational and civic life of the State challenge general admiration and the greatest respect; therefore be it

Resolved, That the members of the Special Session of the 75th Legislature express their profound sorrow for a loss overwhelming and that a copy of this resolution be spread upon the records of this House.

Which was read and passed in concurrence.

Mr. STAPLES of Knox moved that the rules of the Senate be suspended so that all bills may be referred to a committee of the whole.

On motion of Mr. MILLIKEN of Aroostook, the yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative were:

Messrs. Boynton, Clifford, Dodge, Farrington, Foss of Androscoggin, Fulton, Hanson, Hill, Kellogg, Leach, Mayo, Moulton, Mullen, Noyes, Osborn, Reynolds, Sanborn, Staples, Winslow—19.

Those who voted in the negative were:

Messrs. Chandler, Gowell, Irving, Milliken, Stearns—5.

Absentees: Messrs. Allen, Blanchard, Clark, Donigan, Foss of Cumberland, Smith, Theriault.

So it was a vote to suspend the rules.

Mr. STAPLES of Knox moved to take from the table Senate Document No. 1, Resolve providing for the amendment to the Constitution relating to the sale and manufacture of intoxicating liquors, tabled by me yesterday, and offered Senate Amendment A,

Which was read and adopted.

On motion of Mr. STAPLES of Knox,

The Senate now went into a Committee of the Whole, for the purpose of considering Resolve providing for an amendment to the Constitution relating to the sale and manufacture of intoxicating liquors, Senate Document No. 1, as amended by Senate Amendment A.

IN COMMITTEE OF THE WHOLE.

Senate called to order by the President.

Mr. MULLEN of Penobscot, Chairman of the Committee of the Whole, reports progress and requests again to sit as a Committee of the Whole at 2 o'clock this P. M.

On motion of Mr. STAPLES of Knox,

The Senate took a recess until 2 o'clock this afternoon.

AFTERNOON SESSION.

Senate called to order by the President.

Mr. MILLIKEN of Aroostook asks for ruling as to debate.

The President instructs the members of the Senate that there will be no limit as to debate.

On motion of Mr. MULLEN of Penobscot the Senate becomes a Committee of the Whole.

Senate called to order by the President.

Report of the Committee of the Whole on Resolve Senate Document No. 1, providing for an amendment to the Constitution relating to the sale and manufacture of intoxicating liquors as amended by Senate Amendment A, that the same ought to pass.

On motion of Mr. OSBORN the rules were asked to be suspended and the Resolve take its first reading at the present time.

On further motion by the same Senator, the yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative were:

Messrs. Allen, Boynton, Clifford, Dodge, Donigan, Farrington, Foss of Androscoggin, Fulton, Hanson, Hill, Kellogg, Leach, Mayo, Moulton, Mullen, Noyes, Osborn, Reynolds, Sanborn, Staples, Winslow—21.

Those who voted in the negative were:

Messrs. Blanchard, Chandler, Clark, Gowell, Irving, Milliken, Smith, Stearns—8.

Absentee: Theriault.

So it was a vote that the rule should be suspended and the Resolve have its first reading at the present time.

On motion by Mr. OSBORN of Somerset the rules were suspended and the Resolve had its second reading at the present time by title only.

Sent down for concurrence.

Message from the Secretary of State.

STATE OF MAINE.

AUGUSTA, March 22, 1912.

SECRETARY OF STATE.

To the President of the Senate and Speaker of the House:

I have the honor to herewith transmit the Report of State Superintendent of Public Schools for the school year ending June 30, 1911.

Very respectfully,

Your Ob't Servant,

CYRUS W. DAVIS,
Secretary of State.

Which report was read and placed on file.

Message from the Secretary of State.

STATE OF MAINE.

AUGUSTA, March 22, 1912.

To the President of the Senate and Speaker of the House:

I have the honor to herewith transmit the Report of the Department of Vital Statistics upon the Births, Marriages, Divorces and Deaths in the State of Maine for the year ending December 31, 1910.

Very respectfully,

Your Ob't Servant,

CYRUS W. DAVIS,
Secretary of State.

Which report was read and placed on file.

STATE OF MAINE.

AUGUSTA, March 22, 1912.

To the President of the Senate and Speaker of the House:

I have the honor to herewith transmit the twenty-first annual Report of the Board of State Assessors.

Very respectfully,

Your Ob't Servant,

CYRUS W. DAVIS,

Secretary of State.

Which report was read and placed on file.

Resolve, amending Article 9 of the Constitution so as to provide for a bond issue for State Highways came from the House, having had its two several readings in the House under suspension of the rules and passed to be engrossed.

Under suspension of the rules received its first reading in the Senate, Amendment A being adopted in the Senate and sent down for concurrence.

Bill "An Act to provide for the use of uniform ballot boxes and for the preservation of ballots cast at elections,"

Which had received its three readings under suspension of the rules and passed to be engrossed in the House,

And received its two several readings under suspension of the rule in the Senate and was passed to be engrossed.

Bill "An Act to apportion representatives to Congress,"

Came from the House, read three times and passed to be engrossed under suspension of the rules.

Sent up for concurrence.

Which was read twice under suspension of the rules in the Senate and passed to be engrossed in concurrence.

On motion of Mr. BOYNTON of Lincoln,

Ordered, That the messengers, folders, postmaster, pages and doorkeeper of the Senate shall receive the same compensation as the members of this special session.

Which was read and passed.

On motion of Mr. MILLIKEN of Aroostook the Senate took a recess until 7.30 o'clock this evening.

EVENING SESSION.

Senate called to order by the President at 7.30 P. M.

Resolve, A Resolve amending Section 15 of Article 9 of the Constitution relating to a bond issue for State roads, came from the House with Senate Amendment A adopted.

Received its second reading in the Senate and was passed to be engrossed under suspension of the rule.

On motion of Mr. GOWELL of York,

Ordered, That the stenographer to the presiding and recording officers of the Senate shall receive the same compensation in proportion as that received at the last regular session.

Which was read and accepted.

On motion of Mr. DONIGAN of Somerset,

Ordered, That the Secretary and Assistant Secretary of the Senate shall receive the same compensation in proportion as that received at the last regular session.

Which was read and accepted.

On motion of Mr. SANBORN of Penobscot,

Ordered, That the compensation of the official reporter of the Senate be two hundred and twenty-five dollars for all services at this session.

Which was read and accepted.

On motion of Mr. STAPLES of Knox,

Ordered, That the House concurring that the Clerk and Stenographer of the Judiciary Committee shall receive the same compensation in proportion as that received at the last regular session.

Which was read and accepted.

Sent down for concurrence.

On motion of Mr. BOYNTON of Lincoln,

Ordered, That the House concurring, that when the Senate and House adjourn they adjourn to meet on Saturday, March the 23rd, at 9 o'clock in the forenoon.

Which was read and passed and sent down for concurrence.

Subsequently the order came back from the House concurred in.

On motion of Mr. BOYNTON of Lincoln,

Adjourned.

SATURDAY, March 23, 1912.

Senate called to order by the President.

Prayer by Rev. John Gibson of Augusta.

On motion of Mr. BOYNTON of Lincoln,

Senate took a recess until 10 o'clock.

Senate called to order by the President.

The Committee on Engrossed Bills reported as truly and strictly engrossed, the following bills and resolves:

Resolve, a Resolve amending Article nine of the Constitution, so as to provide for a bond issue for State Highways.

Which came from the House finally passed, was finally passed in the Senate in concurrence, all Senators voting in the affirmative, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Bill "An Act to provide for the use of uniform ballot boxes and for the preservation of ballots cast at elections."

Bill "An Act to apportion representatives to Congress."

Which bills were passed to be enacted in concurrence and having been signed by the President, were by the Secretary presented to the Governor for his approval.

Resolve providing for an amendment to the Constitution relating to the sale and manufacture of intoxicating liquors.

Came from the House, failing to have a passage in that body, seventy-one having voted in favor, sixty-four against, the required two-thirds vote not attained.

Resolve failed of final passage.

Sent up for concurrence.

On motion of Mr. STAPLES of Knox, the Senate non-concurred with action of the House.

On motion of Mr. MILLIKEN of Aroostook, the yeas and nays being desired by one-fifth of the Senators present,

Those who voted in the affirmative were:

Messrs. Allen, Boynton, Clifford, Dodge, Donigan, Farrington, Foss of Androscoggin, Hanson, Hill, Kellogg, Leach, Mayo, Mullen, Noyes, Osborn, Reynolds, Staples, Winslow—18.

Those who voted in the negative were:

Messrs. Chandler, Clark, Gowell, Irving, Milliken, Sanborn, Stearns, Theriault—8.

Absentees: Messrs. Foss of Cumberland, Fulton, Smith.

Paired: Messrs. Blanchard, Moulton. Blanchard voting "no" and Moulton voting "yes."

So it was a vote to non-concur with the House.

Sent down for concurrence.

Ordered, The Senate concurring, that 675 copies of the Legislative Record for the extra session of 1912 be printed and bound, one copy each for the members of the Senate and House of Representatives, and the remainder to be deposited in the State Library for exchange and library use; and further ordered that a suitable index for such Legislative Record be printed and bound with each volume, to be prepared under the direction of the State Librarian; also further ordered that 300 copies of the Legislative Record be printed in pamphlet form for distribution from day to day to the members of the Legislature and the departments.

Which was read and passed in concurrence.

Ordered, The Senate concurring, that the sum of twenty-five dollars be appropriated and paid to Ethel M. Wade for services as clerk and stenographer to the Legal Affairs Committee at the special session.

Which was read and passed in concurrence.

Ordered, The House concurring, that when the Senate and

House adjourn they adjourn to meet on Tuesday, April 2nd, at 11 o'clock in the forenoon.

Which was read and passed and sent down for concurrence.

Ordered, The House concurring, that the Committee on Appropriations and Financial Affairs be directed to make up the pay roll of the members, officers, employees and chaplains of the Senate and House.

Which was read and passed in concurrence.

President declares recess until 11.45 o'clock.

Senate called to order by the President.

On motion of Mr. REYNOLDS of Androscoggin,

Adjourned until April 2nd at 11 A. M.

TUESDAY, April 2, 1912.

Senate called to order by the President.

Prayer by Rev. C. G. Mosher.

By direction of the President the Secretary called the roll, the following Senators answering to their names:

Messrs. Allan, Blanchard, Boynton, Clifford, Dodge, Donigan, Farrington, Foss of Androscoggin, Fulton, Gowell, Hanson, Hill, Irving Kellogg, Leach, Mayo, Milliken, Moulton, Mullen, Noyes, Osborn, Reynolds, Sanborn, Smith, Stearns, Theriault, Winslow.

A quorum of Senators being present the Senate proceeded to business.

The journal of Saturday, March 23rd, read and approved.

Papers from the House.

The following communication was received from the Executive Department:

STATE OF MAINE.

EXECUTIVE DEPARTMENT.

Augusta, April 2, 1912.

To the Honorable Senate:

During the past week serious charges of official corruption have been made against Sheriff Charles O. Emery of York county. Asa A. Richardson, state attorney for York county, has made complaint before a trial justice that Sheriff Emery attempted to bribe him in the interest of certain violators of the law and also complains that at a later date Sheriff Emery actually did pay to him one hundred dollars in accordance with the agreement entered into between them.

Charges of so grave a nature preferred by one public official against another cannot be lightly passed over. If true, it is the imperative duty of the Legislature to request the removal of the guilty person from office; if false, their falsity should be promptly shown.

Under the provisions of our Constitution may be found ample warrant for action in this case and we should not hesitate to exercise the authority therein conferred when justice and a due regard for the public welfare require us to act.

Although judicial proceedings have been begun in the Emery case it is appropriate that the Legislature should take immediate cognizance of the matter. Courts of justice necessarily move slowly. Cases of importance almost invariably reach the law court before being finally decided. The present case may not be ended during the year and for a sheriff to continue to exercise his authority and to perform the duties of his office for several months during which no public tribunal has rendered a decision as to his guilt or innocence concerning so serious an offence as bribing a county attorney, presents a condition which cannot be tolerated.

If the Legislature had not been sitting when the case arose I should have deemed it my duty to have called you together to investigate it.

I have instructed the Attorney General to appear before you representing the State and I have no doubt but that you will make such further reasonable arrangements as may be neces-

sary to secure the accused a fair and impartial hearing. If he can satisfy you of his innocence you will be pleased to proclaim it; if his guilt is proven you will not hesitate to do your full duty even though it be a disagreeable one.

The good name of the State of Maine must be preserved and protected. The public officials of this State are, almost without exception, men of high character. In selecting public servants an occasional mistake is made and our laws provide the means of rectifying such mistakes. If one has been made by the good people of the county of York you will doubtless assist in promptly rectifying it. If, on the other hand, your investigation should result in a finding favorable to the accused the time occupied in ascertaining the facts will have been well spent, and by your faithful service in making the investigation you will have earned the thanks and approval of the people whom you represent.

FREDERICK W. PLAISTED.

Which was read and placed on file.

Mr. DONIGAN of Somerset presented Resolve in favor of the adoption of an address to the Governor for the removal of Charles O. Emery, Sheriff of the County of York, which reads as follows:

Resolved, That both branches of the Legislature, after due notice given according to the Constitution, will proceed to consider the adoption of an address to the Governor for the removal of Charles O. Emery, Sheriff of the County of York, for the causes following:

First. Because the said Charles O. Emery did on the 28th day of February last promise one Asa A. Richardson, who was then holding the office of state attorney for the County of York, to pay him a certain sum of money, to wit, the sum of fifty dollars per week, in consideration whereof the said Richardson was to refrain from prosecuting certain violators of law, and

Second. Because the said Charles O. Emery did, on the 8th day of March last, in pursuance of the corrupt agreement, entered into on said 28th day of February between said Emery and said Richardson, pay to the said Richardson the sum of one hundred dollars, all of which constituted a violation of the

laws of the State and especially of the provisions of Section 5 of Chapter 123 of the Revised Statutes.

Resolved, The House of Representatives concurring, that these resolutions and statement of causes of removal be entered on the journal of the Senate, and a copy of the same be signed by the President of the Senate and served on said Charles O. Emery by such person as the President of the Senate shall appoint for that purpose, who shall make return of such service upon his personal affidavit without delay, and that the third day of April A. D. 1912, at two o'clock in the afternoon, be assigned as the time when the said Charles O. Emery may be admitted to a hearing in his defense.

Which was read and passed and sent down for concurrence.

STATE OF MAINE.

KENNEBEC SS.

April 2, 1912.

By virtue of the within Resolve, having been appointed for that purpose by Nathan Clifford, President of the Senate, I made service of the within Resolve, as therein directed, by giving in hand to the said Charles O. Emery, therein named, an attested copy of the within Resolve signed by the said Nathan Clifford, at 1 o'clock and thirty minutes in the afternoon of April 2, 1912.

CHARLES H. LOVEJOY.

STATE OF MAINE.

KENNEBEC SS.

April 2, 1912.

Personally appeared the above named Charles H. Lovejoy, and signed and made oath to the foregoing return.

WILLIAM C. HANSON,

Justice of the Peace.

The following orders came up from the House:

Ordered, That a Committee of seven on the part of the House, with such as the Senate may join, be appointed to consider and report the order of proceedings to be observed upon the hearing proposed by the address of the Governor in relation to the alleged causes for the removal of Charles O. Emery, Sheriff of York county, and that the Clerk of the House be directed to issue due subpoenas for the summoning of witnesses to be present and testify at such hearing upon application of either prosecution or defense, and that counsel be furnished either party.

The following being appointed on the part of the House:

Messrs. Scates of Westbrook,
Strickland of Bangor,
Sleeper of South Berwick,
Trafton of Fort Fairfield,
Deering of Portland,
Hersey of Houlton,
Wheeler of South Paris.

Which was read and passed and sent up for concurrence.

The following were appointed by the President as members on the part of the Senate:

Messrs. Farrington of Kennebec,
Boynton of Lincoln,
Milliken of Aroostook.

Which was read and passed in concurrence

Ordered, The Senate concurring, that there be printed 3000 copies of the resolve proposing an amendment to the Constitution authorizing the issue of bonds for highway purposes.

Which was read and passed in concurrence.

Recess.

Senate called to order by the President.

In compliance with the Revised Statutes of the United States Section 14, 15 and 16 of Chapter 1. Title 2 relating to the election of United States Senators, the Senate proceeded openly and by viva voce vote of each member present to name a per-

son for Senator in Congress from this State for the unexpired term caused by the death of Senator Wm. P. Frye, which term expires on the 4th day of March, in the Year of our Lord, one thousand nine hundred and thirteen.

And the roll being called,

The whole number of votes cast was.....	26
Necessary for a choice.....	14
Obadiah Gardner had.....	20
Frederick A. Powers had.....	6

Senator Gowell of York being paired with Senator Staples of Knox, Senator Staples would have voted for Obadiah Gardner and Senator Gowell would have voted for Frederick A. Powers.

The Senators who voted for Obadiah Gardner of Rockland were:

Messrs. Allan, Boynton, Clifford, Dodge, Donigan, Farrington, Foss of Androscoggin, Fulton, Hanson, Hill, Kellogg, Leach, Mayo, Moulton, Mullen, Noyes, Osborn, Reynolds, Sanborn, Winslow—20.

The Senators who voted for Frederick A. Powers of Houlton were:

Messrs. Blanchard, Irving, Milliken, Smith, Stearns, Theriault—6.

And Obadiah Gardner of Rockland received a majority of the votes of the Senate.

Ordered, The House concurring, that when the Senate and House adjourn, they adjourn to meet on Wednesday, April 3rd, 1912, at ten o'clock in the forenoon.

Which was read and passed.

Sent down for concurrence.

Subsequently the foregoing order came up from the House passed in concurrence.

On motion of Mr. STEARNS

Adjourned.

WEDNESDAY, April 3, 1912.

Senate called to order by the President.

Prayer by Rev. C. D. Boothby of Augusta.

Journal of previous session read and approved.

By unanimous consent, Mr. BOYNTON of Lincoln presented the following Act, and upon motion by the same Senator the same was referred to the Committee on Appropriations and Financial Affairs.

An Act to provide for the payment of per diem and mileage of members and officers for expenditures incident to the special session of the 75th Legislature, and for other necessary expenditures of government.

Sent down for concurrence.

On motion of Mr. ALLEN of Washington, it was

Ordered, The House concurring, that the members of the two branches of the Legislature convene in joint assembly, in the Hall of the House of Representatives, at twelve o'clock meridian, of this third day of April, for the purpose of reading the journal of each House relating to the vote for a Senator in Congress from this State, for the unexpired term caused by the death of Senator William P. Frye, which term expires on the 4th day of March, in the year of our Lord, one thousand nine hundred and thirteen, and for such other proceedings in relation to the matter of the election of such Senator in Congress, as are required by the Constitution and Statutes of the United States.

Sent down for concurrence. Subsequently the order was returned from the House, that branch having concurred in the action of the Senate.

On motion by Mr. HANSON of Waldo it was

Ordered, The House concurring, that the report of the Governor and Council relating to the vote cast at the election, September 11th, 1911, upon the question "Shall the Constitution be amended so as to abrogate and annul the twenty-

sixth amendment, adopted on the eighth day of September, in the year of our Lord one thousand eight hundred and eighty-four, relating to the manufacture and sale of intoxicating liquors?" be printed in full in the Legislative Record.

Sent down for concurrence. Subsequently the order came back from the House, that branch having concurred in the action of the Senate.

The report follows:

STATE OF MAINE.

IN COUNCIL,

November 6, 1911.

The Standing Committee on Election Returns, to which were referred the returns of votes cast at the election held September 11, 1911,

REPORT: That WHEREAS, the official returns of votes cast at said election, upon the question "Shall the Constitution be amended so as to abrogate and annul the twenty-sixth amendment adopted on the eighth day of September, in the year of our Lord, one thousand eight hundred and eighty-four, relating to the manufacture and sale of intoxicating liquors?" having been carefully examined by the Governor and Council on the eighteenth day of September, 1911, show that sixty thousand four hundred and eighty-seven votes were in favor of annulling said amendment and sixty thousand four hundred and sixty-one votes were opposed to annulling said amendment.

AND WHEREAS, the official returns from the towns of Limestone, Westfield and Athens and the plantation of Matinicus Isle, respectively show that the votes cast in said towns and plantation were as follows:

IN FAVOR OF ANNULING SAID AMENDMENT.

Limestone	175
Westfield	109
Athens	134
Matinicus Isle	36

OPPOSED TO ANNULLING SAID AMENDMENT.

Limestone	12
Westfield	9
Athens	39
Matinicus Isle	2
	<hr/>
	62

AND WHEREAS, the clerks of said towns and plantation have appeared before the Governor and Council and exhibited certain records of the meetings and have testified under oath that said returns are erroneous, and asked that they be amended so that they shall read respectively as follows:

IN FAVOR OF ANNULLING SAID AMENDMENT.

Limestone	12
Westfield	9
Athens	39
Matinicus Isle	2
	<hr/>
	62

OPPOSED TO ANNULLING SAID AMENDMENT.

Limestone	175
Westfield	109
Athens	134
Matinicus Isle	36
	<hr/>
	454

AND WHEREAS, it has been proven to the satisfaction of the Governor and Council that said corrections should properly be made,

THEREFORE, the Committee recommends that said corrections be made and that the result of the vote upon said question be declared as follows:

It appears by the returns as corrected that sixty thousand and ninety-five votes were cast in favor of annulling said amendment, and sixty thousand eight hundred and fifty-three votes opposed to annulling said amendment.

Which is respectfully submitted.

(Signed) G. C. KILGORE,
Chairman.

In Council, Nov. 6, 1911.

Read and accepted by the Council and by the Governor approved.

Attest:

(Signed) CYRUS W. DAVIS,
Secretary of State.

On motion by Mr. BOYNTON of Lincoln a recess was taken subject to the call of the President.

The report of the joint select committee appointed to consider and report the order of proceedings to be observed upon the hearing proposed by the resolve of the two branches upon the alleged causes of removal of Sheriff Emery of York county came from the House, the report of the committee accepted and the rules adopted.

The report:

To the Senate and House of Representatives:

The joint select committee appointed to consider and report the order of proceedings to be observed upon the hearing proposed by the resolve of the two branches upon the alleged causes of removal in the case of Charles O. Emery, sheriff of the county of York, submit the following rules:

First. For the purpose of granting a joint hearing, agreeable to a vote of the two branches of the Legislature, they will meet in convention in the hall of the House of Representatives, on Wednesday, April 3, 1912, at 2 o'clock in the afternoon.

Second. The President of the Senate shall preside in the convention, and in the absence of the President of the Senate, the Speaker of the House shall preside.

Third. The State may be heard by counsel and witnesses and the respondent by himself and by counsel and witnesses.

Fourth. The same rules of evidence shall govern as in the trial of civil actions in the supreme judicial court. All depositions shall be taken forthwith, but no deposition shall be admitted, unless it is shown that the deponent is unable to be present. The presiding officer shall decide all questions of the admissibility of evidence, procedure, practice and pleading, and from his decision there shall be no appeal.

Fifth. No debate whatever shall be admitted in the convention.

Sixth. No motion shall be submitted or entertained, except to take a recess, to a time certain, or to dissolve the convention and such motion shall be decided without debate.

Seventh. No persons shall be admitted to the floor of the House except members of the convention, counsel, parties, witnesses, reporters for the press and the officers of both branches, except by order of the President of the Senate or the Speaker of the House.

JOHN CLARK SCATES,
HENRY FARRINGTON,
LESLIE BOYNTON,
CARL E. MILLIKEN,
CHARLES M. SLEEPER,
FREDERICK H. STRICKLAND,
IRA G. HERSEY,
HERBERT W. TRAFTON,
PHILIP J. DEERING,
ALTON C. WHEELER.

The report of the committee was accepted, rules adopted in concurrence.

Mr. FOSS of Androscoggin, for the Committee on Appropriations and Financial Affairs, on An Act to provide for the payment of per diem and mileage of members and officers for expenditures incident to the special session of the 75th Legislature, and for other necessary expenditures of government, reported same ought to pass.

The report of the committee was accepted.

Under suspension of the rules the Act was then given its two readings and was passed to be engrossed.

Sent down for concurrence.

A recess was taken subject to the call of the President.

AFTER RECESS.

The Senate was called to order by the President at 11.55 o'clock A. M.

Upon motion by Mr. BOYNTON of Lincoln,

The Senate retired to the Hall of the House of Representatives for the purpose of comparing the journals of the two Houses on the vote for United States Senator.

(For proceedings in joint convention, see House report.)

After the convention the Senate retired to its Chamber.

Upon motion by Mr. FOSS of Androscoggin, the Senate adjourned to meet at 1.55 o'clock P. M. this afternoon.

AFTERNOON SESSION.

Senate called to order by the President.

On motion by Mr. DONIGAN of Somerset, it was

Ordered, that the Senate retire to the Hall of the House of Representatives for the purpose of forming a convention in the matter of the address for the removal of Charles O. Emery, sheriff of York county.

Thereupon the Senate retired to the Hall of the House of Representatives.

IN JOINT CONVENTION.

2 O'CLOCK P. M.

Agreeable to the vote of the two branches of the Legislature a Joint Convention was formed in the Hall of the House of Representatives for the purpose of considering the adoption of an address to the Governor for the removal of Charles O. Emery, Sheriff of the County of York. Hon. Nathan Clifford, President of the Senate, called the convention to order and presided agreeable to the rules adopted by the two branches of the Legislature.

The Secretary read the resolutions adopted by both branches of the Legislature in relation to the adoption of an address to the Governor for the removal of Charles O. Emery, Sheriff of the County of York.

Hon. William R. Pattangall, attorney general, stated that he has been asked by the Governor to represent the State in this proceeding.

By direction of the President of the Senate the name of Hon. William R. Pattangall, attorney general, was entered upon the records as representing the State.

Leroy Haley of Biddeford requested that the names of Hon. Louis C. Stearns of Bangor, Leroy Haley of Biddeford and Walter J. Gilpatric of Saco be entered upon the records of the convention as counsel for the respondent.

The Secretary of the Convention then read the rules of the convention.

Leroy Haley, of counsel for respondent, requested that a general denial of each and every allegation in the resolve be entered upon the record of the convention, and the Secretary of the Convention was directed to make such entry upon the records.

The following witnesses summoned in behalf of the State were then duly sworn before the President of the Convention and gave in their testimony, namely:

Asa A. Richardson of Kennebunk, Edward H. Emery of Sanford, Edwin I. Littlefield of Kennebunk, Elmer M. Roberts of Kennebunk, Alice K. Roberts of Kennebunk and H. H. Bourne of Kennebunk.

After hearing witness for the prosecution, the convention at 5.45 o'clock P. M., took a recess until 7.30 o'clock in the evening.

EVENING SESSION.

The convention was called to order by President Clifford.

After hearing further witnesses for the prosecution, the committee took a recess until Thursday morning at 9 o'clock.

THURSDAY, April 4, 1912.

Convention called to order by the President at 9 o'clock A. M.

Prayer by Rev. E. V. Allen.

H. H. Thurlow appointed by the President to act as Secretary in the absence of the regular Secretary.

On motion of Mr. SCATES of Westbrook, the Convention took a recess.

The Senate was called to order by the President, the convention in the Hall of the House of Representatives having taken a short recess, in order to give both branches an opportunity to assemble separately.

Mr. OSBORN of Somerset presented the following Resolve:

Resolve in favor of the adoption of an address to the Governor for the removal of Asa A. Richardson, State Attorney for the County of York.

STATE OF MAINE.

In the year of our Lord one thousand nine hundred and twelve.

Resolve in favor of the adoption of an address to the Governor for the removal of Asa A. Richardson, State Attorney for the County of York.

Resolved, That both branches of the Legislature, after due notice given according to the Constitution, will proceed to consider the adoption of an address to the Governor for the removal of Asa A. Richardson, State Attorney for the County of York, for the causes following:

First. Because the said Asa A. Richardson, who was then holding the office of State Attorney for the County of York, did on the 23d day of February, A. D., 1912, solicit money from one Charles T. Read in consideration whereof he agreed to refrain from prosecuting certain violators of the prohibitory law who should thereafter come legally before him in his capacity as State Attorney as aforesaid.

Second. Because the said Asa A. Richardson did at the September term of the Supreme Judicial Court, A. D. 1911, in and for the County of York, procure an indictment against one William L. White for violation of the prohibitory law, which said indictment was presented at the said September term and the case against said White continued to the January term of said court, at which term the said Richardson requested permission to file said indictment and after the court had refused to grant said permission, said Richardson produced in place of the indictment in question a paper, purporting to be an indictment, which was unsigned either by him, the said Richardson or by the foreman of the Grand Jury, whereupon the said White went free and that because of said ignorant and corrupt act of the said Richardson, the said White was not punished for his said violation of the prohibitory law.

Third. Because the said Asa L. Richardson at a hearing before the Legislature of Maine in proceedings for the removal from office of one Charles O. Emery, who was then and there Sheriff of the County of York, gave false testimony under oath.

Fourth. Because the said Asa A. Richardson, in pursuance of a design to convict the said Charles O. Emery of offering to bribe him, the said Richardson, resorted to methods in the procuring of evidence against the said Emery which were improper and unworthy of an attorney.

Fifth. Because the said Asa A. Richardson, by reason of his incompetency and ignorance of the law, has brought the office of State Attorney for the County of York into disrepute and contempt.

Resolved: The House of Representatives concurring, that these resolutions and statements of causes of removal be entered on the Journal of the Senate and a copy of the same be signed by the President of the Senate and served on said Asa A. Richardson by such person as the President of the Senate shall appoint for that purpose, who shall make return of said service upon his personal affidavit without delay, and that the fifth day of April, A. D. 1912, at 11 o'clock in the forenoon, be assigned as the time when the said Asa A. Richardson may be admitted to a hearing in his defense.

Mr. OSBORN: Mr. President: I move that the Resolve have a passage.

Mr. MILLIKEN of Aroostook: Mr. President, we all understand that this Resolve means simply that the two branches of the Legislature will consider these charges against the County Attorney, as they are now considering the charges against the Sheriff of York County. I think there can be no possible objection to the Resolve.

I believe, as I have hinted before, that this Legislature can perform no greater public service than to investigate any charges that may be brought against any officials in this State who are accused of violating or assisting in the violation of the law. And I believe it is perfectly true that wherever the prohibitory law is being openly and flagrantly violated, in that county some one official at least is either a crook or a coward, or both.

I think the Resolve should be adopted and that the Legislature should consider the charges in the usual manner.

There being no objection the Resolve was passed and sent down for concurrence.

On motion by Mr. OSBORN of Somerset, it was

Ordered, the House concurring, that the Attorney General be and hereby is instructed to present to the joint convention the evidence bearing upon the charges preferred against Asa A. Richardson. Sent down for concurrence.

The PRESIDENT: I have a bill here on its passage to be enacted. An Act to provide for the payment of per diem and mileage of members and officers for expenditures incident to the special session of the 75th Legislature, and for other necessary expenditures of government.

Mr. MILLIKEN: Mr. President, of course there is no objection to the passage of the Resolve. I want to say that it seems that the appropriation for High schools was left out at the last session of the Legislature by mistake, and it will be needed and should be paid the latter part of this year, and ought to have been included in this Resolve. I wish to express here the regret I feel that it has not been included.

PASSED TO BE ENACTED.

An Act to provide for the payment of per diem and mileage of members and officers for expenditures incident to the spe-

cial session of the 75th Legislature, and for other necessary expenditures of government.

Which was passed to be enacted in concurrence, by a rising vote of 26 Senators, the whole number present, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

On motion by Mr. BOYNTON of Lincoln, it was ordered, the House concurring, that the same rules and procedure as were adopted in the trial of Charles O. Emery be adopted for the trial of Asa A. Richardson.

Sent down for concurrence.

A recess was taken at this point subject to the call of the President, and the Senate retired to the Hall of the House.

IN CONVENTION.

President Clifford of the Senate in the chair.

After hearing witnesses for the respondent in the matter of Resolve for the adoption of an address to the Governor for the removal of Charles O. Emery, Sheriff of the County of York, at 11.45 o'clock A. M., the convention took a recess until 2 o'clock in the afternoon.

AFTERNOON SESSION.

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

After hearing further witnesses for the respondent in the matter of removal of Charles O. Emery, Sheriff of the County of York.

On motion by Mr. STRICKLAND of Bangor, the convention voted to take a recess until 9 o'clock, tomorrow morning.

The Senate returned to its chamber at 4.30 P. M., and was called to order by the President.

The following order came from the House, adopted by that branch:

Ordered, The Senate concurring that when the Senate and House adjourn they adjourn to meet Friday, April 5, 1912, at 9 o'clock in the forenoon.

Passed in concurrence.

On motion of Mr. DODGE of Kennebec

Adjourned.

FRIDAY, April 5, 1912.

Senate called to order by the President.

Prayer by Rev. E. V. Allen of Jonesboro.

Journal of previous session read and approved.

On motion by Mr. LEACH of Hancock, it was

Ordered, That the Senate retire to the Hall of the House of Representatives for the purpose of forming a joint convention.

Thereupon the Senate retired to the Hall of the House of Representatives.

IN CONVENTION.

The President of the Senate in the chair.

After having heard the arguments of Hon. Louis C. Stearns, counsel for the respondent, and Hon. William R. Pattangall, Attorney General, representing the State, in the matter of Resolve for the adoption of an address to the Governor for the removal of Charles O. Emery, Sheriff of the County of York, at 10.45 o'clock A. M., the following joint convention order was presented:

Ordered, That the Convention now dissolve, and that the Senate retire to the Senate Chamber and the members of the House remain in the Hall of the House.

The order received a passage.

The Senate thereupon retired to the Senate Chamber.

The Senate was called to order by the President, at 10.45 o'clock, A. M.

Upon motion therefor, the Senate then voted to go into executive session for the purpose of considering the charges brought against Charles O. Emery, Sheriff of York County.

IN EXECUTIVE SESSION.

The PRESIDENT: Is it the pleasure of the Senate that they now proceed to consider the charges against Charles O. Emery, Sheriff of York County, each count separately?

There was no objection and it was so ordered.

The first count was then read:

"First. Because the said Charles O. Emery did, on the 28th of February last, promise one Asa A. Richardson, who was then holding the office of State Attorney for the County of York, to pay him a certain sum of money, to wit, the sum of \$50 per week, in consideration whereof the said Richardson was to refrain from prosecuting certain violators of law."

On motion by Mr. DONIGAN of Somerset, the Senate voted that the vote on the different counts be "Guilty" or "Not Guilty."

On motion of Mr. SMITH of York the yeas and nays were ordered, one-fifth of the Senators present desiring the same.

Mr. STAPLES of Knox: Mr. President: I suppose that the same rule of law would apply in the determination of these two counts as would apply to any other criminal case. That is my view of it, that like a case of murder or any other criminal case, that this body is to determine it, the guilt or the innocence, according to the evidence, or according to whether they are satisfied beyond a reasonable doubt, that the defendant is guilty. And that same rule of law that applies to that other proposition would be this: That if myself or any other member of this body, have a doubt, a well-founded doubt, as to the sufficiency of the evidence to convince beyond a reasonable doubt, then the respondent should have the benefit of that doubt. That, I presume, no one will dispute is the true governing law in such cases.

The PRESIDENT: Those Senators who believe that the evidence adduced at the trial proves that Charles O. Emery is guilty as stated in the first count, when their names are called will respond "Guilty." Those who believe the charges have not been sustained will respond "Not guilty."

Those who voted in the affirmative were:

Messrs. Blanchard, Boynton, Clark, Donigan, Irving, Kellogg, Leach, Mayo, Milliken, Osborn, Sanborn, Smith, Stearns, Theriault—14.

Those who voted in the negative were:

Messrs. Allen, Clifford, Dodge, Farrington, Fulton, Hanson, Hill, Mullen, Noyes, Reynolds, Staples, Winslow—12.

Absentees:

Messrs. Chandler, Foss of Androscoggin, Foss of Cumberland, Gowell, Moulton.

So the first count was sustained.

The Senate proceeded to consider the second count:

"Because the said Charles O. Emery did, on the 8th day of March last in pursuance of the corrupt agreement entered into on said 28th day of February, between said Emery and Richardson, pay to the said Richardson the sum of one hundred dollars, all of which constituted a violation of the laws of the State and especially of the provisions of Section 5 of Chapter 123 of the Revised Statutes."

On motion of Mr. DONIGAN of Somerset the yeas and nays were ordered, one-fifth of the Senators present desiring same.

Those who voted in the affirmative were:

Messrs. Blanchard, Boynton, Clark, Donigan, Irving, Leach, Mayo, Milliken, Osborn, Sanborn, Smith, Stearns, Theriault—13.

Those who voted in the negative were:

Messrs. Allen, Clifford, Dodge, Farrington, Fulton, Hanson, Hill, Kellogg, Mullen, Noyes, Reynolds, Staples, Winslow—13.

Absentees:

Messrs. Chandler, Foss of Androscoggin, Foss of Cumberland, Gowell, Moulton—5.

So the second count was not sustained.

The Resolve as a whole was then read.

The PRESIDENT: Is it the pleasure of the Senate that the address be presented to the Governor covering the count known as the first count in this Resolve? Those in favor of presenting the address to the Governor when their names are called will respond "Yes." And those opposed will respond, "No."

Mr. BLANCHARD of Franklin: Mr. President, I do not fully understand that, and I think others may not.

The PRESIDENT: The Senate had found Mr. Charles O. Emery guilty on the first count. The Resolve asks for an address to the Governor and I will ask the Senate if they desire to vote to have the address presented to the Governor. Those in favor of having the address presented, which address will include the charges in the first count, will answer when their names are called, "Yes."

Mr. MULLEN of Penobscot: Mr. President: I do not know but I am a little bit at sea on this. I don't wish to get the Senate into an inconsistent position. If it is in order I move that that matter lie on the table, at the present time.

The PRESIDENT: The Chair will rule that the Senate has found Mr. Emery guilty under a certain count, but they have not followed out the full idea of the Resolve in recommending that the address be presented to the Governor. The Chair will rule that a vote of some sort must be taken upon that matter immediately. Those in favor of having the address presented to the Governor, which address will embody the charges in the first count, will answer "Yes," and those opposed, will answer, "No."

On motion by Mr. SMITH of York, the yeas and nays were ordered, one-fifth of the Senators present desiring the same.

Those who voted in the affirmative were:

Messrs. Blanchard, Boynton, Clark, Donigan, Irving, Kellogg, Leach, Mayo, Milliken, Osborn, Sanborn, Smith, Stearns, Theriault—14.

Those who voted in the negative were:

Messrs. Allen, Clifford, Dodge, Farrington, Fulton, Hanson, Hill, Mullen, Noyes, Reynolds, Staples, Winslow—12.

Absentees :

Messrs. Chandler, Foss of Androscoggin, Foss of Cumberland, Gowell, Moulton—5.

So it was a vote that the address be made to the Governor.
Sent down for concurrence.

A recess was taken subject to the call of the President.

AFTER RECESS.

On motion by Mr. MULLEN of Penobscot it was ordered that the minutes of the Executive Session be spread upon the journal and the record of the Senate.

From the House :

The Resolve in relation to an address to the Governor in the matter of the removal from office of Charles O. Emery, Sheriff of York County, came from the House, that branch having rejected each and all counts in the Resolve.

Mr. BOYNTON of Lincoln: Mr. President, I move that we now recede and concur with the action of the House.

Mr. MILLIKEN of Aroostook: Mr. President, I suppose that all of us understand that nobody has changed his mind, in regard to this matter, and that everyone would be glad to get the unfortunate matter out of the way. With that understanding I believe I have no objection to anything that the Senator from Lincoln thinks is the proper form of action.

There being no objection the President declared the motion of the Senator from Lincoln carried, and that the Senate now receded and concurred in the action of the House.

On motion by Mr. BOYNTON of Lincoln an adjournment was taken until 2 o'clock, this afternoon.

AFTERNOON SESSION.

Senate called to order by the President.

On motion by Mr. ALLEN of Washington, the Senate retired to the Hall of the House of Representatives for the purpose of holding a joint convention to hear the evidence in the case of Asa A. Richardson.

IN CONVENTION.

The President of the Senate in the chair.

The Secretary of the Convention then read the following Resolve:

STATE OF MAINE.

In the year of our Lord one thousand nine hundred and twelve.

Resolve in favor of the adoption of an address to the Governor for the removal of Asa A. Richardson, State Attorney for the County of York.

Resolved, That both branches of the Legislature, after due notice given according to the Constitution, will proceed to consider the adoption of an address to the Governor for the removal of Asa A. Richardson, State Attorney for the County of York, for the causes following:

First: Because the said Asa A. Richardson, who was then holding the office of State Attorney for the County of York, and on the 23d day of February, A. D. 1912, solicit money from one Charles T. Read in consideration whereof he agreed to refrain from prosecuting certain violators of the prohibitory law who should thereafter come legally before him in the capacity as State Attorney as aforesaid:

Second: Because the said Asa A. Richardson did at the September term of the Supreme Judicial Court, A. D. 1911, in and for the county of York, procure an indictment against one William L. White for violation of the prohibitory law, which said indictment was presented at the said September term and the case against said White continued to the January term of said court, at which term the said Richardson requested permission to file said indictment and after the court had refused to grant said permission, said Richardson produced in place of the indictment in question a paper, purporting to be an indictment, which was unsigned either by him, the said Richardson or by the foreman of the Grand Jury, whereupon the said White went free and that because of said ignorant and corrupt act of the said Richardson, the said White was not punished for his said violation of the prohibitory law.

Third: Because the said Asa A. Richardson, at a hearing before the Legislature of Maine, in proceedings for the removal

from office of one Charles O. Emery, who was then and there Sheriff of the County of York, gave false testimony under oath.

Fourth: Because the said Asa A. Richardson, in pursuance of a design to convict the said Charles O. Emery of offering to bribe him, the said Richardson, resorted to methods in the procuring of evidence against the said Emery which were improper and unworthy of an attorney.

Fifth: Because the said Asa A. Richardson, by reason of his incompetency and ignorance of the law, has brought the office of State Attorney for the County of York into disrepute and contempt.

Resolved: The House of Representatives concurring, that these resolutions and statements of causes for removal be entered on the Journal of the Senate and a copy of the same be signed by the President of the Senate and served on said Asa A. Richardson by such person as the President of the Senate shall appoint for that purpose, who shall make return of said service upon his personal affidavit without delay, and that the fifth day of April, A. D. 1912, at 11 o'clock in the forenoon, be assigned as the time when the said Asa A. Richardson may be admitted to a hearing in his defence.

STATE OF MAINE.

KENNEBEC SS.

April 4, 1912.

By virtue of the within Resolve, having been appointed for that purpose by Nathan Clifford, President of the Senate, I made service of the within Resolve, as therein directed, by giving in hand to the said Asa A. Richardson, therein named, an attested copy of the within Resolve signed by the said Nathan Clifford, at 9 o'clock and fifty minutes on the morning of April 4, 1912.

CHARLES H. LOVEJOY,

STATE OF MAINE.

KENNEBEC SS.

April 4, 1912.

Personally appeared the above named Charles H. Lovejoy, and signed and made oath to the foregoing return.

A. F. DONIGAN,
Justice of the Peace.

Hon. William R. Pattangall, Attorney General, stated that he represented the State by reason of a Resolve passed by this Legislature.

By direction of the President of the Senate the name of Hon. William R. Pattangall, Attorney General, was entered upon the records as representing the State.

Hon. Benjamin F. Cleaves of Biddeford requested that the names of Benjamin F. Cleaves of Biddeford and George L. Emery of Saco be entered upon the records of the convention as counsel for the respondent.

Mr. Cleaves then requested that a general denial of each and every allegation in the Resolve be entered upon the records of the convention, and the secretary of the convention was directed to make such entry upon the records.

Attorney General Pattangall stated that unless the convention desired to have the rules of procedure read, counsel for the State and for the defence were willing to waive the reading of the rules of procedure, counsel upon both sides being familiar with the rules.

Witnesses called and sworn.

After hearing the opening on behalf of the prosecution, the witnesses for the prosecution, opening on behalf of the respondent, and witnesses for the respondent, at 6 o'clock in the afternoon, the convention took a recess until 7.30 o'clock in the evening.

EVENING SESSION.

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

After hearing further witnesses for the respondent, the closing arguments for the respondent and in behalf of the State,

Senator Winslow of Cumberland moved that the joint convention be now dissolved and that the Senate retire to its Chamber and the members of the House remain in the Hall of the House.

The motion was agreed to.

Thereupon the Senate retired to the Senate Chamber.

The Senate was called to order at 11 o'clock P. M. by the President.

Upon motion therefor the Senate proceeded in Executive Session to the consideration of the Resolve for the removal of Asa A. Richardson, County Attorney for the County of York.

The first count of the Resolve was read by the President, who stated that that count had not been prosecuted, and if there was no objection, it would be dismissed.

It was so ordered.

The second count was then read, as follows:

Second: Because the said Asa A. Richardson did at the September term of the Supreme Judicial Court, A. D. 1911, in and for the county of York, procure an indictment against one William L. White, for violation of the prohibitory law which said indictment was presented at the said September term and the case against said White continued to the January term of said court, at which term the said Richardson requested permission to file said indictment and after the court had refused to grant said permission, said Richardson produced in place of the indictment in question, a paper, purporting to be an indictment, which was unsigned either by him, the said Richardson or by the foreman of the Grand Jury, whereupon the said White went free and that because of said ignorant and corrupt act of the said Richardson, the said White was not punished for his said violation of the prohibitory law.

On motion by Mr. SMITH of York, the yeas and nays were ordered, one-fifth of the Senators present desiring the same.

The PRESIDENT: Those in favor of sustaining the second count when their names are called will respond "Guilty."

Those not in favor of sustaining the count will vote "Not guilty."

The roll was called by the Secretary.

Those who voted in the affirmative were:

Messrs. Allen, Boynton, Clifford, Dodge, Donigan, Farring-

ton, Fulton, Hill, Kellogg, Leach, Mullen, Noyes, Osborn, Reynolds, Sanborn, Winslow—16.

Those who voted in the negative were:

Messrs. Blanchard, Clark, Gowell, Irving, Milliken, Smith, Stearns, Theriault—8.

Absentees:

Messrs. Chandler, Foss of Androscoggin, Foss of Cumberland, Hanson, Mayo, Moulton, Smith—7.

So it was voted that the second count should be sustained.

The third, fourth and fifth counts were then taken out. These counts not having been prosecuted, upon motion by Senator Staples of Knox, were dismissed.

The PRESIDENT: Is it the pleasure of the Senate that an address be sent to the Governor embodying Count 2 of the Resolve?

On motion of Mr. MILLIKEN of Aroostook the yeas and nays were ordered, one-fifth of the Senators present desiring same.

The PRESIDENT: The question is: Shall the address be sent to the Governor? The address would be in this form:

STATE OF MAINE.

SEVENTY-FIFTH LEGISLATURE.

ADDRESS TO THE GOVERNOR.

The Senate and House of Representatives in Legislature assembled present this address to the Governor for the removal of Asa A. Richardson, County Attorney of York County, for the causes following:

Because the said Asa A. Richardson did, at the September term of the Supreme Judicial Court, A. D. 1911, in and for the County of York, procure an indictment against one William L. White for violation of the prohibitory law, which said indictment was presented at the said September term and the case against said White continued to the January term of said court, at which term the said Richardson requested permission to file said indictment, and, after the court had refused to

grant said permission, said Richardson produced in place of the indictment in question, a paper purporting to be an indictment, which was unsigned either by him, the said Richardson, or by the foreman of the Grand Jury, whereupon the said White went free, and that, because of said ignorant and corrupt act of the said Richardson, the said White was not punished for his said violation of the prohibitory law.

On motion of Mr. BOYNTON of Lincoln, the Secretary proceeded to call the roll.

Those who voted in the affirmative were:

Messrs. Allen, Boynton, Clifford, Dodge, Donigan, Farrington, Fulton, Hill, Kellogg, Leach, Mullen, Noyes, Osborn, Reynolds, Sanborn, Winslow—16.

Those who voted in the negative were:

Messrs. Blanchard, Clark, Gowell, Irving, Milliken, Smith, Stearns, Theriault—8.

Absentees:

Messrs. Chandler, Foss of Androscoggin, Foss of Cumberland, Hanson, Mayo, Moulton, Staples—7.

So it was a vote that the address be given a passage.

Sent down for concurrence.

Subsequently the address came back from the House, passed in concurrence, signed by the Speaker of the House, and was signed by the President of the Senate and by the Secretary conveyed to the Governor for his approval.

IN REGULAR SESSION.

On motion of Mr. MULLEN of Penobscot,

Ordered, That the minutes of the Executive Session be spread upon the Journal and Record of the Senate.

A recess was taken subject to the call of the President.

AFTER RECESS.

Called to order by the President.

On motion by Mr. BOYNTON of Lincoln

Adjourned until tomorrow morning at 9 o'clock.

SATURDAY, April 6, 1912.

Senate called to order by the President.

Prayer by Rev. W. F. Livingston.

Journal of yesterday read and approved.

Papers from the House.

Resolve on the pay roll of the House.

This Resolve, having received its several readings in the House, under suspension of the rules, and passed to be engrossed, also having passed to be enacted in the House, was given its two several readings and passed to be engrossed under suspension of the rules in the Senate, which was passed to be enacted in concurrence by a rising vote of twenty-eight Senators, the whole number present, and having been signed by the Speaker of the House and the President of the Senate, was by the Secretary presented to the Governor for his approval.

Mr. BOYNTON of Lincoln: Mr. President, I ask unanimous consent to present the following Resolve on the pay roll of the Senate.

I will say that this is the pay roll of the Senate and employes for the days Wednesday, Thursday and Friday. I move that this Resolve be received and without reference to any committee receive its several readings at this time.

Under suspension of the rules the Resolve was given its two readings and was passed to be engrossed without reference to any committee, and was then sent down for concurrence.

On motion by Mr. MILLIKEN of Aroostook

Ordered, The House concurring, that a special joint committee of three on the part of the Senate with such as the House may join be directed to investigate forthwith the nullification of the prohibitory law which is reported to be going on in certain counties of the State and to report to the Governor and Council.

Ordered further, that for the purpose of conducting this investigation the committee be empowered to sit after the adjournment of the Legislature, and be given full authority to summons witnesses, compel the production of books and papers, and to employ counsel and all other necessary assistants.

The same Senator moved that the order be passed.

On motion of Mr. BOYNTON of Lincoln, the yeas and nays being desired by one-fifth of the Senators present

Those who voted in the affirmative were:

Messrs. Gowell, Irving, Milliken, Smith, Stearns, Theriault—6.

Those who voted in the negative were:

Messrs. Allen, Boynton, Clark, Clifford, Dodge, Farrington, Fulton, Hill, Leach, Noyes, Osborn, Reynolds, Sanborn, Staples, Winslow—15.

Absentees:

Messrs. Blanchard, Chandler, Donigan, Foss of Androscoggin, Foss of Cumberland, Hanson, Kellogg, Mayo, Moulton, Mullen—10.

So it was not a vote to pass the order.

From the House: An Act to provide for the payment of per diem of members of the seventy-fifth Legislature.

This Bill came from the House, having been passed to be engrossed under suspension of the rules and without reference to a committee.

Under suspension of the rules the Bill was then given its two readings and was passed to be engrossed.

Resolve in favor of the witnesses, officers and counsel in the matter of the hearing of Charles O. Emery and Asa A. Richardson Resolves.

This Resolve came from the House, having been read twice in that branch and passed to be engrossed under suspension of the rules and without reference to a committee.

Under suspension of the rules the Resolve was given its two readings and was passed to be engrossed.

Resolve on the pay roll of the House.

This Resolve came from the House, having been read twice in that branch and passed to be engrossed under suspension of the rules and without reference to a committee.

Resolve on the pay roll of the Senate.

This Resolve came from the House, having been read twice in that branch and passed to be engrossed, under suspension of the rules, and then finally passed and signed by the Speaker.

The Resolve under suspension of the rules was given its two readings and was passed to be engrossed. The Resolve was then finally passed, a rising vote being had, and all Senators present voting for the final passage of the Resolve.

On motion of Mr. BOYNTON of Lincoln a recess was taken subject to the call of the President.

FINALLY PASSED.

Resolve on the pay roll of the House.

Resolve on the pay roll of the Senate.

Resolve in favor of the witnesses, officers and council in the matter of the hearing upon Charles O. Emery and Asa A. Richardson Resolves.

PASSED TO BE ENACTED.

An Act to provide for the payment of per diem of members and officers and for other expenditures incident to the Special Session of the Seventy-fifth Legislature.

Which Bill was passed to be enacted and the Resolves were finally passed in concurrence, which Bill and each Resolve having been passed by a rising vote of all the Senators present (28) and having been signed by the President, were by the Secretary presented to the Governor for his approval.

An order from the House in relation to the printing and distribution of the Legislative record was given a passage in concurrence.

Senator Boynton in the chair.

President Clifford in the chair.

The PRESIDENT: I wish to say to the Senators that I have enjoyed this special session very much indeed. I am very sorry to say that I shall not be back again in any capacity, but the friendships I have made during the last session and this session will never be forgotten by me.

Mr. STAPLES of Knox: Fellow Senators, I move you that a vote of thanks be extended to the President of the Senate and to all the officers of the Senate for the kind and efficient manner in which they have performed their duties.

The motion was seconded by Mr. WINSLOW of Cumberland.

The motion was adopted by a rising vote.

On motion of Mr. CLARK of York

Ordered, That a message be sent to the House of Representatives, informing that body that the Senate has transacted all the business before it, and is ready to adjourn without day.

Which was read and passed and the Senator from York, Mr. CLARK, conveyed the message, subsequently reporting that he had discharged the duty assigned him.

A message was received from the House by Mr. Trafton of Fort Fairfield that the House had transacted all business before it and was ready to adjourn without day.

On motion by Mr. HILL of Penobscot

Ordered, That a committee of three on the part of the Senate, with such as the House may join, be appointed to wait upon the Governor, and inform him that both branches of the Legislature, having acted on all matters before them, are now ready to receive any communication he may be pleased to make.

Which was read and passed, and the President appointed:

Messrs. Hill of Penobscot,
Dodge of Kennebec,
Clark of York.

Sent down for concurrence.

Subsequently the foregoing order came up from the House, passed in concurrence and the committee joined as follows:

Messrs. Shea of Eden,
Penley of Auburn,
Small of Machiasport,
Active I. Snow of Brunswick,
Heffrom of Eastport,
Conners of Bangor,
Dunn of Brewer.

Mr. Hill for the committee subsequently reported that they had attended to the duty assigned them and that the Governor was pleased to say that he would communicate with the two branches forthwith a list of the Bills and Resolves passed during the Special Session; and that he had no further communication to make.

Thereupon the Messenger to the Governor and Council, George W. Leadbetter, came in and laid before the Senate the following communication:

STATE OF MAINE.

EXECUTIVE CHAMBER.

AUGUSTA,

April 6, 1912.

To the President of the Senate and Speaker of the House of Representatives:

I herewith transmit a list of the Acts and Resolves passed during the present session of the Legislature and approved by me, numbering 4 Acts and 6 Resolves.

I have no further communication to make.

FREDERICK W. PLAISTED.

The communication was read and sent to the House.

The President then, on motion by Mr. STAPLES of Knox, at 11.30 o'clock, A. M. Saturady, April 6, 1912, declared the Senate of the Special Session of the Seventy-fifth Legislature adjourn without day.

W. C. HANSON,
Secretary.

I hereby certify that the foregoing is a true record of the proceedings of the Senate of the Special Session of the Seventy-fifth Legislature of the State of Maine.

Attest :

W. C. HANSON,
Secretary.

TITLES OF ACTS AND RESOLVES PASSED BY THE
SPECIAL SESSION OF THE SEVENTY-FIFTH LEG-
ISLATURE AND APPROVED BY THE GOVERNOR.

PUBLIC LAWS.

An Act to apportion Representatives to Congress.

An Act to provide for the use of Uniform Ballot Boxes and for the preservation of ballots cast at elections.

An Act to provide for the payment of Per Diem and Mileage of members and officers, for expenditures incident to the Special Session of the Seventy-fifth Legislature and for other necessary expenditures of government.

An Act to provide for the payment of Per Diem of members and officers, and for other expenditures incident to the Special Session of the Seventy-fifth Legislature.

TITLES OF RESOLVES APPROVED.

RESOLVES.

Resolve amending Article nine of the Constitution, so as to provide for a bond issue for State Highways.

Resolve on the pay roll of the Senate.

Resolve on the pay roll of the House.

Resolve in favor of Witnesses, Officers and Counsel in the matter of the hearing upon the Charles O. Emery and Asa A. Richardson Resolves.

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