

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

ERRATA:

**The following errata are
inserted because one or more pages
in this session day have errors
noticed and corrected here.**

ERRATA.

- Page 39, for Long Monson Pond read Long Mousam Pond.
94, after the words "Probation Officers" omit the words "relating to State Detectives."
105, 302, 316 and 333, for State Prison read State pension.
118, 146, 165 and 170, for supplementary associations read supplementary assessments.
168, for Coolidge River read Cambridge River.
174, for \$50 read \$50,000.
182, for Oakland read Oakfield.
185, for Rines road read Kineo road.
219, for Mineral Spring Co. read Merrill Springer Co.
226, for investigation of vital statistics read registration of vital statistics.
243, for town of South Portland read town of Southport.
309, for town of Wales read town of Wells.
325, for foreigners read coroners.
343, for Bed Cambridge River read Dead Cambridge River.
360, for boys read buoys.
377, for Corners Knob read Conary's Nub.
377, 462, 496, for Prescott read Trescott.
379, for Pittsburg read Phippsburg.
462, 496, for Chronological read Pomological.
494, for Township E read Township 2.
510, 538, for Central Railroad Co. read Jonesport Central Railroad Co.
520, for Penobscot Electric Co. read Penobscot Bay Electric Co.
525, for Colcord read Concord.
544, 556, for town of Brewer read town of Bremen.
551, 587, for Monmouth Ridge Sanitary Association read Monmouth Ridge Cemetery Association.
646, for Androscoggin Valley Company read Androscoggin Valley Railroad Company.
648, for Central Fire Insurance Co. read Central Maine Fire Insurance Co.
654, 670, for Jimmy pond read Jimmy brook.
655, 671, for Straw's Island read Swan's Island.
667, for transmitted in Maine read transacted in Maine.
677, 698, for municipal court in town of Portland read municipal court in town of Farmington.
687, for Trusett read trustee.
700, for pension members of Building Commission read pension members of Fire Department.
788, for Howard read Howland.
835, for Chapter 138 of the Public Laws of 1905 read Chapter 138 of the Public Laws of 1895.
844, for bridges of municipal officers read duties of municipal officers.
928, for identifying animals read identifying criminals.
974, for Herbert A. Bradford read Herbert A. Lombard.
1022, for Stonington Trust Company read Stonington Water Company.
1064, for Biddeford read Portland.
1244, for Daniel's Pond read Donnell's Pond.
1275, for Acatus Lake read Nicaulous Lake.
1313, for establish read abolish.

HOUSE.

Wednesday, February 3, 1909.

Prayer by Rev. Mr. Steele of Hallowell.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills on First Reading.

An Act relating to the issue of bonds.

An Act relating to supplementary associations.

Resolve in favor of the Central Maine General Hospital at Lewiston.

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

Judiciary.

By Mr. Havey of Sullivan: Petition of George F. Colson and 35 others, citizens of Sullivan, for the passage of the Resolve relating to Sullivan-Franklin bridge.

By Mr. Bowley of Swans Island: Petition of W. H. Kittredge and 49 others of Mt. Desert Island for legislation giving towns on said island the right to control the matter of use of motor vehicles therein; petition of Fred J. Rich and 50 others of Mt. Desert Island for same; petition of Henry T. Webster and 56 others of Mt. Desert Island for same; petition of George Harmon and 63 others of Southwest Harbor in favor of An Act prohibiting automobiles in the towns of Eden, Tremont and Southwest Harbor on the Island of Mt. Desert; petition of G. W. Kent and eight others of Southwest Harbor for same.

By Mr. Sanborn of Dover: Remonstrance of John H. Shaw and 82 others of Dover and Foxcroft against "An Act to prohibit the use of automobiles in the towns of Eden, Mt. Desert, Tremont and Southwest Harbor on the Island of Mt. Desert; remonstrance of E. O. Paine and 17 others of Foxcroft against same.

By Mr. Paul of Naples: Remonstrance of A. T. Ricker and 24 others of Harrison against same; remonstrance of C. F. Ricker of Harrison and nine others against same; remonstrance of O. B. Sylvester and 10 others of Harrison against same.

By Mr. Russell of Gardiner: Remonstrance of Fred W. Fisher and 13 others of Gardiner against the passage of An Act to prohibit the use of automobiles on the Island of Mt. Desert.

By Mr. Beals of Auburn: Remonstrance of George E. Wills and 15 others against same.

By Mr. Dorr of Dresden: Remonstrance of Fred M. Weeks and 37 others of Dresden and Richmond against same.

By Mr. Havey of Sullivan: Remonstrance of A. E. Small and 14 others of Winter Harbor against same.

By Mr. Stetson of Hartford: Remonstrance of Guy V. Russell of Hartford and five others against same; remonstrance of Horace Farrar of Sumner and 39 others against same.

By Mr. Bisbee of Rumford: Remonstrance of Karl Burroughs and 15 others of Rumford against same; remonstrance of F. E. Randall and seven others of Rumford against same.

By Mr. Redlon of Portland: Remonstrance of C. J. Perkins and 190 others against same.

By Mr. Hodgkins of Damariscotta: Remonstrance of Laforest Etheridge of Round Pond and 98 others against same.

By Mr. Wing of Auburn: Remonstrance of Albert A. Hutchins of Auburn against same.

By Mr. Montgomery of Camden: Remonstrance of C. O. Montgomery and 16 others of Camden against same.

By Mr. Havey of Sullivan: Remonstrance of P. L. Aiken and 21 others of Sorrento against same.

By Mr. Charles of Rome: Remonstrance of Harry L. Russ and 10 others of Mt. Vernon against same.

By Mr. Jones of Bucksport: Remonstrance of H. E. Snow and 15 others of Bucksport against same.

By Mr. Bowley of Swans Island: Remonstrance of Ansel L. Manchester of Mt. Desert and 14 others against same.

By Mr. Russell of Gardiner: Remonstrance of C. H. Beane and 14 others of Gardiner against same; remonstrance of George A. Oliver and eight others of Gardiner against same.

By Mr. Coolidge of Lisbon: Remon-

strance of D. F. Bean and six others of Lisbon against same.

By Mr. Putnam of East Livermore: Remonstrance of Z. A. Mersereau and five others of Livermore Falls against same.

By Mr. Wing of Auburn: An Act to amend the charter of the city of Auburn. (Tabled for printing on motion of Mr. Wing and 1000 extra copies ordered printed for the use of the House).

By Mr. Weld of Old Town: An Act to create the office of State Commissioner of Publicity and to define his duties. (Tabled for printing, pending reference to the committee on motion of Mr. Pike of Eastport).

By Mr. Bisbee of Rumford: An Act to amend Section 46 of Chapter 93 of the Revised Statutes in relation to lien claims.

By Mr. Peters of Ellsworth: An Act to authorize the Bar Harbor & Union River Power Company to acquire the property and franchises of the Ellsworth Power Supply Company.

By Mr. Drake of Frankfort: An Act authorizing the construction of a wharf into tide water at Sandy Point in the town of Stockton Springs, Waldo county.

Legal Affairs.

By Mr. Colby of Bingham: Petition of D. C. Durrell and 14 others of Dead River and vicinity requesting that a law be enacted allowing plantations to assess their own taxes for the maintenance of their highways.

By Mr. Pike of Eastport: Petition of T. H. Bucknam and 72 others of Eastport in favor of the Hall bill regulating the digging up of public streets and highways in towns and cities.

By Mr. Richardson of Presque Isle: Petition of A. C. Perry and 89 others of Presque Isle in favor of same.

By Mr. Libby of Amity: Petition of the Aroostook Conference of Free Baptist Churches, 1000 in membership, earnestly praying for the passage of the bill entitled "An Act for the better observance of Sunday;" petition of A. D. Paul and 10 others for same; petition of A. D. Paul and eight others for same; petition of Rev. G. A. Osman and eight others for same; petition of L. B. Manley and 23 others for same;

petition of R. G. Libby of Carey and 25 others for same; petition of F. J. Ramsdell and 10 others of Caribou for same; petition of Rev. J. A. Cahill and unanimous vote congregation for same; petition of Thomas M. Barker and 23 others of Berwick for same.

By Mr. Pike of Eastport: Remonstrance of C. M. Thompson and 54 others of Kingman and vicinity against the bill relating to carrying firearms on Sundays.

By Mr. Hodgkins of Damariscotta: An Act to make valid the doings of the town of Bristol in the county of Lincoln.

Appropriations and Financial Affairs.

By Mr. Burse of Pittsfield: Petition of Pittsfield Tuesday Club of Pittsfield and others for Resolve in favor of Maine State Sanatorium Association.

By Mr. Dunn of Brewer: Petition of Charles B. Clark of Brewer and 31 others for same.

By Mr. Colby of Bingham: Petition of P. M. Taylor of Flagstaff and 16 others for same.

By Mr. Bemis of Harmony: Resolve in favor of the town of Cornville.

By Mr. Nelson of Hebron: Resolve in favor of the town of Hebron.

Education.

By Mr. Colby of Bingham: An Act to amend Section 2 of Chapter 15 of the Revised Statutes regarding the education of youth.

By Mr. Wing of Kingfield: An Act to amend Section 2 of Chapter 15 of the Revised Statutes relating to transportation of pupils.

Railroads and Expresses.

By Mr. Jones of Bucksport: Petition of W. F. Thomas and 75 others in favor of Hall transferrable mileage bill.

Telegraphs and Telephones.

By Mr. Weld of Old Town: Petition of M. L. Jordan and 212 others for An Act to incorporate the Bangor and Old Town Telephone Company.

Ways and Bridges.

By Mr. Dufour of St. Agatha: Petition of Hilaire Gagnon and 51 others in favor of the Donigan bridge bill; petition of Joachin Bouchard and 10 others for same.

By Mr. Bisbee of Rumford: Petition

of A. L. Dolloff and 36 others of Rumford for same.

By Mr. Colby of Bingham: Petition of J. B. Whitney and 33 others of Moscow and vicinity for same.

By Mr. Bragdon of Perham: Petition of George R. Humphrey and 67 others of Washburn for same.

By Mr. Havey of Sullivan: Petition of George F. Childs and 61 others, citizens of Winter Harbor, for same.

Inland Fisheries and Game.

By Mr. Packard of Rockport: Petition of Ernest M. Torsey and 30 others of Rockport in favor of a fish hatchery in Knox county.

By Mr. Doble of Lagrange: Petition of L. W. Gilman and 53 others of Bangor and vicinity asking for an appropriation for a fish hatchery at Enfield, Maine.

By Mr. Pattangall of Waterville: Petition of W. W. Edwards and 223 others, citizens of Waterville, to open the lakes and ponds of Kennebec county for ice fishing one day in each week.

By Mr. Paul of Naples: Petition of J. P. Fickett and 47 others, citizens of Cumberland county, for the passage of An Act to amend Chapter 38 of the Private and Special Laws of 1907 relating to close time in Songo and Crooked rivers; petition of William E. Jackson and 56 others, citizens of Naples and Casco, for same.

By Mr. Smith of Biddeford: Petition of O. P. Greene and 24 others relating to close time on Songo river.

By Mr. Thurlow of Cutler: An Act to provide for a close time on deer on Cross and Scott Islands, Washington county; also An Act to provide for a bounty on wild cats in the towns of Cutler, Lubec and Trescott, Washington county.

By Mr. Stanley of Porter: An Act to provide for ice fishing in accordance with the general law of the State, in Spectacle, the Stanleys, Trafton and J. Bird Ponds, Oxford county.

Shore Fisheries.

By Mr. Harriman of Meddybemps: Petition of Loring E. Holmes, former first selectman of Robbinston, and 100 others in favor of the bill to authorize Howard F. Fisher to erect and main-

tain a fish weir in tide waters of the St. Croix river.

By Mr. Havey of Sullivan: Petition of E. E. Huckins and 69 others of Gouldsboro and Winter Harbor for an amendment to Section 1 of Chapter 357 of the Special Laws of 1907 relating to a close time on lobsters; petition of Cecil Stewart and 35 others for same.

By Mr. Harmon of Stonington: Remonstrance of J. E. Wooster and 109 others against act to prohibit the shipping of scallops out of the State and asking for a close time on scallops in West Penobscot Bay; also An Act to prohibit the swelling of scallops by artificial means.

By Mr. Grant of Freeport: An Act to prohibit seining smelts in Harraseeket river in the town of Freeport.

By Mr. Harmon of Stonington: An Act to prohibit the taking of scallops in West Penobscot Bay from April 1 to October 1 of each year.

Counties.

By Mr. Jones of Bucksport: Remonstrance of F. R. Page and 22 others against changing present county lines of Hancock county.

By Mr. Havey of Sullivan: Remonstrance of L. T. Havey and other citizens of Sorrento against the proposed division of Hancock county.

Claims.

By Mr. Andrews of Augusta: A. J. Cameron's claim for amount due on his bill of July 1, 1880, but withheld in 1901, when part of said bill was paid.

By Mr. Hall of Caribou: Resolve in favor of Eugene A. Holmes, county attorney for Aroostook county, with statement of facts.

By Mr. Porter of Mapleton: Resolve in favor of Charles A. Flint of Ashland.

Pensions.

By Mr. Hanson of Lyman: Resolve in favor of Martha Burrell of Limington.

Labor.

By Mr. Beals of Auburn: An Act to create a State Board of Arbitration and conciliation. (Tabled for printing pending reference to the committee on

motion of Mr. Beals and 200 extra copies ordered printed for the use of the House.)

Taxation.

By Mr. Packard of Rockport: Remonstrance of Josiah H. Hobbs and 42 others, citizens of Camden, against the passage of Senate bill No. 17, relating to the assessment and taxation of light, heat, power and water companies, located in more than one town; remonstrance of J. A. Havener and 246 others, citizens of Rockport, against same.

Mr. Davies of Yarmouth presented Resolve in reference to rebate of taxes to railroads. (Laid on the table under the rules for consideration tomorrow).

On motion of Mr. Chase of York the rules were suspended and that gentleman introduced petition of Robert C. Ogden and 17 others of Kennebunkport in favor of the division of the town of Kennebunkport and the incorporation of the town of Arundel, and petition of A. M. Welch and 100 others of Kennebunkport for same, and petition of Frank M. Irving and 36 others for same, and on further motion by Mr. Chase the petitions were referred to the committee on towns.

On motion of Mr. Patterson of Solon the rules were suspended and that gentleman introduced remonstrance of Mahlon Boynton and 50 others of Madison against the exclusion of automobiles from the Island of Mt. Desert, and on further motion by Mr. Patterson it was referred to the committee on judiciary.

Orders.

On motion of Mr. Jones of Bucksport, Ordered, That the committee on manufactures investigate the use of benzoate of soda and other preservatives in food products and report by bill or otherwise.

The order received a passage.

Reports of Committees.

Mr. Bisbee from the committee on appropriations and financial affairs, to which was referred Resolve in favor of road from the town of Brownville to Katahdin Iron Works, reported that the same be referred to the committee on ways and bridges.

Mr. Higgins from the committee on education, to which was referred An

Act for the improvement of free high schools, reported that the same be printed and recommitted.

Mr. Chase from the committee on State lands and State roads, to which was referred An Act to amend Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 12 and 13 of Chapter 112 of the Public Laws of 1907 relating to highways, reported that the same be printed and recommitted.

Mr. Peters from the Hancock county delegation, to which was referred An Act for the relief of the register of deeds for Hancock county, reported that the same be referred to the committee on salaries and fees.

The reports were accepted.

Mr. Coolidge from the committee on legal affairs reported "ought to pass" on bill, An Act to extend the provision of Chapter 241 of the Private and Special Laws of 1903 entitled "An Act to supply the town of Lisbon with pure water."

Mr. Pike from same committee reported same on bill, An Act to ratify, confirm and make valid the organization of the Andover Water Company and authorize it to issue bonds to extend its plant.

Mr. Hall from same committee reported same on bill in new draft, entitled "An Act relating to holidays."

Mr. Kavanaugh from committee on appropriations and financial affairs reported same on Resolve in favor of the King's Daughters Union of Bangor.

Mr. Bussell from same committee reported same on Resolve in favor of the Healey Asylum.

Mr. Joy from same committee reported same on Resolve in favor of Knox County General Hospital.

Mr. Emery from same committee reported same on Resolve in favor of York Hospital.

Mr. Hyde from same committee reported same on Resolve in a new draft entitled "Resolve in favor of the Children's Aid Society of Maine."

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

First Reading of Printed Bills and Resolves.

An Act to extend the charter of the city of South Portland. (Tabled pend-

ing second reading on motion of Mr. Hall of Caribou.)

An Act to amend Section 24 of Chapter 242 of the Private and Special Laws of 1895.

An Act to amend the charter of the city of South Portland.

An Act to amend the charter of the city of South Portland.

Resolve providing for assistance in rebuilding the East Branch bridge in the town of Oakfield.

An Act to extend the charter of the Merchants' Trust Company.

An Act to amend Chapter 84 of the Public Laws of 1907 in relation to employment agencies. (Tabled pending third reading on motion of Mr. Hall of Caribou).

Resolve in favor of J. W. Haines, town clerk of Dexter.

Resolve in favor of David E. Knight, town clerk of Garland.

An Act respecting the place of taxation of personal property.

An Act to extend the charter of the Aroostook Valley Railroad Company.

An Act relating to the extension of the Fryeburg Horse Railroad.

An Act to protect benevolent, humane, fraternal or charitable organizations in the use of their names and emblems and providing penalties for the violation thereof.

Resolve in favor of the Maine Eye & Ear Infirmary.

Resolve in favor of the official reporter of the Senate.

Resolve in favor of the Children's Hospital.

Resolve in favor of the Electoral College.

Resolve in favor of the purchase of the Maine State Year Book and Legislative Manual for the years 1909 and 1910.

Resolve in favor of the Maine Home for Friendless Boys.

Finally Passed.

Resolve in favor of Bath City Hospital.

Resolve authorizing a temporary loan for the year 1910.

Resolve authorizing a temporary loan for the year 1909.

Resolve in favor of the Bar Harbor

Medical and Surgical Hospital located at Bar Harbor, Maine.

Resolve in aid of the Temporary Home for Women and Children at Portland.

ORDERS OF THE DAY.

Rebate of Taxes on B. & A. R. R.

The clerk read the following order which came up as a special assignment:

In House of Representatives, Jan. 27, 1909.

Ordered, That the justices of the supreme judicial court are hereby required to give to the House of Representatives, according to the provisions of the Constitution in this behalf, their opinion on the following question, to wit: Has the Legislature the legal power under the Constitution of the State of Maine to enact the following bill now pending:

"An Act to encourage and aid the building of a railroad through the undeveloped portion of Northern Maine.

"Be it enacted by the People of the State of Maine, as follows:

"Section 1. Provided the Bangor & Aroostook Railroad Company shall, in good faith, on or before January 1, 1911, commence to build a line of railroad which shall begin at its present main line in the vicinity of West Sebois and shall finally extend in a general northerly direction to the St. John river, as the same may be legally laid out, and shall commence to build a railroad into or through the towns of Washburn and Perham; thereupon when said Railroad Company shall commence to build such railroads, said Railroad Company is hereby authorized to enter into an agreement with the State of Maine, for the transportation, over the lines of railroad which it is now operating, and over any railroad which it may build, of troops and munitions of war in times of war, insurrection or civil commotion, free of charge other than as herein provided, until January 1, 1921, and to receive therefor from said State annually for the term of said contract an amount which shall equal 95 per cent. of the taxes collect-

ed in the corresponding year by said State upon the lines of railroad which it is now operating and upon any other lines of road which it may build, and upon its real and personal property, including its stock and franchise.

"Whenever before January 1, 1911, the building of said lines of railroad shall in good faith be commenced, thereupon said Railroad Company may execute such a contract and present it to the treasurer of said State, and it shall be the duty of said treasurer to execute said contract in behalf of said State, and thereafter said treasurer shall pay over to said corporation each year during the term of said contract the amount provided in this Act."

Mr. PATTANGALL of Waterville: Mr. Speaker, I move that the order have a passage.

Mr. HERSEY of Houlton: Mr. Speaker, I am a new member of this Legislature and have not had the experience in its business as some of the older members, not so much as the gentleman from Waterville (Mr. Pattangall) and therefore some things that occur in this Legislature will seem to me a little strange and out of the ordinary course of business. Out in the country, so to speak, among the common people, there has grown up a notion or an idea that men are sent to this Legislature to do the business for all the people of the State, and somehow they have a notion—I don't know where they got it—that any person or corporation may come to this Legislature with a bill or measure, present the same through any representative here, have the same properly presented to the Legislature through the proper channels, referred to the proper committees, have a hearing advertised and at that public hearing have a full, free and impartial hearing on the merits of the bill, and after such a hearing have the committee report to this Legislature, and after a full and impartial hearing in the House and Senate have the bill passed or rejected; and they have the idea that up to that time no person, at least no representative in this House or no member of the Senate

shall interfere or in any manner shall attempt to prejudice the full and free and complete hearing of that measure or shall in any way try to anticipate the verdict of the people, to wit, the Legislature, upon those measures.

Now, knowing this, I was somewhat surprised when the gentleman from Camden (Mr. Montgomery) a short time ago presented a bill in this House called the Bangor & Aroostook rebate bill and had it referred in the usual manner and through the proper channels, that that act of his should have caused a great deal of excitement among certain politicians and have been the occasion of certain party caucuses engineered by the gentleman from Waterville. Now I have known the gentleman from Camden a great many years. He says, I understand, that he believes in that bill, in its merits. I understand that he claims that his people who sent him here believe in the merits of the bill, and therefore he presented it; and I believe that he presented it in good faith and that he at that time perhaps forgot in consulting the interests of the State, the interests of his constituents, in the interests of fair play, he forgot for the moment to consult the gentleman from Waterville (laughter) and forgot to play the game of politics. The gentleman from Camden often forgets to do that. He has been known to favor even Republican measures in this Legislature that look to the interests of the State and to forget for the time to play the game of politics; but the gentleman from Waterville never forgets. He never forgets to play the game of politics and to play it all the time; and knowing that I can understand why, when this measure has been before this Legislature and been referred to the proper committee, before the before it had considered it, before this House had an opportunity to invest-committee had had its hearing and gate the case, he presents an order to refer this matter to the supreme court of Maine; and so this is the "solemn occasion," this is the great question of law contemplated by the Constitution that should take it from us to the supreme

court. Now if the gentleman did not intend to play the game of politics it seems to me he could at least have waited to see what the Legislature would do with the bill. Of course if the bill does not pass, all this fuss and feathers goes for naught. You might just as well put an order in that 50 measures before this Legislature should be taken to the supreme court. You might as well put in an order that the bill on women's suffrage should go there, and with just as much sense. And the same thing is true of the bill presented this morning by the gentleman from Yarmouth—I shall not discuss that now—that this Legislature shall in advance give its opinion on Legislature has enacted that law, if we do enact it, it is time enough then to mooted questions, upon matters pending before this Legislature. I say after this ask the supreme court its opinion on the matter; and until that time comes, Mr. Speaker, that the business of this House may go on, that everybody may have a fair chance for a hearing without prejudice to their rights, have a fair open and public hearing on this bill, I move that this order be indefinitely postponed.

Mr. PATTANGALL of Waterville: Mr. Speaker, I think it would have been obvious to men accustomed to occupy seats in this assembly that the gentleman from Houlton (Mr. Hersey) was a new member had he not so stated, because it has been the custom for many years in this House in discussing questions of public policy to avoid impugning the motives of members who present orders and bills. Had the gentleman had that experience which undoubtedly his constituents will see that he does have in the future, he might have conceived the idea that that order was presented in just the same good faith in which he presented his motion to indefinitely postpone and not from a mere desire on my part to play politics; nor, I think, would he later in his legislative career, when he has been here longer and is more impressed with the duties of a representative, have indulged in that little bit of horse play about the gentleman from Camden forgetting to consult with the gentleman from Waterville.

So much for that portion of the gentleman's remarks. Now with regard to the merits of the matter. It will appear to any member of this House who takes

pains to look over the record of past Legislatures or to read the Maine Reports in which the gentleman from Houlton, being a man extremely learned in the law, is familiar, that the order presented by me last week for the consideration of this House is not an extremely novel proposition. The gentlemen who framed the Constitution of this State and whom, I presume, were not all Democrats and probably did not all live in the city of Waterville, provided by Section 3, Article 6, that the justices of the supreme court should be obliged to give their opinions upon important questions of law and upon solemn occasions when required by the Governor and Council or House of Representatives or the Senate. Some 60 times since Maine has been a State that constitutional right has been invoked. Twenty-eight Legislatures during the time that Maine has been a State have sent questions of law to the supreme court for its consideration in spite of the fact that the gentleman from Houlton's constituency regards that as a strange performance. It has been done with great frequency. It is not a proposition to dodge anything or to shift any responsibility or to debar any interest from coming here and having a fair hearing. If the bill presented by the gentleman from Camden involves an illegal and unconstitutional proposition, then no hearing before any committee, no report of any committee and no vote of this House concerning it can have any valid effect. We are pledged to a full and fair and free hearing of every measure, but we should act in accordance with the law, and when we are in doubt in regard to the law—and some of us, not being possessed of the great legal learning of the gentleman from Houlton, do have doubts occasionally as to the law—then the Constitution says that we can go to the supreme court and learn what the law is.

Now is this an occasion for going there? I take it that the argument upon that point must be on these propositions: First, that there is some doubtful legality about the question involved; and that, I think, any lawyer will admit. They will take different sides in regard to it. Some will say it is legal and some that it is illegal; but every lawyer must ad-

mit that there is a good field for fair argument in the question. Second, is the matter important enough? Well, gentlemen, it involves somewhere from a million to a million and a half of money, of the State's money, to be voted by us if we approve the measure as trustees for the people of Maine in the framing of a contract for a rebate of taxes; and it seems to me that that may be important enough to demand even the attention of the supreme court. If gentlemen here would look over the precedents, as I have no doubt many of them have done, they will find that the supreme court has answered many questions which, if they had been presented in a House in which if the gentleman saw fit to do so, he might sneer at as not constituting a solemn occasion, past Legislatures in their wisdom and the court in its wisdom said did constitute a solemn occasion. Let me give you a few of them and let us see if the allusion to solemn occasions means what gentlemen who have not looked up the matter think it means.

The Legislature once submitted to the supreme court this question: "Can the Legislature authorize a town to assist a manufacturing enterprise or to engage in manufacturing?" That was an important occasion, an important question, not more important than the one here today, not constituting a crisis in the affairs of the State, the words "solemn occasion" not being construed by the Legislature or by the courts in that light, simply an important question; and it is an important business question before us here.

Another one: "Can a Governor remove from office a reporter of decisions?" That was a solemn occasion in the view of the Executive and his Council in the State of Maine, and in the view of the court of Maine. The court did not disdain to answer that simple question: Can a Governor properly, without the assistance of his Council, remove a reporter of decisions? Talk about solemn occasions! is it more solemn to remove from office one officeholder than it is to vote a million or a million and a half of money to a corporation?

Let me taken another one: "Can a sheriff also be a justice of the peace?" That was submitted under this clause of

the Constitution to the court and answered. Where was the solemnity of that occasion compared with the one which we are discussing here today?

Take a recent case. The Legislature of 1891 saw fit to submit this question to the court. A bill had been presented here for taxing wild lands separately and distinctly from other property at the rate of, I think, about two per cent, or at the average rate of taxation of the State. That was pending here. The wild land people did not come here then and say, "Gentlemen, we want a full and fair hearing. Don't shirk your responsibilities onto the court. Try this case on its merits and decide it yourselves." They came here and said, "The bill before you is of doubtful constitutionality. Send it to the supreme court and see what they say about it;" and the Legislature in fairness toward the wild land owners of the State of Maine sent the pending bill to the court and the court decided that it was unconstitutional and that ended it. No more solemn occasion than exists today, no more an attempt to prejudice anybody than exists today; and yet no voice from Aroostook rang out in protest in these halls against the court being permitted to decide that that scheme of wild land taxation was unconstitutional.

Take another. In the 99th Maine Report you will find a case where the people of Portland, with a bill pending here for the privilege of completing Vaughan bridge, wanted to find out whether the bill would be constitutional or not, and the Legislature fairly and rightfully said to them, "We won't legislate on the question until we know whether we are legislating right;" and the solemn occasion existed, just as it exists today, for the words "solemn occasion" have not been construed as meaning necessarily a crisis but have been construed as meaning a matter of importance and a question of the constitutionality of the Vaughan bridge than exists today, no more an at-tax act was submitted and the supreme court decided it.

Take another. In 1903 there was being discussed in these halls the question of the Maine Standard Fire In-

insurance policy, involving the constitutionality of the arbitration clause, and with that bill pending the Legislature out of fairness toward the insurance companies and in order to do them no injustice, sent the question to the supreme court as to whether those contracts containing the arbitration clause were constitutional or not. The court passed upon them. Was that more important than this pending measure? Was it more to the prejudice of the insurance people to send that to the supreme court than it is to the prejudice of the Bangor & Aroostook to send this question to the court? I think not.

Take the last Legislature, the Legislature of 1907. Two questions were sent to the supreme court. This House by a unanimous vote of 118 to nothing on a roll call voted to ask the supreme court whether the present method of taxing railroads on their franchises was legal and constitutional or not. The House unanimously asked that question, notwithstanding that the Maine court had decided the question previously, and the supreme court judges answered it and quoted three Maine cases in giving their decision, so it would not have been very hard for the Legislature to have ascertained in regard to the matter itself except that members differed a little bit about it. That went up. You had another bill in the Senate two years ago, introduced by the senator from Sagadahoc, Mr. Sewall, in regard to restricting the cutting of trees on private land, and with that bill pending, and with no idea of prejudicing anybody, with no idea of doing anything but what was right, the Legislature sent that bill to the supreme court to inquire as to its constitutionality; and the supreme court in answering the question tendered a decision which made it famous all over the country. Never in the history of Maine, but once, when the Legislature asked a question has a court refused to answer it, and then not by a unanimous vote. In the Legislature of 1897 the question arose as to whether a member of the fish and game commission could legally also hold a seat in the Legislature. The Legislature in

the very closing days of the session sent that question to the supreme court. The supreme court by a majority vote declined to answer it on two grounds, first, that it was not of sufficient importance, and second, that the Legislature had adjourned and therefore the answer could do no good; but dissenting from that opinion were Judge Emery, now chief justice of the State, Judge Whitehouse, now a member of the court, and Henry C. Peabody, now a member of the court, these three judges signing a dissenting opinion in which they say that any question which the Legislature sees fit to submit to the court ought to be answered by the court for its guidance and aid and assistance in legislating on constitutional lines. In writing that decision Judge Emery and Judge Whitehouse retracted a position they had formerly taken, for once the court unanimously refused to answer a question put by the Governor and they had joined in it, and the Chief Justice and Judge Whitehouse signed this statement, that "After more thought and mature deliberation we have come to the conclusion that the court must answer the questions submitted to it."

It has been said in regard to this order—I have not heard before, the argument advanced against it that has been advanced this morning—it has been said in the consultations in regard to this order that the court would refuse to answer it. The precedent is all against it. But if the court desire to refuse to answer it, that responsibility is theirs and not ours. If the court does answer it it will have its effect not only on this pending bill but it will have its effect upon future bills of a like kind. Such contracts are either legal or illegal; and without any politics or partisanship in regard to it, and standing here as a member of this Legislature with equal rights with every other member whether a Republican or a Democrat, with equal rights and privileges even with the gentleman from Houlton, I say that every man here who votes without regard to party in the interests of the State and his constituency, will see that it is time that we should learn

from an authoritative source whether such contracts made by the State are or are not legal. If they are legal, then the question of public policy arises and we can discuss them on their merits from time to time as they come up. If they are illegal and the court says so, they never can arise to vex us again.

Two years ago an attempt was made to pass an order about this. It was defeated in the Senate and the Senate then out of abundant precaution determined that nothing of the kind should ever arise again and passed a resolution, introduced by the senator from Sagadahoc making it the solemn sense of the Senate that never in the history of this State—although the State thought that what it had done in the past might be forgiven—would the Legislature go into any such contract again. With great solemnity that resolution passed. It was accepted in good faith by the people of Maine. And yet the next Legislature had hardly been assembled when the same old rebate proposition came up involving more money than any like proposition had ever involved before. I would vote tomorrow for the Davies resolution offered at the desk here, if I heard it read aright, for in it there was nothing objectionable to me, but I would say that taking the precedent set by the last Senate, such a resolution of itself had no force except for today, and under it so far as today is concerned the rebate question is absolutely safe in the hands of this Legislature without any possible doubt. I want this order passed, if gentlemen see fit to pass it, not because I offered it, not because a Democrat has offered it—for I have never known before in a slight experience here in the House that we divided on business questions on party lines—when that time comes Maine will be less well governed than it has been governed in the last 50 years—I want it passed not because it has been offered in enmity to a railroad but because I believe the people of Maine regardless of party desire to see this question placed squarely on its merits, to ascertain from the court whether the Legislature can if it sees fit vote away their money under con-

tracts based wholly upon fictitious consideration. I submit to you, Mr. Speaker, that I hope this order will have a passage. I am but one member of 151. I can only exercise my own judgment and my own conscience. Other gentlemen will do the same. If the House sees fit to vote down this order I shall not feel disappointed, I shall not feel hurt, I shall not feel vexed, I have not the slightest personal interest in it; but I believe it to be the duty of the House, I believe it as much as I believe I am standing here, to pass this order and settle this question once and forever, to have upon it the opinion of lawyers—for judges are but lawyers who can give an authoritative opinion on a great question, a question which has been discussed in the past and will be discussed in the future and which must at some time be settled by the court.

Mr. BURLEIGH of Augusta: Mr. Speaker, the Constitution of this State provides that the justices of the Supreme Court are obliged to give their opinion upon important questions of law and upon solemn occasions when required by the Governor and Council, the Senate or House of Representatives. If a solemn countenance constitutes a solemn occasion, then the gravity with which the gentleman from Waterville has urged us to adopt this somewhat extraordinary proposition certainly creates a solemn occasion. But, gentlemen, I hope that we will not be diverted from the real issue in this case by abstruse speculations of what constitutes a solemn occasion within the meaning of the Constitution. I believe that the immediate question before us is not whether this order presents an important question of law and a solemn occasion. I believe there are good lawyers in this Legislature, plenty of them including the gentlemen from Waterville, who are perfectly competent to pass upon that question without the assistance of any advisory opinion from the Supreme Court; but I feel that the plain simple question which is presented to us is a question of propriety. This bill is pending before a committee of this Legislature composed of gentlemen of integrity

and ability and I say, gentlemen, that to anticipate their decision in advance of any hearing is a reflection upon that committee and is beneath the dignity of this House, because you are putting up to the Supreme Court of the State of Maine a moot question which we may never be called upon to decide; for, gentlemen, the committee may report adversely on the whole proposition, or they may report a bill in a new draft with such material modifications that any opinion which we might get from the supreme court under this order would have no application to the actual facts that we shall be called upon to decide, and I submit that for our own self respect and in the interests of a decent and businesslike administration of the affairs of this Legislature this order should be indefinitely postponed.

MR. PETERS of Ellsworth: Mr. Speaker, I think it might be well to pursue this matter along some other lines. What is the reason for asking the opinion of the court? What are we going to do when we get it? How is it going to change our actions? What are the circumstances, Mr. Speaker, under which it is or might be deemed wise to get such an opinion from the court?

Now it seems that some 18 years ago the State of Maine by a unanimous vote of the Legislature made a contract with the Bangor & Aroostook Railroad Company by which contract, in consideration of the railroad agreeing to transport troops and munitions of war in time of insurrection or public danger, the State agreed practically to rebate the taxes on the railroad. That contract has nearly expired. Subsequently, Mr. Speaker, a similar contract was made with the Washington County Railroad and with the Somerset Railroad; but those contracts involved a very much smaller amount of money and are of much less importance. Since the making of that contract made at that time by a unanimous vote of the Legislature there has been some question raised as to the constitutionality of the contract. Now it makes no difference to me whether that contract is constitutional or unconstitutional. I do not care whether

it is legal or illegal. I shall not vote and I never should vote to repudiate a contract of that kind made by the State of Maine or made by me individually, and I do not believe that any man here would vote, understanding the circumstances, to repudiate that contract made by the State of Maine 18 years ago or any of those contracts whenever made. It is not necessary to call in the supreme court to help us on that proposition.

It seems there is a proposition presented in good faith by my friend from Camden to make another contract of the same kind with one of the same corporations involving the same things, a practical rebate of taxes. Without judging anything in advance it does not seem to me that it is a wise policy in the Legislature to grant such rebates, and it does not make much difference to me whether such a contract is legal or illegal. As at present advised I shall not vote to make that contract, proposed by the gentleman from Camden, with the Bangor & Aroostook Railroad; and if the gentlemen here or a majority of them take that view, if we don't want to make that contract, we don't care whether it is legal or illegal, we don't care whether the supreme court thinks it is constitutional or unconstitutional. If we are going to vote not to make that contract with the Bangor & Aroostook Railroad we do not care what the court may think about it.

Well, now, if the court is given this question, I believe it will take it up and decide it. They will therefore have to say whether this proposed law is constitutional. If the court on this question being propounded to it should hold that the law was unconstitutional, I can see how it would give great aid and comfort to anybody if he was minded to attempt to vote for the repudiation of the old contract. If, on the other hand, the court should take the view that such a contract was constitutional, I can see how it might be a great source of comfort to anybody who was trying to get the proposition through to give further rebate to the railroad; and unless we take one of those positions or the other there is no

reason or purpose, nothing to be achieved, by our going to the supreme court and bothering them with this question.

As the gentleman from Waterville has suggested there was a resolution passed by the Legislature two years ago taking a stand in this matter, which stand, if we adhere to it, will render unnecessary any appeal to the supreme court in regard to questions of law involved; and I would like to read that resolution passed by the Legislature two years ago. I found this in the Waterville Sentinel and so it must be correct. "Resolved, that the rebate of taxes granted to railroads by former Legislatures without regard to party made in the industrial and commercial development of the State ought not on principles of equity and justice to contracting parties and innocent purchasers be disturbed; but it is the sense of this body that such rebates should never be newly granted or extended in any manner that would be construed as an exemption from taxation."

Now if we are still of the opinion which the Legislature entertained two years ago then it is unnecessary for us to ask the opinion of the supreme court. We need not call on them. I believe that we have the right as a Legislature, as a House, to say whether the occasion is a solemn one. I believe we have a right as a House of Representatives to finally determine whether the question of law is an important question. I believe that the court will take the right to decide whether there is a question of law at all. But nevertheless it does not follow from that because we are the sole judges of the solemn occasion, it does not follow that we should hastily perhaps submit such a question as this to the supreme court. Many of you have read a recent article written by the chief justice in which he points out the inexpediency of submitting such questions to the court unless it is practically an absolute necessity or deemed so for the proper conduct of business and the protection of the Legislature and the protection of the Constitution, because, briefly, he says there is no case before the court in such a matter, no

testimony, there can be no arguments by counsel; and arguments by counsel do certainly assist the court in arriving at the truth. And while I agree with the gentleman from Waterville that we have a right to call this a solemn occasion I do not deem it wise on our part or expedient to push this question to the supreme court at the present time, I think there is much force in the suggestion of the gentleman from Houlton that it is too early. We do not know whether we are going to pass the law or not. The committee has not reported upon it. The gentleman from Waterville is unduly and unnecessarily apprehensive in regard to this matter it seems to me. It will be time enough to get the opinion of the court if it turns out that we are likely to pass the bill; but if we are unlikely to pass the bill, as I believe we are, then it is foolish, unnecessary and unwise to put this question to the court; and I am against the order of the gentleman from Waterville and I am in favor of the motion of the gentleman from Houlton that it be indefinitely postponed.

Mr. MONTGOMERY of Camden: Mr. Speaker, I seem to be somewhat the storm center (laughter). I find myself in the exercise of the duties of my position here in my relation to this bill. Honestly as I supposed and as I believe, gentlemen representing the great body and the responsible body of locomotive engineers came to me and asked me to introduce the bill which this order includes. It may have been a ruse on the part of the B. & A. Railroad to take advantage of my innocence, and, gentlemen, I can afford to be deceived. But I cannot afford to neglect my duties to the people of this State, nor will I. People coming here and asking for legislation have the right to have it presented, and it is the duty of those who are here to present it; and I know that this body of men both Republicans and Democrats are generous enough to accord that.

Now what is the situation? I am innocent enough now to believe that this is not a political move on the part of my friend from Waterville. He is too generous, he has too great a knowledge of the law, he has been too

long a legislator, he has too many interests in the great paper that he represents, to play politics in this House, or ought to have; but he has introduced this order as he had a right to do into the House, and how should we receive it? This bill to rebate the taxes of the B. & A. road, after its labor in the Senate has passed to the committee, the proper committee to consider it. What is our duty towards it? It is to give that committee an opportunity to decide the matter, it is respect to ourselves and a proper respect to that committee that it should go to them; and no case that has been cited here has ever gone so far as to be sent to the court before there has been some consideration by the committee and some intimation from the committee that they are unable to decide the constitutional question involved.

After introducing this bill I think I can safely say that I have not been busy about this affair since but I have had my eyes open, I have been looking and listening as to the effect of that bill. I hope I shall never be indifferent to the sentiments that surround me in any public matter, and I find this appearing in my own mind that if we should vote here by a majority vote to rebate those taxes, with the present depression of business that exists in this country and the agitation that is taking place, even the financiers would not care for this bill; they would not want to put their money in here under the circumstances. There is a feeling in this State against it. Anybody can see it; and financiers would be foolish to my mind to invest under the circumstances and undertake to push against the will of the people here a measure of this kind for the opening up of that country on a rebate of taxes. And I believe that the committee who have that in charge will be told to report that it ought not to pass or to drop it. We shall never have a chance to vote here in regard to it. Now if that be the case, and I think it will be, there is really no need for referring this to the Court, for this reason—that it only applies to this bill. It does not apply to anything in the past, and certainly we should not ask the

Court's opinion when there was nothing here for them to answer upon; and if the committee need any assistance in determining the constitutionality of that act I know of no man in the Legislature or the State who is better prepared by education and eloquence to go before them and show them that it is constitutional or unconstitutional than the gentleman from Waterville. I myself think, therefore, that this order is premature, that it is unnecessary.

MR. BIGELOW of Portland: Mr. Speaker, the gentleman from Houlton appeals to the House and asks that this case be not prejudged. It seems to me that is a fair proposition. The gentleman from Waterville, on the other hand, claims that this is a solemn occasion, and that he and others here being in doubt as to the legality of this question should submit it to the supreme court for decision. It seems to me that there is also logic and truth in the position that he occupies. Now I find myself in the middle of the road. It seems to me that the gentleman from Ellsworth and the gentleman from Camden have both stated as an initial proposition that they did not desire to prejudice this case or prejudice the committee against the pending measure, and I presume not to prejudice the Legislature against it; and yet they proceed to discuss it and one of them tells you what he intends to do and the other gentleman tells you why he has done what he has already done. Now, Mr. Speaker, I do not believe that this House wishes to prejudice the hearings before this committee. I myself am not prepared to declare where I stand on this matter because I have not heard the evidence. I am not a lawyer. All these other gentlemen who have spoken are lawyers. They know what is legal in this matter, and it seems to me outside of its legal aspect that the fair thing to do is not to prejudice the case. If we vote on the pending motion of the gentleman from Houlton we proceed immediately to prejudice it. If we vote on the order itself as presented by the gentleman from Waterville we also perhaps in a measure prejudice it.

Now for myself I would like to see

this order temporarily laid upon the table. I would like to have a hearing take place and then following the hearing, if the bill comes before this House for consideration upon its merits, if there is any gentleman or any number of gentlemen here who desire to have the legality of this question passed upon by the supreme court I do not hesitate to say that in the interest of justice and fair play, in order to convince them as to what their duty might be, I should be perfectly willing that the measure should go to the supreme court for a decision, because if the act is illegal we of course do not want to pass it no matter what other Legislatures may have done, and if it is legal, why, then, we want to pass it, perhaps.

Now, Mr. Speaker, I move as a middle of the road course that the order lie on the table. That motion I believe takes precedence over the motion to indefinitely postpone. I move to lay it on the table, temporarily postpone its consideration, and later if the matter comes before this House and we desire to submit the question to the supreme court we may do so.

MR. PATTANGALL: Mr. Speaker, I move that when the vote is taken on the motion of the gentleman from Portland it be taken by the yeas and nays.

The motion was agreed to.

The SPEAKER: The question now is on the motion of the gentleman from Portland (Mr. Eigelow) that this order lie upon the table. As many as are in favor of the motion to lay the order on the table when their names are called will answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Allen of Richmond, Bartlett of Elliot, Bartlett of Stoneham, Beals, Bemis, Bigelow, Bigney, Bisbee, Bowley, Bradford Bragdon, Burse of Pittsfield, Buswell, Campbell of Cherryfield, Clark Colby, Cole, Connors, Coolidge, Cummings, Donnell, Dorr, Drake, Dufour, Emery, Ferguson, Gilbert, Grant, Hanson, Harmon, Higgins, Hill, Jones, Jordan, Kavanough, Lane, Libby, Lombard, Merrill of Bluehill, Miller, Millett, Montgomery, Moulton, Nickerson, Paul, Porter, Pressley, Redlon, Richardson, Ross, Rounds, Snow of Scarboro, Spear of South Portland, Stetson, Tibbetts, True, Whitney—57.

NAY:—Allen of Jonesboro, Bearce of Eddington, Blake, Blanchard, Bogue, Bourassa, Burleigh, Bussell, Campbell of Kingman, Charles, Chase of Sebec, Chase

of York, Cook, Davies, Day, Doble, Dunn, Fortier, Frost, Hall, Hamlin, Hannaford, Harriman, Harrington, Havey, Hersey, Hodgkins of Damariscotta, Hodgkins of Temple, Holt, Hussey, Joy, Kelley, Lambert, Ludgate, Mace, Marshall, McLain, Mercier, Merrifield, Merrill of Durham, Morse, Nelson, Orff, Packard, Pattangall, Patten, Patterson, Pelletier, Perry, Peters, Pike, Pinkham, Putnam, Quinn, Robbins, Sanborn, Sawyer, Silsby, Sleeper, Smith of Andover, Smith of Berwick, Smith of Biddeford, Snow of Brunswick, Stackpole, Stanley, Stover, Thompson, Trafton, Trimble, Varney, Weld, White of Columbia, Whitehouse, Wing of Auburn, Wing of Kingfield—76.

ABSENT:—Additon, Andrews, Beyer, Cousins, Couture, Duncan, Edwards, Farnham, Harris, Hines, Hyde, Lord, Moore, Spear of Warren, Strickland, Trickey, White of Wayne—17.

So the motion was lost.

The question then being on the motion of the gentleman from Houlton that the order be indefinitely postponed, Mr. Pattangall moved that when the vote is taken it be taken by the yeas and nays.

The motion was agreed to.

The SPEAKER: The question is on the motion to indefinitely postpone the order. As many as are in favor of its indefinite postponement will answer yes when the names are called. Those opposed will answer no. The clerk will call the roll.

YEA:—Additon, Allen of Richmond, Bartlett of Elliot, Bartlett of Stoneham, Beals, Bemis, Bigney, Bisbee, Blake, Blanchard, Bowley, Bradford, Bragdon, Burleigh, Burse of Pittsfield, Bussell, Buswell, Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of Sebec, Clark, Colby, Cole, Connors, Coolidge, Cummings, Donnell, Dorr, Dufour, Ferguson, Grant, Hall, Hamlin, Hannaford, Harriman, Hersey, Higgins, Hill, Hodgkins of Temple, Holt, Hussey, Jordan, Joy, Kavanough, Kelley, Lane, Libby, Lombard, Ludgate, Marshall, Merrill of Bluehill, Millett, Morse, Moulton, Nelson, Nickerson, Patterson, Perry, Peters, Porter, Pressley, Richardson, Silsby, Smith of Andover, Smith of Berwick, Snow of Scarboro, Stackpole, Stanley, Stetson, Tibbetts, Trafton, Trimble, True, Varney, White of Columbia, Whitney, Wing of Auburn, Wing of Kingfield—79.

NAY:—Allen of Jonesboro, Bearce of Eddington, Bigelow, Bogue, Bourassa, Chase of York, Cook, Davies, Day, Doble, Drake, Dunn, Emery, Fortier, Frost, Gilbert, Hanson, Harmon, Harrington, Havey, Hodgkins of Damariscotta, Jones, Lambert, Mace, McLain, Mercier, Merrifield, Merrill of Durham, Miller, Montgomery, Orff, Packard, Pattangall, Patten, Paul, Pelletier, Pike, Pinkham, Putnam, Quinn, Redlon, Robbins, Ross, Rounds, Sanborn, Sawyer, Sleeper, Smith of Biddeford, Snow of Brunswick, Spear

of South Portland, Stover, Thompson, Thurlough, Weld, Whitehouse—55.

ABSENT:—Andrews, Beyer, Cousins, Couture, Duncan, Edwards, Farnham, Harris, Hines, Hyde, Lord, Moore, Spear of Warren, Strickland, Trickey, White of Wayne—16.

So the motion prevailed.

On motion of Mr. Wing of Auburn House Doc. No. 59, An Act to amend Chapter 135 of the Public Laws of 1875 relating to the municipal court of the city of Auburn was taken from the table and on further motion by Mr. Wing it was referred to the committee on judiciary.

On motion of Mr. Moulton of Cumberland House Doc. No. 39, An Act in addition to Chapter 19 of the Revised Statutes relating to contagious diseases among cattle, was taken from the table and on further motion by Mr. Moulton it was referred to the committee on agriculture.

On motion of Mr. Davies of Yarmouth, the petition of Clyde L. Whitney and eight others praying that not more than 10 fish shall be caught in one day by one person in Pleasant pond, was taken from the table.

This petition was indefinitely postponed in the Senate.

On motion of Mr. Davies the House voted to insist upon its action in referring the petition to the committee on inland fisheries and game.

On motion of Mr. Kelley of Boothbay the report of the judiciary committee reporting "ought to pass" on bill,

An Act to amend Chapter 55 of the Private and Special Laws of 1903 incorporating the Squirrel Island Village Corporation, was taken from the table, and on further motion by Mr. Kelley the report was accepted. (Tabled for printing under joint rules).

On motion of Mr. Peters of Ellsworth the rules were suspended and he introduced remonstrance of Fred F. Swanton of Ellsworth and 14 others against the passage of the automobile law. (Referred to the committee on the judiciary.)

On motion of Mr. Cook of Unity the rules were suspended and he introduced remonstrance of F. H. White and 15 others against the act prohibiting the use of automobiles on Mt. Desert Island. (Referred to the committee on the judiciary.)

On motion of Mr. Bemis of Harmony the rules were suspended and he introduced remonstrance of William J. Lewis and others of Canaan against the passage of the automobile law prohibiting automobiles on the island of Mt. Desert. (Referred to the committee on the judiciary.)

On motion of Mr. Morse of Belfast the rules were suspended and he introduced remonstrance of W. H. Quimby and 19 others against the act prohibiting the use of automobiles on Mt. Desert Island, also remonstrance of C. B. Reed and 19 others against same. (Referred to the committee on the judiciary.)

On motion of Mr. White of Eastport, Adjourned.