

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

**HOUSE.**

Wednesday, March 3, 1909.

Prayer by Rev. Mr. Mosher of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Resolve for the appointment by the Governor of a committee to inquire into the advisability of reorganizing the agricultural department so that all the agricultural interests and appropriations shall be under the head of the commissioner of agriculture, came from the Senate referred to the committee on agriculture.

On motion of Mr. Moulton of Cumberland the resolve was tabled pending reference in concurrence.

**Senate Bills on First Reading.**

An Act to amend Section 37 of Chapter 81 of the Revised Statutes relating to the removal of unworthy attorneys.

Resolve in favor of Maine State prison.

An Act to amend Section 11 of Chapter 211 of the Private and Special Laws of 1895 relating to Bangor Municipal court.

An Act to establish public abatoirs in cities in the State, came from the Senate with the report "legislation thereon inexpedient."

On motion of Mr. Beyer of Portland the report and accompanying papers were recommitted to the committee on agriculture.

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

**Judiciary.**

By Mr. Harman of Stonington: An Act to regulate notices of the Board of Health in towns in regard to bylaws.

By Mr. Jordan of Cape Elizabeth: An Act relative to motor vehicles and to the operation thereof (Tabled on motion of Mr. Jordan and 500 extra copies ordered printed.)

**Appropriations and Financial Affairs.**

By Mr. McLain of Bremen: Petition of E. J. Ervine and 47 others of Bristol in favor of the McLain resolve calling for an appropriation for a monument in honor of the late Commodore

Samuel Tucker; of R. H. Cram and 28 others of Bristol for same; of Fred H. Keene and 14 others of Bremen for same; of W. H. Hull and 22 others of Bremen for same; of F. P. Chaney and 15 others of Bremen for same; of Eugene McLain and 31 others of Bremen for same; of Arthur E. Johnston and 20 others of Washington for same; of J. B. Keene and 15 others of Bremen for same.

**Railroads and Expresses.**

By Mr. Bradford of Livermore: Petition of J. E. Bowles and 74 others to incorporate the Androscoggin Valley Railroad Co.; of W. E. Doe and 40 others for same.

**Ways and Bridges.**

By Mr. Chase of Sebec: Petition of D. L. Annis and 25 others of Sebec asking for passage of resolve in favor of steel bridge to be built across Sebec river in the town of Sebec; of F. J. Livermore and 48 others of Sebec for same.

**Inland Fisheries and Game.**

By Mr. Sleeper of South Berwick: Remonstrance of G. E. Emery and 39 others, citizens of York county, against the passage of the act prohibiting the trapping of foxes.

By Mr. Wing of Kingfield: An Act to amend Chapter 32 of the Revised Statutes relating to birds.

**Towns.**

By Mr. Sleeper of South Berwick: Petition of True E. Goodwin and 49 others in favor of setting off a part of Berwick and annexing the same to South Berwick; of William I. Cummings and 86 others for same; of John M. Burleigh and 30 others for same; of George A. Wiggin and 97 others for same; of Walter H. Downs and 90 others for same.

**Temperance.**

By Mr. Sanborn of Dover: Petition of H. J. Merrill and 29 others of Dover in favor of the Howes bill, so-called, relating to liquor nuisance and illegal possession of liquor so penalty shall be both fine and jail sentence; of Will E. Leland and 13 others of Sangerville for same; of Sewall C. Shaw and 19 others of Dover for same; of E. E.

Bennett and 13 others of Sangerville for same; of D. E. Dinsmore and 55 others of Dover for same.

On motion of Mr. Wing of Auburn the rules were suspended and he introduced An Act to regulate fishing in Taylor pond in Auburn in Androscoggin county. (Referred to the committee on inland fisheries and game).

On motion of Mr. Holt of Clinton the rules were suspended and he introduced An Act to increase the authority of the Fort Halifax Power Co. (Referred to the committee on judiciary).

#### Orders.

Mr. Wing of Auburn presented the following order:

Ordered, The Senate concurring, that the committee on insane hospitals be requested to inquire into the method of awarding contracts for the building of extensions and improvements to the insane hospitals by the trustees thereof, and particularly to inquire into the question why the said trustees do not keep within the appropriations made for such purposes by the Legislature; and the committee on insane hospitals is further requested to inquire into the expediency of purchasing supplies for the insane hospitals by competitive bid; and the committee on insane hospitals is further requested to inquire into the amount of fees received by the superintendents of the insane hospitals as expert witnesses before the courts of this and other states, the amount of time consumed thereby and the advisability of having the superintendents account to the State for such fees as said superintendents earned as aforesaid when absent from their respective hospitals, and to report by bill or otherwise.

The committee on insane hospitals shall have the power in carrying out the provisions of this order to summon witnesses, order the production by the trustees and any officer of the insane hospitals of all necessary books of account and other documents necessary to an intelligent understanding of the affairs of said hospitals. And the attorney general is hereby requested to appear before the committee on insane hospitals and take charge for the

State of such hearing as said committee may authorize in pursuance of this order.

On motion of Mr. Davies of Yarmouth the order was tabled for printing.

#### Reports of Committees.

Mr. Bigelow from the committee on inland fisheries and game on remonstrance of E. D. Blaisdell and others against any change in the game laws requiring a resident hunter's license, reported that the same be placed on file as the subject matter of said remonstrance has been already reported on by this committee.

Same gentleman from same committee on petition of Horace S. Withee and 25 others of Skowhegan praying for regulations in regard to hunting rabbits with dogs, reported that the petitioners have leave to withdraw.

Same gentleman from same committee reported same on petition of C. T. Powers and 26 others of Litchfield praying for an act to prohibit throwing of sawdust and other ill waste into Potter's brook, so-called, in the town of Litchfield.

Mr. Bussell from the committee on salaries and fees reported "ought not to pass" on bill, "An Act to amend Section 1 of Chapter 116 of the Revised Statutes, relating to the salaries of public officers."

Mr. Harrington from same committee reported same on bill "An Act in regard to the expenses of county commissioners while attending their annual State convention."

Mr. Whitney from same committee reported same on resolve in favor of State House employees.

Mr. Montgomery from the committee on the judiciary reported same on bill "An Act to amend Section 93 of Chapter 83 of the Revised Statutes, relating to limitations of personal action."

The reports were accepted.

Mr. Burleigh from the committee on the judiciary reported "ought to pass" on bill "An Act to authorize the Bar Harbor & Union River Power Co. to acquire the property and franchises of the Ellsworth Power Supply Co."

Mr. Davies from same committee reported same on bill "An Act amending

and additional to Chapter 61 of the Revised Statutes, relating to marriage and the registration of vital statistics."

Mr. Hersey from same committee reported "ought to pass in new draft" on bill "An Act amending the charter of the Maine Insurance Co." under title of "An Act to amend the charter of the Maine Insurance Co."

Mr. Andrews from same committee reported "ought to pass in new draft under same title" on bill "An Act to incorporate the Brewer Water District."

Mr. Peters from same committee reported "ought to pass in new draft" on bill "An Act to authorize the town of Rumford to subscribe for capital stock for the purpose of procuring a town hall," under title of "An Act authorizing the town of Rumford, in the county of Oxford, to subscribe for stock or bonds for the purpose of securing a town hall to be used for municipal purposes."

Same gentleman from same committee reported "ought to pass in new draft under same title" on bill "An Act to incorporate the Brewer Water Co."

Mr. Burse from the committee on telegraphs and telephones reported "ought to pass" on bill "An Act authorizing the Liberty and Belfast Telephone & Telegraph Co. to increase its capital stock."

Mr. Buswell from same committee reported same on bill "An Act to authorize the Northern Telegraph Co. to increase its capital stock."

Mr. Rounds from same committee reported "ought to pass in new draft under same title" on bill "An Act to amend Section 9 of Chapter 55 of the Revised Statutes, relating to telegraph and telephone companies."

Mr. Bartlett from the committee on interior waters reported "ought to pass in new draft under same title" on bill "An Act to incorporate the Wood Stream Improvement Co."

Mr. Rounds from the committee on ways and bridges reported "ought to pass" on bill "An Act authorizing a change of grade in Pitt street bridge in the city of Portland."

Mr. Robbins from same committee reported "ought to pass in new draft

under same title" on resolve in favor of aiding the building of a bridge across the Fish river.

Mr. Bigelow from the committee on inland fisheries and game reported "ought to pass" on bill "An Act to regulate fishing in Alder stream in the county of Piscataquis."

Same gentleman from same committee reported same on bill "An Act to regulate fishing in Locke's brook and tributaries in the town of Hollis, York county."

Same gentleman from same committee reported same on bill "An Act to regulate fishing in the tributaries of Worthy pond in Peru, in the county of Oxford."

Same gentleman from same committee reported same on bill "An Act to prohibit fishing in the tributaries to Flying pond in the town of Vienna, Kennebec county."

Same gentleman from same committee reported same on bill, "An Act to regulate fishing in Spear Stream and its tributaries in the town of Peru, in Oxford County."

Same gentleman from same committee reported same on bill, "An Act to extend the open season on deer in the towns of Unity and Burnham, Waldo County."

Same gentleman from same committee on petition of J. B. Ring and others for an act to regulate fishing in Jimmy Brook in the towns of Cambridge and Parkman, reported bill entitled "An Act to regulate fishing in Jimmy Brook, so called, in the towns of Cambridge and Parkman, in the counties of Somerset and Piscataquis."

Same gentleman from same committee on petition of B. C. Adams and others for a law to regulate fishing in the tributaries to Phillips Lake, Hancock County, reported bill entitled "An Act to regulate fishing in the tributaries to Phillips Lake, Hancock County."

Same gentleman from same committee on petition of William P. Frye and 55 others for a change in law on fishing in Kennebago Stream, reported bill entitled "An Act to regulate fishing in Kennebago Stream, so called, situated partly in Franklin County and parting in Oxford County."

Same gentleman from same committee on petition of Albert Coolidge and others of Grafton and Upton asking that Cambridge River in said towns be closed to sawdust, reported bill entitled "An Act to prohibit the throwing of sawdust and other mill waste into Cambridge River, so called, in the towns of Upton and Grafton, in Oxford County."

Same gentleman from same committee on petition of John Stearns and others to discontinue close time for ice fishing in Grassy Pond in the towns of Hope and Rockport, Knox County, reported bill entitled "An Act to amend Section 1 of Chapter 407 of the Private and Special Laws of 1903, relating to fishing through the ice in Grassy Pond in the towns of Hope and Rockport in Knox County."

Same gentleman from same committee on resolution of the Portland City Council for a law to prohibit bird shooting in Back May above the Grand Trunk Bridge, reported bill entitled "An Act to regulate hunting in Back Bay, so called, in Portland, in Cumberland County."

Same gentleman from same committee on petition of W. A. Stanley and others for an act regulating the open season on deer on Swan's Island, reported bill entitled "An Act regulating the open season on deer on Swan's Island."

Same gentleman from same committee on petition of L. B. Lord and others for an removing restrictions for fishing on certain brooks in Livermore, reported bill entitled "An Act to amend Section 2 of Chapter 407 of the Private and Special Laws of 1903, relating to fishing in tributaries to Britton's Pond in Livermore in Androscoggin County."

Same gentleman from same committee on petition of L. E. Bowley and others for a change in law on fishing in Rangeley Stream, reported bill entitled "An Act to amend Section 3 of Chapter 407 of the Private and Special Laws of 1903, relating to fishing in Rangeley Stream, so called."

Same gentleman from same committee on petition of S. M. Small and others for an act establishing a close time on Horn Pond and its tributary, Hascome Brook, reported bill entitled "An Act to regulate fishing in Horn Pond

and Hascome Brook, in York County."

Same gentleman from same committee on petition of B. H. Hawes and others for an act regulating ice fishing in Webber Pond, Kennebec County, reported bill entitled "An Act to regulate fishing through the ice in Webber Pond in the County of Kennebec."

Same gentleman from same committee on petition of E. M. Grant and others for a change in the law on fishing at the mouth of the river at Upper Dam, so called, Oxford County, reported bill entitled "An Act to regulate fishing below Upper Dam, so called, in Oxford County."

Same gentleman from same committee on petition of C. M. Conant and others for an act regulating fishing in Marsh River and tributaries, reported bill entitled "An Act to regulate fishing in Marsh Stream, so called, in Waldo County, also in its tributaries."

Same gentleman from same committee on petition of C. H. Sawyer and others praying that part of Roach River be opened for fly fishing during the months of June, July and August, reported bill entitled "An Act to amend Section 2 of Chapter 407 of the Private and Special Laws of 1903, relating to fishing in Roach River, in Piscataquis County."

Same gentleman from same committee on petition of George Cole and others of Greenwood for a law regulating fishing in Overset Pond, Oxford County, reported bill entitled "An Act to regulate fishing in Overset Pond, so called, in the town of Greenwood, in Oxford County."

Same gentleman from same committee on petition of Philip D. Stubbs and others for regulations upon fishing in Mount Blue Stream in Franklin County, reported bill entitled "An Act to regulate fishing in Mount Blue Stream, the outlet of Mount Blue Pond, in the town of Avon in Franklin County."

Mr. Bearce from the Committee on Towns on petition of H. P. Burrill and 19 others for an act setting off a lot of land for Bucksport and annexing the same to the town of Dedham, reported bill entitled "An Act to set off a lot of land from Bucksport and annex the same to the town of Dedham."

Mr. Libby from the Committee on Sal-

aries and Fees reported "ought to pass" on Bill "An Act to amend Section 4 of Chapter 174 of the Public Laws of 1905, relating to compensation of sheriffs."

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

Mr. Lane from the Committee on Inland Fisheries and Game reported "ought to pass in new draft" on bill "An Act to permit fishing through the ice on Thomas Pond, in Cumberland County," under title of "An Act to regulate ice fishing in Thomas Pond in Raymond and Casco, in Cumberland County."

The report was accepted.

Mr. Paul of Naples moved that the bill be indefinitely postponed. The motion was lost, and the bill was ordered printed under joint rules.

**Passed To Be Engrossed.**

An Act to change the name of the Unitarian Society of Augusta, Maine.

An Act to amend Chapter 42 of the Public Laws of 1907, entitled "An Act to prevent desertion and non-support of families."

An Act to extend the charter of the Peaks Island Railroad Company.

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

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

An Act to revive and extend the charter of the Skowhegan Trust Company.

Resolve, in favor of roads in Indian Township.

Resolve, that the land agent be authorized to convey to George F. D. Trask, of East Bluehill, Hancock county, Maine, "Conary's Nub" so-called, East Bluehill.

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

An Act prohibiting the throwing of sawdust and other waste material into Highland lake, or any of its tributaries in the city of Westbrook, towns of Windham, Gray and Falmouth, and into Mill Brook in Westbrook, all in the county of Cumberland.

An Act to legalize, make valid and

binding certain acts and doings of the town of Whitneyville.

An Act to amend Section one of Chapter 538 of the Private and Special Laws of 1889 relating to the taking of smelts in the Sheepscoot river, as amended by Chapter 165 of the Private and Special Laws of 1907.

An Act to amend the law relating to political caucuses in the city of Bangor.

An Act to extend the charter of the Camden and Augusta Railway.

An Act to amend Chapter 510, Private and Special Laws of 1874, being an act to incorporate the Lincolnville Railroad Company.

An Act to amend Section 17 of Chapter 41 of the Revised Statutes of 1903 as amended by Chapter 49 of the Public Laws of 1907, relating to sea and shore fisheries.

An Act to ratify, confirm and make valid the consolidation of certain railroads under the name of Sandy River & Rangeley Lakes Railroad, and enlarge the powers of said railroad.

An Act to ratify the organization, acts and doings and extend the powers of the Limerick Water & Electric Co. (Tabled pending third reading on motion of Mr. Beyer of Portland.)

An Act to incorporate the Rangeley Lakes & Megantic Railroad Co. (Tabled pending third reading on motion of Mr. Frost of Lewiston.)

An Act to amend Chapter 77 of the Public Laws of 1905, relating to sea and shore fisheries.

An Act to amend Section 20 of Chapter 41 of the Revised Statutes of 1903, relating to sea and shore fisheries.

An Act to incorporate the Parlin Stream Dam & Improvement Co.

An Act entitled "An Act to amend the charter of the New England Retail Grocers' Publishing Co."

An Act to amend the charter of the Penobscot Bay Electric Co. (Tabled pending third reading on motion of Mr. Beyer of Portland.)

An Act to provide for retiring and pensioning prison officers.

An Act relating to an open season for the hunting of certain game birds in the county of Hancock.

An Act to provide for a close time

on wild animals and birds on Kinco point, so-called, Moosehead lake.

An Act to amend Chapter 412 of the Private and Special Laws of 1907, regulating fishing in Swift river in the counties of Oxford and Franklin.

An Act to protect the white perch in Ellis pond, sometimes called Roxbury pond, in the towns of Roxbury and Byron in the county of Oxford.

An Act to regulate fishing in Molridgewock pond and stream, also the inlet to said Molridgewock pond, Oxford county.

An Act to regulate fishing in Brown brook and Perry pond and tributaries, in Somerset county.

An Act to prohibit ice fishing in the Puffer ponds, so-called, in the town of Dexter, Penobscot county.

An Act to regulate fishing in Megalloway river and tributaries, and Upper and Lower Metalluc and Lincoln ponds and Parmachenee lake, Oxford county.

An Act to regulate fishing in that portion of Rangeley lake known as South Bog, in Franklin county.

An Act to regulate fishing in the waters in Alder stream township, in the county of Franklin.

An Act additional to and amendatory of Chapter 424 of the Private and Special Laws of 1907, entitled "An Act to incorporate the Kittery Water District within the limits of the town of Kittery for the purpose of supplying the inhabitants of said district, likewise the remaining portion of said town, with pure water for domestic and municipal purposes."

An Act to amend Section 11 of Chapter 81 of the Revised Statutes in relation to records of proceedings in court.

An Act to amend the charter of the trustees of Hebron Academy.

An Act to incorporate the Bonney Woods Corporation of Farmington, Me.

Resolve in favor of aid in repairing highway in the town of Greenbush.

Resolve in favor of the town of Trecott.

Resolve making appropriations for the Passamaquoddy Tribe of Indians. (Tabled for printing pending third

reading on motion of Mr. Bisbee of Rumford.)

Resolve in favor of the Penobscot Tribe of Indians.

Resolve in favor of the town of Fort Kent.

Resolve in favor of the State board of veterinary examiners.

Resolve in favor of the town of Bremen.

Resolve in favor of Joseph E. Jewett.

Resolve in favor of the town of Starks.

Resolve in favor of the city of Ellsworth.

Resolve in favor of the town of Tremont, in Hancock county.

Resolve in favor of Eugene A. Holmes, county attorney of Aroostook county.

Resolve, in favor of the town of Searsport.

Resolve in favor of the town of East Machias.

Resolve in payment of claims of Gilbert M. Elliott and Lincoln H. Colby.

Resolve in aid of bridge across the Aroostook river in the town of Masardis in Aroostook county.

Resolve in favor of the Maine State Pomological Society.

Resolve in favor of the treasurer of the East Maine Conference Seminary of Bucksport.

Resolve in favor of the Maine Mission for the Deaf.

Resolve in favor of the town of Cutler.

An Act to amend Section 48 of Chapter 8 of the Revised Statutes relating to taxation of insurance companies. (Tabled for printing pending third reading on motion of Mr. Coolidge of Lisbon.)

Resolve in favor of W. A. Walker.

Resolve in favor of Lewis Barrows.

Resolve to provide for the expenses of the Maine Industrial School for Girls.

Resolve in favor of the Maine Industrial School for Girls for water supply and grading.

Resolve in favor of Camden & Rockland Water Co.

An Act to submit to the legal voters of York county the question as to whether the shire town shall be changed and if so to establish the



shire town at Saco, Kennebunk or Sanford. (Tabled for printing pending third reading on motion of Mr. Marshall of Portland.)

On motion of Mr. Coolidge of Lisbon the House voted to postpone until Tuesday of next week the further consideration of bill, An Act to amend Section 48 of Chapter 8 of the Revised Statutes relating to taxes of insurance companies.

An Act to amend and enlarge the corporate powers and purposes of the Greenville Light and Power Co. as amended by Chapter 244 of the Private and Special Laws of the year 1905, came up on its passage to be enacted.

On motion of Mr. Hersey of Houlton the vote was reconsidered whereby this bill was passed to be engrossed.

Mr. Hersey offered House Amendment A, amend Section 5 by striking out at the end of said section after the word "but" the following words, "said rights and powers granted under this charter insofar as they relate to the sale of electricity for light, heat and power shall not be made use of by the said Greenville Light and Power Co. in any town where similar companies have similar and existing rights, without the consent of the aforesaid companies in writing," and inserting the following words, "said Greenville Light and Power Co. shall not distribute and sell electric current for lighting in any of the towns aforesaid where similar corporations are now engaged in selling and distributing electricity for lighting without the consent of said corporations in writing."

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

The SPEAKER: The Chair will lay before the House a bill which includes the emergency clause, An Act to provide for the restoration of the records of the court of probate for the county of Cumberland. This bill is now upon its passage to be enacted. Under the constitution it requires the affirmative votes of two-thirds of all the members elected to this House.

A division was had and 108 voted in the affirmative and none in the negative.

So the bill was passed to be enacted.

### ORDERS OF THE DAY.

#### Removal of County Attorney by Governor.

The SPEAKER: The Chair will lay before the House the unfinished business, majority and minority reports of the committee on judiciary, reporting on bill, An Act empowering the Governor to remove county attorneys, reporting "ought to pass in new draft," and ought not to pass.

Mr. MONTGOMERY of Camden: Mr. Speaker, I move the acceptance of the minority report, and Gentlemen of the House, I will say in making that motion, though the minority report out of the 10 members of the committee is signed only by myself that I do it with great pleasure and with many bright anticipations of being supported by you in so doing. With pleasure, because this bill as appears upon its face is one that is non-partisan and that we may well consider on its merits and pass our judgment upon it as in our wisdom we shall think best. The bill is to give the power to the Governor to remove a county attorney who persistently fails to perform his duty. Now that covers the general scope of the duties of a county attorney, and in the language of it, as I say, it is non-partisan, and it is for that reason that I am pleased to make this motion. I am pleased for another reason, because when considered in that way by the committee of which I have the honor to be one they would approve of it, considered in a non-partisan spirit they would approve of it. Why? Because they are not delinquent in the study of the history of this State, they have proved themselves to be scholars in too many ways for that. They must know that in all the history of this State it has never been considered necessary to remove a county attorney for any such cause, that there has never been any reason for it. Therefore I must conclude, and I conclude with pleasure towards them, that with the kindest feeling in that respect they join with me today in this report that the bill ought not to pass.

I say that there is not now any rea-

son for such a bill. Think for a moment is there any county attorney in this State today persistently neglecting his duties as a county attorney in the general affairs of this State? If there were such, the fairness and intelligence of the members of the committee and the members of this House would have such a person before this body at once to be impeached. If not, we ought to go home ourselves; if we are so delinquent in our duties we have no reason to pass laws to remove others from office. If there is such a county attorney in this State today persistently refusing or neglecting to perform his duties we should act and we would act at once. So up to the present moment there has never been a call for it; none of them have been removed; there is not now a call for it. I come to you with perfect confidence in this matter as far as that is concerned.

But, gentlemen, I presume there may be a feeling that for some political reason this law is necessary, not because they would remove county attorneys by any means but because the issues to be submitted to the people as to which party shall remain in power make it necessary that we should have this law. But, gentlemen, does that idea have a controlling influence with the rest of the people of the majority party of this State? Is that an issue that you all want to put up in this matter? Do you want to depart from the history of the State so far as to do that, disregard the laws and what has taken place in this State before? Because if it is for a political reason only it simply applies to the enforcement of the prohibitory law, it must mean that it applies simply to those laws, and if those laws have been tried before and found wanting and of no use on the statutes whatever what in the world do you want to enact another one for? And such has been the history in this case. To support that statement I call your attention to the law which I think was passed in 1872 and which remained on the Statutes of this State until 1903, I think that something over 30 years, and in all that time you never saw any oc-

casions to enforce it and when the statutes were reformed it went off of the statutes altogether, nobody thinking for a moment that it was of any use whatever in the laws of the State. I refer to Section 61 of Chapter 27 of the Revised Statutes of 1883 which says: "County attorneys shall cause to be summoned promptly before the grand jury, all witnesses whose names have been furnished them by any sheriff or his deputies, as provided in the preceding section, and shall faithfully direct inquiries before that body into violations of law, prosecute persons indicted, and secure the prompt sentence of convicts. Whenever the Governor is, after investigation and hearing of the parties, satisfied that any county attorney has wilfully refused or neglected to discharge the duties imposed upon him by this section, he shall remove him from office, and fill his place by appointment."

For 30 years that law has been in the statutes of this State and nothing has been done with it; it became obsolete and useless. It seems to me that some people here who have failed to read the laws and understand them have become suddenly awake to the idea that we ought to have it. I will put it just as easy and as fairly as I can. I don't want to say that they are ignorant of the history and laws of the State in the past but they have forgotten, forgotten because there was no use made of it. Gentlemen, if we have officers elected by the people who are persistently neglecting their duties to such an extent that they should be removed, we have a sufficient law for it. The Constitution says—and when we can keep by the Constitution we come pretty near keeping by the people—"Every person holding any civil office under this State, may be removed by impeachment, for misdemeanor in office." If a county attorney is delinquent in his duties he can be removed. That is an article of the Constitution. This House under the Constitution has the sole right of impeachment. When it is in session it is his duty to do it if necessary; if the occasion arises during a recess of the Legislature the Governor may, under

those circumstances, on extraordinary occasions, convene the Legislature; and would it not be an extraordinary occasion if any one of the county attorneys of this State should persistently refuse to perform his duties? The Governor has not been called upon to do any of these things, the Legislature has not been called upon to do any of these things; and it is wholly unnecessary. Consequently I say of this proposed law that it is wholly unnecessary. It was of no good on the statute books for 30 years.

There is such a thing, gentlemen, in the affairs of State, as in the affairs of everything else, as trying to do too much, in thinking that we know what people want more and better than they know themselves. There is an old proverb which should be studied with great care even in our legislative works. It is this, "Be not over-righteous overmuch, neither make thyself overwise. Why shouldst thou destroy thyself?" That is just the way the proposers of this bill stand. They think they understand that better than the people do, and as to all these laws the more the dominant party tries to use them the less their numbers grow. They are overwise, they are over-righteous about it. The call for such laws does not come from the rank and file, it is from a few that come to you with their over-righteousness, their over-wisdom, and ask for these things; and they are destroying, they are reducing at least the majorities of the dominant party. I don't want this law on the statute books even as an issue for the democracy. I don't want it there because it is not right to have it there. It is not a good law. It is not possible of enforcement. A county attorney is elected for only two years. It would take some little time, a year or more, to find out whether he was persistently doing those things, and it would certainly take more than a year to get him properly before the Governor and Council, and then have to reckon with the courts before you get him out. Then you would have all the uncertainty of it as you had in trying to put one in up in Somerset county. I say it is not wisdom. It is over-

wise. It is not a proper thing to do and I believe the good sense of this House will not permit it to be done.

Mr. DAVIES of Yarmouth: I would like to ask the gentleman from Camden a question.

The SPEAKER: Will the gentleman from Camden permit himself to be interrogated?

Mr. MONTGOMERY: Certainly.

Mr. DAVIES: You believe it to be one of the functions of the Executive Department to enforce the laws of the State, do you not?

Mr. MONTGOMERY: Yes.

Mr. DAVIES: Why not give the Governor the authority to enforce this law.

Mr. MONTGOMERY: He has it now.

Mr. DAVIES: I understand from your argument that the only way that a county attorney who was delinquent in his duties could be reached was by impeachment. Now why not give the Governor the authority to enforce all the laws?

Mr. MONTGOMERY: If you want to make the Governor a county attorney I am willing.

Mr. DAVIES: I don't want to make the Governor the county attorney, but I say that he is entitled under the Constitution to sufficient power to enable him to enforce the law.

Mr. MONTGOMERY: He has that. Let the county attorney if he is delinquent be placed before this House for impeachment. It is only a question of the way of getting at it; and the history of the law that was there so long shows that it is useless. If you want to make a Governor a county attorney to do this prosecuting I have no objection to that.

Mr. DAVIES: I understood you to say in reply to my first question that it should be within the province of the Executive Department to enforce the law. They why not give the Governor the power to see that the law is enforced against a delinquent county attorney rather than have him brought before the Legislature for impeachment?

Mr. MONTGOMERY: He has it now. That is one of his functions, to bring him before the Legislature.

Mr. DAVIES: Yes, but you don't an-

swer my question; but if you are satisfied with the reply, I am.

Mr. MONTGOMERY: Then I am satisfied.

Mr. HERSEY of Houlton: Mr. Speaker, I am pleased to hear the gentleman from Camden say to this House that he wished to treat this question in a non-partisan way. I hope when the vote is taken that the party which he represents will vote in a non-partisan way. I am sure we would all be pleased if we could look at this from a non-partisan standpoint. It ought not to be a political question, the enforcement of the laws of our State. The question of whether we shall live under nullification, whether our laws shall be obeyed, the question whether officials, the servants of the people, shall perform their duties, should never be a political question. But I fear that the gentleman from Camden, at least it struck me that way, in his argument left the non-partisan road and became quite partisan before he reached the end of his argument; and I think if we can that we ought to divest ourselves of that idea and treat the question this morning in a business way. We are here to do business; let us do it.

A few years ago in my own county the prohibitory law was disregarded by the county attorney elected by the people. He introduced into our county what was known then as the "Bangor system" of taking a fine of \$110 and costs from the liquor sellers, the druggists, the hotel keepers and the saloon keepers, once or twice a year. So obnoxious became that plan, called the "Bangor plan" whereby the liquor seller was never seen in court, but came in by his attorney with the money or sent it to the clerk—indicted in the regular way at each criminal term, not pressed on the payment of the money, and kept on doing business at the old stand as usual—so obnoxious became that to the people that they appealed to the Governor of Maine and he informed them, which was true at that time, that he had no power and no authority to interfere with the work of the county attorney except to place him before the Legislature for impeachment; and that is out of the question.

Mr. MONTGOMERY: In what year was that?

Mr. HERSEY: I should think about seven or eight years ago. But there came a time when the county of Aroostook elected a county attorney who made no proclamations, who did not say what he would do or would not do except that he would enforce the liquor laws of Maine the same as any other laws. He went about doing business, that is all; and when the first term of the criminal court convened in our county after his election there were the usual amount of indictments found, two indictments against each violator of the law, the druggists, the hotel keepers and the saloon keepers, those two indictments, one was for a common seller, the other for a nuisance; and for the first time for a great many years those liquor sellers one and all were arrested and brought into the court room under arrest. They came, to be sure, with money in their hands, but he refused to take it and said, "You must go into court and plead to the indictment." And they came and said, "Here is my attorney, he will plead for me." "No, you must plead for yourself," and he put him in the dock, and that was too much. Put a hotel keeper, a druggist, in the common dock! It seemed too much. Anything but that. But he went there just the same and stood up in open court and pleaded guilty to those indictments; and then the county attorney said, "For this first time—it is the only time—I take your fine on one indictment. I hold the other continued for sentence. If you are found guilty again of violating this law I shall ask for a jail sentence." There were very few that violated the law after that; and during the term of that county attorney there has not been an open saloon in Aroostook county. The law was enforced. There was a man behind the law who said, "I will do my duty as a county attorney."

Now that is what a county attorney can do. And I make the statement that in the State of Maine today the nullification of the Maine law, wherever it is nullified—and it is true, "pity 'tis 'tis true," it is nullified in nearly every county in the State—it should be laid at the door of the county attorneys who violate their duty under the law of the

State. And there must be something, the people demand something, of those county attorneys that they shall perform their duty faithfully or step out and let somebody else take their place. It was apparent four years ago that the Governor himself was helpless and powerless to do anything. The constitution says that the Governor shall take care that the laws be faithfully executed, and at the present time he is powerless to do it; and four years ago the people came to this Legislature and demanded something of this Legislature, whereby the laws could be faithfully enforced in Maine; and this Legislature I have no doubt honestly wanted to do something, and we can see now what they should have done, they should have enacted this law which we are asking for today giving the Governor the authority to remove a delinquent county attorney and to fill the vacancy. But there came before the Legislature those who thought we ought to have some some new and strange device for enforcing our laws, something not contemplated by our constitution, something by which you could do it better by somebody else than the regular officers of the law, that you could set aside the sheriff and the county attorney regularly elected and say, "We will perform their duties, we will not oblige our servants to do our work but we will make something else unknown to the constitution and unconstitutional in itself; and so you enacted what was known as the Sturgis Law as a remedy for nullification. Now I have nothing unkind to say about the upholders of that law. We all know its action and its results, just what we might have expected had we thought about the matter. It is what happens every time you turn away from the beaten path provided by our constitution and go off somewhere else to do what our laws and our constitution never contemplated should be done. And what did we do? We enacted a law whereby the Governor or a commission could send to a county a special county attorney to perform certain criminal duties on regardd to the enforcement of the liquor law and appear before the same grand jury with the regular county attorney, he holding the office and the special county attorney doing his work, he drawing the sal-

ary. No wonder the supreme court of Maine said such work as that is unconstitutional. We went further than that. You sent deputies not elected by the people into a county to do the work of the regularly elected sheriff and his deputies, followed by a mob; and the regular sheriff and his deputies stood by and said. "We have nothing to do, it is up to the Sturgis deputies, let them go ahead and do the work." You saw the work of these Sturgis deputies in collecting evidence and making complaint until you saw over 80 indictments ready for sentence so to speak. The parties were guilty and proven guilty, and you saw a county attorney elected and returned to office by the friends of nullification, you saw him re-elected, and you saw simply by the power of nol pros which he had, all those cases swept from the docket and all the work of the Sturgis deputies became in vain. And two years ago this Legislature was confronted with this same question and you enacted what is known as the Oakes law whereby you said that a county attorney who did not perform faithfully his duty should be indicted and punished. But the proposition was absurd that he should go before his own grand jury and have himself indicted and tried; and so the Oakes law slumbered there. It has never been used, it never can be used.

Now what the people demand, what they have demanded during the last two years, is that we do something in this matter by giving the people the right to enforce the laws and the power to do so. Let me call attention to the platforms of the two parties at the last election. The Republican party said that they favored a constitutional amendment empowering the Governor upon notice and hearing to remove any executive officer who persistently failed to perform his legal duty and to fill the vacancy from the same political party to which such executive officer belonged; and the Democratic party said that they demanded the honest, thorough and impartial enforcement of all laws by our courts and our duly elected officers. So it comes to this Legislature. We cannot shift our responsibility off on any Sturgis Commission or on the Oakes law or on any organization or on any temperance workers; we must meet it now like

men. The people demand that our county attorneys shall perform their duty. If they do not do it they ask that the highest executive officer in the State, the Governor, shall have the power to remove them from office and fill their places from that same party. This is no new thing. While it is true we had the power once, we have it not today. We want it; we must have it. Nearly every State in the Union has this power and this authority. When the Republicans of this Legislature early in the session were examining this question, Senator Eaton of the upper branch corresponded with many Governors in this Union in regard to the working of this very law we are asking for this morning, and he received a great many letters saying that the law had worked splendidly. He received a letter from Governor Johnson, the Democratic idol of Minnesota, saying that this very law, giving him power to remove county attorneys, had worked splendidly in his state and that he highly endorsed it. He said that all he had to do when complaint was made was to speak to the district attorney, telling him that such a complaint had been made and that immediately he went to work and faithfully performed his duty; he said that it was not necessary to remove him. The very idea, gentlemen, that over his head is suspended this sword will be sufficient to make every official effective and faithful.

Now I believe that every member of this House has the utmost confidence in the integrity, the honesty and the faithfulness of our Governor and we all believe that he will do his duty. I believe he wants the power, he wants the responsibility, he wants the authority to carry out his duty under the constitution of Maine. He does not shirk that duty. Will you give him the means to perform it? We have a supreme court in which we all have confidence, a supreme court that stands high among all our sister states for its learning, its integrity and its love of law and order. Do not for a moment lay up anything against the supreme court for the nullification of this law. I say to you what every lawyer knows, that the power of *nol pros*, the power of the county attorney to control his crim-

inal docket, is in the hands of the county attorney. The judge cannot take it from his hands. The judicial power of the State cannot interfere with the executive. Every judge on the supreme bench today is doing all in his power to enforce the laws of this State. The fault lies at the door of the county attorney, and if you don't give to the Governor the power to deal with the county attorney the fault is with the Legislature of Maine, not with the supreme court or the Governor.

One word more. When a few days ago there appeared before the judiciary committee certain friends of temperance, I might say certain agitators, those whom are sometimes called fanatics, those whom we call radicals, your committee gave them a patient hearing. There appeared before that committee the father of the Sturgis law. He said, and his followers said, there could be no substitute for the Sturgis law. They claimed that this law I am advocating this morning was no substitute for the Sturgis law; and when the Republicans who were standing as a unit for this matter heard that, it tried the patience and it tried the hope of men who are after something honest and effective. And then I thought of that immortal whose memory a few days ago we spent much time in honoring, the great Lincoln, in the war time when there clamored about him those who called upon him to do things which were impossible. There were the radicals, there were the fanatics, there were the agitators, telling him to do this and to do that and even the eloquent Wendell Phillips cursing him, and he stood quietly and patiently through it all waiting for the time when as a statesman he could do the work that was necessary for him to do. And then I thought that the way of Carrie Nation with her hatchet was not the best way to enforce the law against the saloon. But Carrie Nation is useful, she has a place in the world, she is an agitator, and the breaking of the glass in the saloon calls our attention to the saloon. Every agitator, every fanatic, everyone who is struggling for something of this kind, has his place and is useful. They call our attention to great wrongs. We may not want to follow them, we cannot always follow them, but having our attention called to the wrongs it is

our part to do those things which the laws and the constitution say we should do. It would be the greatest calamity that could befall this State to say that we cannot enforce our laws; it is the greatest calamity that can befall this State that there is no remedy if a county attorney should say, "I will not enforce the law, what are you going to do about it?" My friend from Camden says, convene the Legislature. Convene the Legislature! In the case of every delinquent county attorney is the Legislature going to be convened? Remove him from office—that is the honest way to enforce the prohibitory law.

Mr. MONTGOMERY: I desire to ask the gentleman a question.

The SPEAKER: Will the gentleman from Houlton permit himself to be interrupted?

Mr. HERSEY: Certainly.

Mr. MONTGOMERY: Do you know of any county attorneys that should be removed now?

Mr. HERSEY: I do.

Mr. MONTGOMERY: Name them.

Mr. HERSEY: I am not here, gentlemen, to file charges with the Governor until we get this law; but I want to say to you that the people believe in having the laws enforced through the regularly constituted officials and if they don't do their duty they want one put there who will do it and not have two men doing the same work. A man who stands today as a representative of law and order, whom the people love, whom the people endorse, one of the most popular men in all this nation, is Governor Hughes of New York, because he stands in his place the regular officer doing faithfully his duty; but he would be helpless and hopeless were it not for the fact that he could remove from office Asa Bird Gardner, district attorney of New York, if he could not call upon the district attorneys in New York and say to them, "You must enforce the law or get out." What would be Governor Hughes' power against the gambling laws of New York if he had not the right to remove district attorneys? And I tell you the people believe in it. The faithful official who enforces

the law becomes today the idol of the people of the nation. Down in St. Louis, Missouri, the whole city was in the hands of nullification. Every law was violated. A single man said "I will enforce the law." He did, and he became the governor of Missouri because the people endorsed his action. Out in San Francisco the disaster that happened there was not the earthquake, it was nullification of law when the bootleggers and bribers had possession of that great city. But Francis J. Heney went to work and said "I will enforce the law." He did so. He was carried from the court room with an assassin's bullet in his body and as they bent over him he said "I will live to send these men to prison;" and he did, and he is to be the next governor of California. Only a few days ago District Attorney Caidwell in Old Kentucky, a Republican district attorney, his life attempted twice because he was enforcing the law against the Night Riders and trying to relieve the state of outlaws. He did it and redeemed Kentucky and he is to be the next governor of that state, because the people believed in the faithful enforcement of the laws. The people get tired of Sturgis commissions; they get tired of some attempt to avoid responsibility, but they do believe in the regularly elected officer doing his duty or the governor replacing him with somebody who will. And I tell you if you give the Governor of Maine the authority to do this you will have no nullification in Maine. You will find in every county in the State county attorneys either elected by the people or appointed by the Governor who will have the same spirit, the same courage, as the district attorneys I have mentioned. The most popular man in my county today is the man who enforces the liquor law. He can have any office in the gift of the people in my county because he did his duty; and the most popular man in Maine in days to come will be the county attorney who, if this law be enacted, will do his duty and be forced to do his duty; and under that law the rum shops of Maine will be a thing of the past. I tell you this is something more than a mere question of politics; it is a question whether nullification shall rule in Maine or whether good laws shall be

enforced. There is today all over this nation a great uprising of the people against saloons. Remember our motto, "I lead." Shall we lead? Shall respect and reverence for law by the people of Maine become the pillar of cloud by day and of fire by night to lead this nation and the nations of the earth into a higher and grander civilization among the sons of Maine. (Applause.)

Mr. DUNN of Brewer: Mr. Speaker, I have listened to the remarks of the gentleman who preceded me on this question, a question which to my mind is vital to the interests not only of the present generation but to the people of this State for ages to come. We are here to represent the people of the State of Maine, and I believe that this is one of the most important questions with which we shall have to deal, the question of whether the Governor shall have the right to remove an executive officer. Were I to consider an amendment to the bill I would make the suggestion that the words "executive officer" should be erased and the words "judicial officer" placed in their stead, for I believe that it is upon the courts that this sin of nullification should rest. It is not the county attorneys to whom we should look for justice but that we should look to a higher tribunal, the judges of the supreme court of the State of Maine. We have this law upon our statute books which has been nullified and repeatedly nullified and the interests of the common people of the State of Maine publicly and repeatedly insulted by the supreme court of the State of Maine. I believe the Governor has power enough to remove an officer if he neglects to do his duty, and I haven't the slightest doubt in my mind but there have been county attorneys who did not do their duty in regard to this question. I believe that the people of the entire State of Maine are looking upon the men who have been sent here to represent the common interests of the common people, and that you as members of this Legislature are called upon to settle this question of right or wrong regarding the nullification of law.

As I look back upon my native city of Bangor and look at the Temple of

Justice and consider the methods whereby the money was obtained to erect that structure, it is sufficient to make any man blush, when men of high honor and integrity who are placed in a position of honor and expected to do their duty will call on the men who openly violate the law to prescribe a rule whereby they can raise the money to build a court house that they might be protected in their iniquitous and disgraceful practice of selling liquor. Gentlemen of the House, I hope that you will consider this question and consider the attitude of the supreme court of the State of Maine on this question. I have nothing more to say, gentlemen.

Mr. HERSEY: Mr. Speaker: I move that when the vote is taken it be taken by the yeas and nays.

The motion was agreed to.

Mr. PATTANGALL of Waterville: Mr. Speaker: If the House will pardon me from digressing from the entertaining matters which have been discussed this morning and referring for a few moments to the bill which you are about to vote upon, I shall be obliged, gentlemen. I have read that bill with some care, and while I do not desire to spend any great amount of time in discussing the policy involved in it, because I have an idea that the minds of a majority of the House are settled on that, I do wish before that is enacted into law that this House would give some consideration to certain provisions contained in the bill. There is nothing in it so far as I have been able to ascertain in relation to who is to be the next governor of California or Kentucky or even of Maine. No provision in the bill covers any of those offices. There is nothing in the bill so far as I can ascertain that will settle the question of whether the supreme court, the county attorneys, the sheriffs or the general public are responsible for nullification. In fact there isn't anything in the bill as I read it that would call for a stump speech on any particular subject, but there is in the bill some food for thought, because we are legislating here as I understand it. I do not suppose we are making an effort to catch



votes somewhere and somehow in some way. We are really engaged in the passing of laws that are going to be on the statute books unless the Governor vetoes them and which will be used practically by courts in every day business. Now that being the case, while I have no idea that anything short of a California earthquake—and by the way, that is not in the bill—could prevent the majority of this House from passing anything that came up and offered some sort of an escape from the Sturgis law, I would ask the majority to wait just a little before they passed this law and at least read it and understand it. It has been said here three or four times this morning that this law gave your Governor power to remove a county attorney from office. Well, it does not, not until a condition precedent has been complied with. Your law says that upon petition by 50 adult citizens of a county a Governor may proceed, after hearing, to remove a county attorney from office. I want to ask you if it is necessary to give the Governor of Maine power to remove county attorneys from office, why in the world don't you give him that power? Why do you say he must wait until 50 adult citizens of a county ask him to exercise it? Hasn't he brains enough to know when it's necessary for him to exercise it himself? I think he has. I think more of your Governor than you do. Why don't you give him the power which you say you want to give him instead of fixing the thing so that some Governor less brave than he in the future may sit back and say, "Well, I have been waiting for a petition from down in that county and consequently I could not act." Why don't you give your Governor the power straight and say that you will let him remove a county attorney if in his judgment he is inefficient. That is the power which Governor Hughes of New York had when he went after Asa Bird Gardner. He didn't have to wait for a petition from 50 adult citizens of Brooklyn. If you are going to make it by petition, if you are going to take the position that your Governor is not courageous enough to initiate this proceeding when necessary but that he has got

to be called upon by the public to do it, then make it the public. Fifty adult citizens of a county! Think of it. You can get a petition signed by 50 adult citizens of any county in Maine to remove any county official regardless of politics, regardless of how he has conducted himself, regardless of anything except that some little personal matter has come up so that they would like a petition to get him out of office. If you need petitions your number is absurd; if you want to give him the power your petition is absurd. Either way, that part of your bill is nonsense.

To go a little further. He shall have a hearing. It says that the Governor upon hearing and satisfactory proof may remove such county attorney and fill the vacancy from the same political party. Why do you put that in, from the same political party? He wants a good county attorney, doesn't he? Suppose he was placed in this situation. I am going to assume that the Governor of Maine is always going to be a Republican, that you are going to be able to impose this sort of buncombe on the people of Maine forever and hold the Governorship for all time. But every once in a while a county is going to elect a Democratic county attorney. They do that once in a while. Now suppose there is elected a Democratic county attorney in some county where there are but few Democratic lawyers. Afterwards 50 adult citizens decide that he is not fit and they remove him by petition to the Governor. There isn't a lawyer of his party left in the county of decent standing, and you tie your Governor's hands. You have got the power to do anything you want to, and you are doing lots of things just because you have the power but do them decently for heaven's sake. Have some sense in what you do. Of the same political party, when there might be a county attorney elected in a county like Sagadahoc where Democratic lawyers are so scarce that their judge of probate is not even a member of the bar; and suppose in the county of Aroostook or in Cumberland or Kennebec we succeeded in electing a Democratic county attorney. That has been done in Cumberland and in Kennebec; it may

even sometime be done in Aroostook. Suppose we had elected in this county, as we did two years ago, Fred Emery Beane of Hallowell. Suppose that 50 adult citizens had filed a petition with Governor Cobb and he had seen fit to remove Mr. Beane. Do one of you believe that any Democratic lawyer of good standing would have taken the place of the county attorney who was thus removed? You know he would not. No Democratic lawyer of good standing would have taken his place, and you drive your Governor perforce, if he puts a man out, to either go to a cheap fellow in the party that that man belongs to or to go into the opposite party, and you ought to let him go wherever he likes. That clause "of the same political party" should be stricken from your bill.

Take another feature. The judiciary committee, made up of the best lawyers in the Legislature, considered this bill and reported it as something to become law, not as just a part of a political platform, and they closed it by saying that your Governor shall appoint the man who takes his place and you don't put in even that the Council shall confirm him. You won't let the Governor of Maine appoint a justice of the peace until the Council confirms him, but he can appoint a county attorney without the advice or consent of the Council. For heaven's sake, gentlemen, if you are going to force this piece of legal machinery on us, take it back into your committee and read it over again and bring in a bill if you want one and say that the Governor with the advice and consent of the Council may, when he deems it for the best public interest to do so, remove from office any county attorney and fill the vacancy by appointment. That is all you need if you mean business. Again it says that the Governor may make an appointment after a hearing. Hearing before whom? Why didn't you provide for somebody to have the hearing before? Hearing before the Governor. The Governor gets the charge, calls the witnesses, has the hearing, discharges him and makes the appointment. Why put in the hearing? Or else provide a body before whom to have your hearing conducted. If, my friends, your minds when you framed

that law had been less on politics and more on legislation, less on who was elected Governor of Missouri or Minnesota or Kentucky and all that sort of nonsense, less on Carrie Nation, less on the California earthquake and more on practical legislation, you never would have brought that piece of suggested law before this Legislature for its consideration.

It has been suggested here that the platform of your party bound you to vote for that law. I am talking to Republicans now. I have read your platform and I did not see one word about giving the Governor the power to remove county attorneys from office. It said to remove from office any executive officer who was inefficient in his duty. Why, for heaven's sake, do you pass this one law? If you are going to follow your platform why don't you do as your platform says? Amend the constitution, your platform says, so that the Governor may have power to remove from office any executive officer. You don't dare to do it, do you? You don't quite dare to do it, but you are going to start in with a county attorney, and then tomorrow with sheriffs, and by and by with one thing and another, overturning all the precedents of the laws, all the constitutional safeguards that Maine has to please a few fanatics whom you think you can hold with you long enough to win one more election, any by that time you will be back to the good old "Bangor plan" all over Maine and won't need them any longer. (Laughter.) That is about the size of the situation, isn't it? And to quiet the people from whom you take away a right which I think they still desire to enjoy you give them a substitute. I find on my desk this morning Senate bill 309, An Act authorizing towns and cities to elect fish wardens in certain cases. (Laughter.) The bill reads, "Any city, town or plantation in which there is a lake or a pond that has been stocked with fish by the State and screened partly by the State and partly by the town or by private subscription, may, at its annual election, elect a fish warden, with all the powers of other fish wardens, whose duty it shall be to care for and protect said screen." I have no doubt that the public will be

grateful to you for that, that when you take away from them the right to select their county attorney, when you take away as you will attempt to do the right to select their sheriff, when you try to take away the right of the Legislature to elect State assessors, when you have one after another put all these powers in the hands of the Governor but have not had the courage to put them squarely in his hands but put them in his hands provided that 50 of your adult citizens ask him to exercise the power, then you will console the people of the great State of Maine by saying, "We have given you a new power; you can do what you never were allowed to do before; you may elect a fish warden." (Laughter and applause.)

Now, gentlemen, talking in all seriousness, for I have no idea that the motion will prevail to substitute the minority report although it ought to, I have just a word more. I was in this hall four years ago and I heard the Oakes law advertised as the one cure for all the evils which existed in regard to the liquor question. They had found the remedy then and the House passed it. I heard the Sturgis law argued just as this law is argued today, as a panacea for all the ills that come from nullification; and nobody discovered the awful evils of that 20 years of nullification until Democrats had elected a few county officers.

I heard the Sturgis law advertised as the remedy. Then we got the Hastings law in here, and I am ready to vote for it, to send everybody to jail who sells rum—only I would like to add to it one clause that the sentence should be extended until the next succeeding election day, as then there would be so many of your fellows in jail that I think we might capture the State. (Laughter.) Then we had the Eaton amendment. Now; we have got this law. But I want to say to you that you won't find any remedy for the evils that exist in any of these legislative patent medicines that are being put up to you. The only way that you will ever get a law better enforced in Maine than it is is to get the people behind the law. When the people are behind the law they can elect their county

attorneys and their sheriffs who will take care of enforcement. Why is it that the prohibitory law is enforced in Aroostook? Because they want it enforced. Why is it not enforced in Waterville and Bangor and Portland and every other city in Maine? Because the people in those cities don't want it enforced. There is your whole proposition, and you can pass all the laws and go through all the trickery and chicanery that you please and you have accomplished nothing in the way of enforcement until your people are ready to enforce the laws themselves and then they will enforce them. Now I say that you will probably not vote for this motion although I think you ought to, but I do beg this of you, to take this law into consideration as law and think for yourselves and not let the gentlemen who have framed the law do all the thinking for you, and hold that law in this House long enough to make of it a statute that at least will read respectably and will sound decently to the ears of some lawyers other than those on the judiciary committee of this Legislature. (Applause.)

Mr. DAVIES of Yarmouth: Mr. Speaker, the gentleman from Camden said, if I remember correctly, that the Republican party was over-righteous. Now the gentleman from Waterville says that the Republican party is not righteous enough. As a matter of fact there is a happy medium between the two and the electors of this State at the last election thought the Republican party was just about the right party to govern the affairs of the State of Maine for the next two years at least; and I, as a member of that party, by no means intend to surrender any right or any privilege that was given to the members of that party in the last election at the present time even in the face of so brilliant and so subtle an argument as that which has been advanced by the gentleman from Waterville.

Among other things in the Republican party it was stated that we stood for the enforcement of the law. You will remember that we made the campaign on the enforcement of the prohibitory law; and the measure which is offered here today is for the purpose

of making that promise good. Now the bill is criticized by the gentleman from Waterville, first, on the ground that it provides for the signatures of 50 adult citizens attached to a petition addressed to the Governor for the purpose of consideration of the removing from office of a county attorney. What better way could we do? Do any of you know of any better system of bringing the matter before the Governor? Did it occur to you what the gentleman might say if no such provision were in the bill? He says that we did not dare to trust the Governor himself, if we had we would have given him the absolute authority. It seems to me the bill would be very much open to criticism indeed provided no such way had been brought before this Legislature. I desire to say to the House that a committee was appointed by the Republicans of this House to consider this matter with the utmost care, which it did, and reported to a meeting of the Republicans that in their opinion this bill would carry out the provisions of the last platform and would put us in a proper position with the people of the State. What man is there in this House that would wish to have any official removed from office without a hearing, brought into some kind of a star chamber proceeding and be ousted from his office? Then as to the matter of the appointment of a county attorney from the same political party. Now I don't suppose that any Democrat would ever find himself in any such position; undoubtedly Mr. Connelly of Cumberland or Mr. Beane of Kennebec would never find themselves in any such position; and I doubt very much indeed whether any Republican would ever find himself in such a position; but it gives the Governor a certain power to carry out the functions of the office to which he is elected, that is, to enforce the law.

The gentleman has stated something about dealing less with politics and more with legislation. I disagree with that sentiment entirely. It is along the line of duty that this bill has been presented to this House. We have put the power up to the Governor in the matter of delinquent county attorneys by the provisions of this act, and I be-

lieve that that is where the power belongs, not only under our Constitution but as a matter of right; and I sincerely hope that this bill will have a passage.

Mr. Bigelow of Portland moved the previous question.

The motion was agreed to.

The question being, shall the main question be now put—

The motion was agreed to.

The SPEAKER: The question is on the acceptance of the minority report. As many as are in favor of accepting the minority report will, when their names are called, answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Allen of Jonesboro, Bearce of Eddington, Bogue, Bourassa, Chase of York, Conners, Cook, Day, Duncan, Dunn, Edwards, Farnham, Fortier, Frost, Harmon, Harrington, Hines, Hodgkins of Damariscotta, Mace, Merrill of Durham, Miller, Montgomery, Orff, Packard, Pattangall, Patten, Pike, Pinkham, Putnam, Quinn, Robbins, Ross, Sanborn, Sawyer, Sleeper, Smith of Biddeford, Snow of Brunswick, Spear of Warren, Stover, Strickland, Thompson, Thurlough, Weld—4.

NAY:—Additon, Allen of Richmond, Andrews, Bartlett of Elliot, Bartlett of Stoneham, Beals, Bemis, Beyer, Bigelow, Bigney, Bisbee, Blake, Blanchard, Bradford, Bragdon, Burleigh, Burse of Pittsfield, Bussell, Buswell, Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of Sebec, Clark, Colby, Cole, Coolidge, Cousins, Cummings, Davies, Donnell, Dorr, Drake, Dufour, Emery, Ferguson, Gilbert, Grant, Hall, Hamlin, Hannaford, Hanson, Harriman, Harris, Hersey, Higgins, Hill, Hodgkins of Temple, Holt, Hussey, Jones, Jordan, Kavanough, Kelley, Lane, Libby, Lombard, Lord, Marshall, Mercier, Merrill of Bluehill, Millett, Morse, Moulton, Nelson, Nickerson, Patterson, Paul, Perry, Peters, Porter, Pressley, Redlon, Rounds, Silsby, Smith of Andover, Smith of Berwick, Snow of Scarborough, Spear of South Portland, Stackpole, Stetson, Tibbetts, Trafton, Trickey, Trimble, True, Varney, Whitehouse, Whitney, Wing of Auburn, Wing of Kingfield—90.

ABSENT:—Bowley, Couture, Doble, Havery, Hyde, Joy, McLain, Merrifield, Moore, Pelletier, Richardson, Stanley, White of Columbia. White of Wayne—14.

PAIRED:—Lambert, yes; Ludgate, no.

So the motion was lost.

On motion of Mr. Hersey the report of the majority was accepted.

The bill then received its two read-

ings and was assigned for tomorrow morning.

**Special assignment:** An Act to provide for the removal of foreign paupers.

On motion of Mr. Andrews of Augusta the further consideration of this bill was postponed until tomorrow.

**Special assignment:** Report of the committee on judiciary reporting "ought to pass" on bill, An Act creating a State board of charities and corrections.

This bill came from the Senate indefinitely postponed.

On motion of Mr. Davies of Yarmouth the House concurred with the Senate in its action.

**Special assignment:** Report of the committee on taxation, to which was referred the report of the Maine tax commission together with bill, An Act for assessment and taxation of certain public service companies, reporting "ought not to pass."

On motion of Mr. Wing of Kingfield the report of the committee was accepted in concurrence.

**Special assignment:** An Act additional to Chapter 144 of the Revised Statutes providing for the recovery of money improperly paid by the State for the support of insane paupers.

On motion of Mr. Peters of Ellsworth the report of the committee was accepted in concurrence.

Mr. Peters offered House Amendment A by striking out all after the enacting clause and substituting other matter, and on further motion by Mr. Peters the bill and amendment, pending its adoption, was recommitted to the committee on judiciary.

The SPEAKER: Under the order of business for the day all matters on the table unassigned, placed there prior to the beginning of this week, are taken from the table without motion and forwarded.

**Tabled and unassigned:** An Act creating an open time on gray and black squirrels in York, Kennebec and Washington counties.

Mr. FERGUSON of Shapleigh: Mr. Speaker, I offer House Amendment A to strike out the word "York" in Section 1 line 4.

I offer this amendment for the following reasons: The last Legislature put a close time on black and gray squirrels for a period of four years, it has now run but two years and I claim that the squirrels have had no adequate benefit of the law. Gray squirrels were nearly exterminated in York county when the close time was put on.

The law will be off in two years without legislation. It adds to the attractiveness of country life to have live squirrels rather than dead ones. Again a gray squirrel is helplessly exposed to a deadly shot by reason of its color and its habit of running up a tree when startled. I hope this Legislature will give time to recuperate.

I move the adoption of the amendment.

On motion of Mr. Sleeper of South Berwick the amendment was tabled for consideration for next Friday.

An Act providing antitoxin by local boards of health for diphtheria.

House Amendment A was adopted and the bill was read the third time and was passed to be engrossed as amended.

An Act to extend the charter of the Ossipee Valley Power Co.

On motion of Mr. Rounds of Portland the further consideration of this bill was postponed until tomorrow.

An Act to amend Section 49 of Chapter 15 of the Revised Statutes relating to public schools.

Mr. Hall of Caribou offered House Amendment A by adding an enacting clause, "Be it enacted by the people of the State of Maine."

The amendment was adopted, the bill received its second reading and was assigned for tomorrow morning.

An Act relative to the appointment of school physicians.

Mr. Rounds of Portland offered House Amendment A by adding Section 9, "The provisions of this act shall apply only to cities and towns having a population of less than 40,000."

Pending action upon the amendment the further consideration of this bill was postponed until tomorrow on motion of Mr. Davies of Yarmouth.

An Act to amend Section 11 of Chap-

ter 35 of the Revised Statutes relating to the sale of milk.

Mr. Rounds of Portland offered House Amendment A, and on his motion it was tabled for printing pending its adoption.

An Act to establish a standard unit of measure and a standard size of milk can for the sale of milk and cream.

Mr. Rounds of Portland offered House Amendment A, and on his motion it was tabled for printing pending its adoption.

An Act to regulate fishing for black bass in the Belgrade Lakes in Kennebec and Somerset counties.

On motion of Mr. Rounds of Portland the bill was recommitted to the Committee on Inland Fisheries and Game.

Resolve in favor of aid in building highway bridge across the East Branch of the Penobscot river at Medway.

Mr. Strickland of Bangor moved that

the consideration of this bill be reassigned for tomorrow.

Mr. Pike of Eastport moved that it be reassigned for Tuesday of next week.

Mr. Rounds of Portland objected to a later postponement than tomorrow.

Mr. Pike of Eastport raised the point of no quorum.

The SPEAKER: According to the count of the Chair there is a quorum present. In putting the several motions made upon any measure to postpone consideration to a day certain it is the duty of the Chair to present first the motion covering the longest period of time. It is the duty of the Chair in this instance to present to the House first the motion of the gentleman from Eastport.

Mr. Rounds of Portland moved to adjourn.

The motion was agreed to.