

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.

Thursday, March 18, 1909.

Prayer by Rev. Mr. McCoy of Bar Harbor.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills on First Reading.

An Act to amend Section 13 of Chapter 4 of the Revised Statutes relating to the choice of road commissioners in towns.

An Act for the prevention of tuberculosis among cattle.

An Act relating to the issuance of capias by magistrates.

An Act to amend Chapter 83 of the Public Laws of 1907, entitled "An Act to encourage the compiling and teaching of local history and local geography in the public schools."

An Act relating to the Probate Records of Cumberland county.

An Act to amend Sections 69 and 70 of Chapter 8 of the Revised Statutes relating to the taxation of collateral inheritances, came from the Senate recommitted to the committee on taxation.

On motion of Mr. Richardson of Preque Isle the House concurred with the Senate in its action.

Resolve in favor of repairing roads between Patten and Trout Brook farm in Penobscot county, came from the Senate amended by Senate Amendment A.

On motion of Mr. Burleigh of Augusta, the vote was reconsidered whereby this resolve was passed to be engrossed, Senate Amendment A was adopted in concurrence and the resolve was then passed to be engrossed as amended in concurrence.

An Act to amend Section 11 of Chapter 39 of the Revised Statutes relating to the sale of milk.

This bill came back from the Senate, the Senate non-concurring with the House in recommitting it to the committee on agriculture and passing the bill to be engrossed.

Mr. Rounds of Portland moved that the House insist and ask for a committee of conference.

Mr. COUSENS of Standish: Mr. Speaker, I understand that this bill came up in the Senate yesterday, was given its various readings and was passed to be engrossed, and I think it ought to pass in this House. This matter pertaining to these milk bottles was brought before the committee on agriculture and had very careful consideration and parties in and out of the State were heard in regard to it. It seems that there has been permitted the sale of milk in bottles which might vary, under-size and over-size, and that it was the custom for the sealer when he had sealed a few bottles to judge the rest of the case accordingly; and at the hearing it developed that the dealers in most cases had managed to use the small bottles; and the bottle manufacturers said that invariably where states allowed the use of bottles of under-size they had orders for those bottles from the milkmen. The committee after looking the matter over carefully felt that every man buying milk should have a good honest quart which the national standard milk quart requires, 32 ounces, and the farmers were willing that they should have it, and so they fixed this standard that every bottle should contain 32 ounces and not over three grams over a quart, pint bottles should contain 16 ounces and not over two grams over a pint, and half pint bottles 8 ounces and not over 1 gram. It was shown that it would be almost impossible to get a full quart or pint into an exact bottle, there would be froth or something of that kind so it would vary a little; but the consumers, are sure to get good honest quarts and pints and half pints with these bottles which we have recommended.

An objection has been made that it is going to throw the whole thing into the hands of a few manufacturers. The parties manufacturing bottles appeared before us and said that it was not very difficult to get bottles that were almost accurate, that in the manufacture of bottles now the material for the production of these bottles was of accurate weight and was put into a press and that a very small percentage of them varied from being correct. They said that they might vary by being tak-

en out of this press in a very hot condition and being stretched a little, or being hot when set down they might vary a little, but a very small percentage of them would vary to any extent, and the expense to the parties using these bottles would be very trifling. Now after giving this matter consideration we felt that we were giving the consumers of milk a good honest quart every time which they had failed to get under the old systems. I certainly hope that the report of the committee which was unanimous will be adopted.

Mr. ROUNDS of Portland: Mr. Speaker, I am glad to hear that the gentleman from Standish wants them to have a full quart and three drams over. Yesterday he wanted the milkmen to have a pint over. But when he comes to know that one firm in Pennsylvania that has got this machine for making bottles has got the people of the State of Maine by the throat, when you see that we have got to pay not only one cent for this bottle business but another cent and about half a cent to the dealer and the consumer another half cent for this kind of a bottle that the bill calls for, I think it ought to make a difference in our view of the matter. When you consider that any dealer has to pay \$100,000 for that machine it looks to me as though you were legislating in favor of the trusts, it looks to me as though you are afraid to have the other bottling people come in here and say a word. This bill was introduced at the instigation of the sealer of weights and measures in Portland. Nobody else seemed to want it except him and one bottling concern in Pennsylvania. It looks to me that other bottling concerns should have come in and should have had a chance to be heard as well as the bottle makers of one concern in Pennsylvania; therefore I want the bill recommitted so the other side can be heard. It seems as though they don't want to have competition, they want to go in for trusts in this Legislature.

The question being shall the House insist and ask for a committee of conference?

The motion was lost.

Mr. Rounds called for a division.

A division was had and 20 voted in the affirmative and 46 in the negative.

So the motion was lost.

On motion of Mr. Cousins the House voted to recede and concur.

Mr. Rounds moved that the bill be laid on the table pending third reading.

Mr. COUSINS: Mr. Speaker: I oppose this motion to delay this matter after taking the action that we have taken here. I don't see any reason why the bill should be laid on the table. It is evident that the only reason is to delay the matter. This is a matter of importance and it is a matter that the people are interested in and they demand that it should have its regular passage; therefore I object to its being tabled.

Mr. ROUNDS: Mr. Speaker: I did not know that the gentleman wanted to run rough-shod right over the House because there are a few farmers here who think they can run it. They have got all the laws they want in regard to different things and now they say that the people cannot have anything else here but just what a few people in the country want. There may be some good reasons why I want to lay it on the table. The gentleman says no. If it is to be the policy of the House that no bill should be laid on the table, say so and from this time out I will be with them and vote with them.

Mr. COUSINS: Mr. Speaker: The gentleman from Portland (Mr. Rounds) has been desirous to look into every milk bottle and milk can and apple barrel and apple box. He has had ample time to look into this matter and every member of this House has had it brought to his attention, and I believe that we have acted understandingly on this matter this morning and I can see no reason why this matter should be delayed and tabled, and I therefore object and if he insists on his motion I shall call for a division of the House.

Mr. SANBORN of Dover: Mr. Speaker: This is the second time that the farmers have appealed to the Legislature in regard to some of these matters and I wish to say for the farmers that they are willing to give good meas-

ure and are willing to have fair play on both sides.

Mr. ROUNDS: Mr. Speaker—

Mr. COUSINS: Mr. Speaker: I rise to a point of order.

The SPEAKER: The gentleman will state his point of order.

Mr. COUSINS: The gentleman has spoken twice on the matter.

The SPEAKER: The Chair understands that the House has had under consideration the motion of the gentleman from Portland (Mr. Rounds) to lay this bill on the table. The gentlemen have been proceeding by unanimous consent because a motion to table is not debatable.

The question being on the motion to lay the bill on the table the motion was lost.

The SPEAKER: The parliamentary situation here is very unusual. At the time the House voted to recommit this bill to the committee on agriculture the gentleman from Portland had offered an amendment which was pending at the time the House voted to recommit the bill to the committee, and the Chair would hold that the amendment, in view of the vote of the House, is still pending, the House having receded and concurred with the Senate.

Mr. MOULTON of Cumberland: Mr. Speaker: I move that the amendment be rejected.

The motion was agreed to.

The bill then received its third reading and was passed to be engrossed.

Report of the committee on ways and bridges reporting "ought not to pass" on a resolve in favor of the county commissioners of Franklin county for permanent improvements on roads in Jerusalem and Crocker townships, came from the Senate, that branch having recommitted the resolve to the committee and ways and bridges.

On motion of Mr. Wing of Kingfield the vote was reconsidered whereby the report of the committee was accepted, and on further motion by Mr. Wing the House concurred with the Senate in recommitting the resolve to the committee on ways and bridges.

An Act for the protection of deer in Cumberland county, came from the

Senate amended by Senate Amendment A.

On motion of Mr. Whitney of Gorham the votes were reconsidered whereby this bill was passed to be enacted and passed to be engrossed. Senate Amendment A was adopted in concurrence and the bill was then passed to be engrossed as amended in concurrence.

Mr. Burleigh of Augusta presented the following bill, An Act to amend Section 72 of Chapter 23 of the Revised Statutes relating to the compensation of road commissioners. (Referred to the committee on judiciary).

Mr. Hines of Lewiston presented the following bill, An Act to amend Section 57 of Chapter 40 of the Revised Statutes in regard to the payment of wages. (Referred to the committee on labor).

Mr. Beals of Auburn presented under a suspension of the rules the following bill, An Act entitled "Weaver's particulars bill." (Referred to the committee on labor).

Mr. Andrews of Augusta presented under a suspension of the rules the following bill, An Act to correct an error in the engrossing of a bill entitled "An Act to provide for the compensation of justices of the supreme judicial court or superior court who shall resign after 10 years' service at the age of 70 years," approved March 11, 1899.

On motion of Mr. Andrews the rules were suspended, the bill received its three several readings and was passed to be engrossed without reference to a committee.

Reports of Committees.

Mr. Spear from the committee on railroads and expresses on petition of William Sampson and others for the incorporation of the Androscoggin Valley Railroad Co., reported that the same be placed on file as the subject matter has already been acted upon.

Mr. Jones from same committee reported "ought to pass in new draft" on Bill, "An Act to abolish certain grade crossings in the city of Augusta," under title of "An Act to abolish Rhines hill grade crossing in Augusta."

Mr. Blanchard from the committee on agriculture reported "ought not to pass" on bill, "An Act to provide for the inspection of beef and other meat products."

Same gentleman from same committee on bill, "An Act to amend Chapter 4 of the Revised Statutes relating to the better protection of sheep," reported "legislation thereon inexpedient as the subject matter is covered by another act."

Mr. Bigney from the committee on inferior waters on petition of George W. Stearns and 50 others of Millinocket for a resolve in aid of navigation of the Lower lakes, reported that the same be placed on file as the subject matter has already been reported on.

Mr. Robbins from the committee on ways and bridges on resolve to provide for repairs of road leading from North Branch of Dead river to the King and Bartlett postoffice, reported that the same be referred to the next Legislature.

Same gentleman from same committee reported "ought not to pass" on resolve to aid in repairing bridges on the West Branch of the Penobscot river.

Same gentleman from same committee reported same on Bill "An Act for the better protection of the public on highways."

Mr. Holt from same committee reported same on bill, "An Act regulating the construction of fences along public ways."

Mr. Rounds from same committee reported same on Bill, "An Act to provide for the reconstruction of repair of state bridges in case of complete or partial destruction."

Mr. Bigelow from the committee on inland fisheries and game on petition of Henry J. Lane and others asking for a close time on Little Otter ponds, in Somerset county, reported that the petitioners have leave to withdraw.

Same gentleman from same committee reported "ought not to pass" on Bill, "An Act to regulate fishing in "L" pond, so-called, in Sanford."

Same gentleman from same committee reported same on Bill, "An Act to regulate the setting of traps for gaming in York county."

Same gentleman from same committee reported same on bill, "An Act to regulate fishing in Jordan's river, so-called, the outlet to Panther pond, in Cumberland county."

Mr. Lane from same committee reported same on Bill, "An Act to extend the open season on ducks in Sagadahoc county."

Mr. Pressley from the committee on shore fisheries on petition of Roscoe Paritt and 25 others of Steuben praying for legislation regarding smelt fishing in Steuben bay, reported that the petitioners have leave to withdraw.

Mr. Kelley from same committee reported same on petition of George Minott and 29 others praying for an amendment to Chapter 181 of the Public Laws of 1907, relating to the taking of white perch in tide waters.

Same gentleman from same committee reported "ought not to pass" on Bill, "An Act for the protection of smelts in Benjamin's river in Hancock county."

Mr. Hyde from same committee reported same on Bill, "An Act regulating the taking of clams from Little river clam flats in the town of Georgetown."

Mr. True from the Portland delegation reported "ought not to pass" on bill, "An Act to amend the charter of the city of Portland."

The reports were accepted.

Mr. Bigelow from the committee on federal relations reported "ought to pass" on Resolve in favor of I. F. Getchell.

Mr. Hodgkins from the committee on railroads and expresses reported "ought to pass in new draft under same title" on Bill, "An Act organizing the Oquossoc Railway Co."

Mr. Hanson from the committee on banks and banking reported "ought to pass in new draft under same title" on Bill, "An Act to amend Chapter 48, section 2^d of the Revised Statutes relating to investments of savings banks."

Mr. Frost from the committee on State lands and State roads reported "ought to pass in new draft under same title" on Resolve that the land agent be authorized to convey to Jo-

seph C. Harmon of Stonington, Hancock county, Maine, Three Bush island.

Mr. Whitehouse from same committee reported same on resolve authorizing the land agent to release the interest of the State in the islet called Turnip island, in Bristol, in Lincoln county.

Mr. Holt from the committee on ways and bridges reported "ought to pass" on resolve in favor of the town of Bingham.

Same gentleman from same committee reported "ought to pass in new draft under same title" on resolve in favor of the towns of Enfield and Howard.

Mr. Robbins from same committee reported "ought to pass" on resolve in favor of the town of Jonesboro.

Same gentleman from same committee reported same on resolve in favor of the town of Addison.

Same gentleman from same committee reported "ought to pass in new draft under same title" on resolve in favor of the town of Norridgewock to aid in getting a free bridge.

Mr. Bigelow from the committee on inland fisheries and game on petition of P. A. Williams and others for an open time on ice fishing in Great Embden pond, reported bill entitled "An Act to provide for ice fishing in Great Embden pond, in the town of Embden in Somerset county."

Same gentleman from same committee on petition of B. W. Berry and 14 others of Carthage and vicinity asking for regulations upon fishing in Webb's river and tributaries in Franklin county, reported bill entitled "An Act to regulate fishing in Webb's river and tributaries in the county of Franklin."

Same gentleman from same committee on petition of George Hazen and five others relating to a close time for fishing in Thompson pond, in the counties of Oxford, Cumberland and Androscoggin, reported bill entitled "An Act to amend Chapter 264 of the Private and Special Laws of 1905, relating to fishing in Thompson pond."

Same gentleman from same committee reported "ought to pass in new draft" on bill "An Act prohibiting the

hunting or killing of deer in Knox county," under title of "An Act to regulate the hunting of deer in the towns of Camden, Rockport and Hope in Knox county, and in the towns of Lincolnville and Searsmont in Waldo county."

Mr. Kelley from the committee on shore fisheries reported "ought to pass in new draft" on bill "An Act to amend Section 47 of Chapter 41 of the Revised Statutes and to repeal Chapter 51 of the Private and Special Laws of 1907," under title of "An Act to amend Section 47 of Chapter 41 of the Revised Statutes."

Mr. Pattangall from the committee on taxation reported "ought to pass in new draft under same title" on bill "An Act relating to the common school fund and the means of providing for and distributing the same."

Mr. Wing from same committee reported "ought to pass" on bill "An Act to amend Sections 58 and 59 of Chapter 9 of the Revised Statutes, regarding roads in unincorporated townships."

Same gentleman from same committee reported same on bill "An Act to amend Section 32 of Chapter 8 of the Revised Statutes, as amended by Chapter 156 of the Public Laws of 1907 relating to excise tax on palaces or other cars for which extra compensation is charged for riding therein."

Mr. Harrington from the committee on salaries and fees reported "ought to pass in new draft" on bill "An Act to amend Chapter 485 of the Private and Special Laws of 1901, entitled 'An Act to establish a municipal court in the town of Skowhegan,'" under title of "An Act to change the name and enlarge the powers of the municipal court of Skowhegan."

Mr. Marshall from the Portland delegation reported "ought to pass in new draft" on bill "An Act amending Section 1 of Chapter 350 of the Private and Special Laws of 1907, relating to the time of service of the members of fire department of the city of Portland," under title of "An Act to authorize the city of Portland to provide for the appointment of a deputy and district chief of its fire department."

Mr. Bigelow from same delegation

reported "ought to pass in new draft under same title" on bill "An Act to authorize the city of Portland to acquire land for a police station and a central fire station."

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

Mr. Bigelow from the committee on inland fisheries and game reported "ought to pass in new draft" on bill "An Act to regulate fishing in Royal's river and its tributaries in Cumberland county," also "An Act to prohibit fishing in the west branch of Royal's river in the towns of Gray and New Gloucester in the county of Cumberland," under title of "An Act to regulate fishing in Royal's river and tributaries, in Cumberland county."

The report was tabled, pending acceptance, on motion of Mr. Grant of Freeport

First Reading of Printed Bills and Resolves.

An Act to incorporate the Suburban Water District of Farmington, Maine. (Tabled pending first reading on motion of Mr. Wing of Kingfield.)

An Act to open the lakes and ponds in Kennebec county to ice fishing one day in a week.

An Act conferring upon married women the right to enter into partnership relations with her husband. (Tabled pending second reading and assigned for consideration for next Tuesday on motion of Mr. Hersey of Houlton.)

Passed To Be Engrossed.

An Act to provide a bounty on bears in Washington county.

An Act to extend the charter of the Kittery Electric Light Co.

Resolve in favor of screening Taylor lake, in Androscoggin county.

Resolve in favor of screening Estes lake, so-called, situated partly in the town of Sanford and partly in the town of Alfred, in York county.

Resolve in favor of a screen at the outlet of Messalonskee lake, or Snow pond, so-called, in Kennebec county.

Resolve in favor of screening Worthley pond, so-called, in the town of Peru in the county of Oxford.

Resolve in favor of screening Toddy

pond in the town of Orland in Hancock county.

Resolve in favor of screening Biscay pond, so-called, in the town of Damariscotta in Lincoln county.

Resolve in favor of screening Spring River lake, situated partly in Washington county and partly in Hancock county.

Resolve in favor of DeForrest Keyes. Bill relating to the State superintendent of Public schools.

Bill to incorporate Union Cemetery Co.

Bill to regulate fishing in Medomac river.

Bill about the power of prison and jail inspectors.

Resolve for Mount Chase.

Bill to amend law about schools (money to be raised.)

Bill about Maine Missionary Society. Bill to authorize Albert C. Page and Roger G. Leonard to have a boom and piers in Passadumkeag river.

Bill about using noiseless firearms.

Resolve for Northern Telegraph Co.

Bill about corporations (franchise tax).

Resolve for Macwahoc plantation road.

Resolve for Frenchville road.

Resolve for Kingman and Frenchville.

Resolve in favor of Farmington State Normal school.

Passed To Be Enacted.

An Act to ratify, confirm and make valid the organization and incorporation of the Winslow Cemetery Association.

An Act in respect of foreign corporations.

An Act to incorporate the Vinalhaven Water Co.

An Act to authorize the Sebasticook Power Co. to issue additional bonds.

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

An Act to incorporate the Woodland Light and Water Co.

An Act to extend the charter of the Cumberland Trust Co.

An Act relating to the fees of the city clerk and treasurer and collector of the city of Portland.

An Act to amend Section 48 of Chap-

ter 8 of the Revised Statutes relating to taxation of insurance companies.

An Act to amend Section 88 of Chapter 84 of the Revised Statutes relating to the empanelling of traverse jurors.

An Act to regulate the hunting of ducks and other water fowl in Bluehill Bay and Eggmoggin Reach, so-called.

An Act to amend Section 21 of Chapter 32 of the Revised Statutes relating to hunting on Sunday. (Tabled pending passage to be enacted on motion of Mr. Burse of Pittsfield.)

An Act to authorize the county commissioners of Cumberland county to create a sinking fund for the purpose of paying the bonded debts of said county.

An Act to set off from the town of Cushing, in Knox county, Fred Thornton, with his poll and estate, and annex him with his poll and estate to the town of Thomaston, in said Knox county.

An Act legalizing the assessment and commitment of taxes in the city of Ellsworth for the years 1903 and 1904.

An Act to authorize the Bar Harbor and Union River Power Co. to acquire the property and franchises of the Ellsworth Power Supply Co.

An Act to amend Chapter 192 of the Private and Special Laws of the State of Maine for the year 1907, relating to the Brunswick Electric Light & Power Co.

An Act to amend Chapter 492 of the Private and Special Laws of 1855, entitled "An Act to incorporate the Maine Medical Association," and to confirm the reorganization of said association.

An Act to amend Chapter 509 of the Public Laws of 1885, relating to the commissioners of cemeteries and public grounds.

An Act to amend Section 1 of Chapter 166 of the Private and Special Laws of 1887, entitled "An Act creating the Fort Fairfield Village Corporation," as amended by Chapter 303 of the Private and Special Laws of 1905, and as amended by Chapter 116 and by Chapter 210 of the Private and Special Laws of 1907.

An Act to amend Section 45 of Chap-

ter 123 of the Public Laws of 1905, as amended by Chapter 43 of the Public Laws of 1907, entitled "An Act for the protection of children."

An Act to amend Section 1 of Chapter 96 of the Private and Special Laws of 1905, to prohibit depositing refuse matter upon the banks of the Aroostook river in Fort Fairfield Village Corporation.

An Act to amend Section 1 of Chapter 407, of the Private and Special Laws of 1905, as amended, relating to fishing in Hayden lake, so-called, in the town of Madison, Somerset county.

An Act to amend Section 11 of Chapter 93 of the Acts and Resolves of 1873, relative to the establishment of a municipal court in the town of Farmington.

An Act to amend Section 7 of Chapter 99 of the Revised Statutes, relating to judgments in bastardy cases.

An Act authorizing the location of a dam built by Edward S. Marshall of York, under license of the municipal officers of said town.

An Act to amend Section 64 of Chapter 15 of the Revised Statutes, relating to the tuition of pupils in secondary schools.

An Act to provide for a fire and police commission for the town of Skowhegan.

An Act relating to the Bodwell Water Power Co. of Old Town, Me.

An Act to regulate fishing in Pierce pond, so-called, in Somerset county.

An Act to amend the charter of the Island Ferry Co.

An Act to incorporate the Maine Boiler Inspection Co. (Tabled pending passage to be enacted on motion of Mr. Bogue of East Machias).

An Act to incorporate the Bodwell Power Co.

Finally Passed.

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

Resolve for the preservation of the archives of the State of Maine.

Resolve, in relation to the early York deeds.

Resolve, in favor of Henry H. Hastings, chairman.

Resolve, in favor of the town of Old Orchard for abatement of taxes for the years 1907 and 1908.

Resolve, in favor of Israel H. Cross of Lincolnville.

On motion of Mr. Pattangall of Waterville the vote was reconsidered whereby the House passed to be engrossed Resolve in favor of DeForrest Keyes, and on further motion by Mr. Pattangall the vote was reconsidered by which the Resolve was given its second reading. The Resolve was then laid upon the table pending its second reading on motion of Mr. Pattangall.

Orders of the Day.

Unfinished business: An Act to restore Portland bridge. (Tabled and assigned for Tuesday next on motion of Mr. Spear of South Portland.)

Unfinished business: An Act to regulate the use of joint poles in the streets by electrical companies.

Mr. Rounds of Portland offered House Amendment A.

On motion of Mr. Weld of Old Town the amendment was tabled and ordered to be printed.

On further motion of Mr. Weld the bill and amendment were taken from the table.

Mr. Beyer of Portland offered House Amendment B.

On motion of Mr. Weld the amendments and bill were tabled and the amendments ordered printed.

Unfinished business: An Act relating to the better collection of taxes. (Further consideration postponed until tomorrow on motion of Mr. Burse of Pittsfield.)

Unfinished business: Resolve in favor of a fish hatchery in Washington county. (Senate Amendment A adopted in concurrence and the Resolve passed to be engrossed as amended in concurrence.)

An Act relating to the union of two or more towns for the employment of superintendent of school. (Read twice and assigned for tomorrow morning.)

On motion of Mr. Trickey of Corinna the vote was reconsidered whereby the following bill was ordered printed on

yesterday: An Act to amend Section 42 of Chapter 9 of the Revised Statutes as amended by Section 2 of Chapter 69 of the Public Laws of 1905 relating to advertisement of State and county tax lists, and on further motion by Mr. Trickey the bill was recommitted to the committee on taxation.

Special assignment: Majority and minority reports of committee on temperance, to which was referred Resolve calling for amendment of the Constitution by abrogating and annulling Amendment 5 relating to the sale and manufacture of intoxicating liquors, reporting "ought to pass" and "ought not to pass."

Mr. Allen of Jonesboro moved that the minority report be substituted for the majority report.

Mr. Pattangall of Waterville moved that the yeas and nays be ordered.

The motion was agreed to.

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

YEA:—Allen of Jonesboro, Beals, Bearce of Eddington, Bogue, Bourassa, Chase of York, Connors, Couture, Day, Doble, Duncan, Dunn, Edwards, Farnham, Fortier, Frost, Harmon, Harrington, Hines, Hodgkins of Damariscotta, Lambert, Mace, McLain, Merrifield, Merrill of Durham, Miller, Montgomery, Moore, Moulton, Orff, Packard, Pattangall, Patten, Pelletier, Pike, Pinkham, Putnam, Quinn, Robbins, Ross, Sanborn, Sawyer, Sleeper, Smith of Biddeford, Snow of Brunswick, Spear of Warren, Stover, Strickland, Thompson, Thurlough, Weld, Wing of Auburn—52.

NAY:—Additon, Allen of Richmond, Andrews, Bartlett of Eliot, Bartlett of Stoneham, Bemis, Beyer, Bigelow, 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, 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, Joy, Kavanough, Kelley, Lane, Libby, Lombard, Lord, Ludgate, Marshall, Merrill of

Bluehill, Millett, Morse, Nelson, Nickerson, Patterson, Paul, Perry, Peters, Porter, Pressley, Redlon, Richardson, Rounds, Silsby, Smith of Andover, Smith of Berwick, Snow of Scarboro, Spear of South Portland, Stackpole, Stanley, Stetson, Tibbetts, Trafton, Trickey, Trimble, True, Varney, White of Columbia, Whitehouse, Whitney, Wing of Kingfield—93.

ABSENT:—Cook, Havey, Hyde, Mercier, White of Wayne—5.

So the motion was lost.

On motion of Mr. Whitney of Gorham the majority report was accepted.

Special assignment: Majority and minority reports of committee on legal affairs, to which was referred bill in relation to exceptions and appeal in criminal cases, majority reporting "ought to pass" and minority reporting "ought not to pass."

Mr. Burleigh of Augusta moved that the majority report be accepted.

Mr. COOLIDGE of Lisbon: Mr. Speaker, there is now pending before the judiciary committee a measure in regard to the same subject matter and it seems to me that these two matters should be considered at the same time, or at least that this should be deferred until that has been reported and comes into the House for action. I therefore move that this be deferred and the two matters taken up together. I move that this matter be tabled and assigned for Wednesday, March 24.

The motion was agreed to.

Removals of Sheriffs By Governor.

Special assignment: Resolve providing for an amendment to the constitution empowering the Governor to remove sheriffs.

The question being on the final passage of the resolve—

Mr. PETERS of Ellsworth: Mr. Speaker, I move that the resolve have its final passage and I call for the yeas and nays.

The question being, shall the yeas and nays be ordered?

The motion was agreed to.

The SPEAKER: This resolve is now placed upon its final passage. Upon that question the yeas and nays have been ordered. As many as are in favor of the final passage of this resolve will, when

their names are called, answer yes; those opposed with answer no. The clerk will call the roll.

YEA:—Additon, Allen of Richmond, Andrews, Bartlett of Elliot, Bartlett of Stoneham, Beals, Bemis, Beyer, Bigelow, 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, Coolidge, Cousins, Cummings, Davies, Donnell, Dorr Drake, Dufour, Emery, Ferguson, Gilbert, Grant, Hall, Hamlin, Hannaford, Hanson, Harriman, Harrington, Harris, Hersey, Higgins, Hill, Hodgkins of Temple, Hoyt, Hussey, Jones, Jordan, Joy, Kavanaugh, Kelley, Lane, Libby, Lombard, Lord, Ludgate, Marshall, Merrill of Bluehill, Millett, Morse, Nelson, Nickerson, Patterson, Paul, Perry, Peters, Porter, Pressley, Redlon, Richardson, Rounds, Silsby, Smith of Andover, Smith of Berwick, Snow of Scarboro, Spear of South Portland, Stackpole, Stanley, Stetson, Tibbetts, Trafton, Trickey, Trimble, True, Varney, Weeks, White of Columbia, Whitehouse, Whitney, Wing of Auburn, Wing of Kingfield—97.

NAY:—Allen of Jonesboro, Bearce of Eddington, Bogue, Bourassa, Chase of York, Connors, Couture, Day, Doble, Duncan, Dunn, Edwards, Farnham, Fortier, Frost, Harmon, Havey, Hines, Hodgkins of Damariscotta, Lambert, Mace, McLain, Merrifield, Merrill of Durham, Miller, Montgomery, Moore, Moulton, Orff, Packard, Pattangall, Patten, Pelletier, Pike, Pinkham, Putnam, Quinn, Robbins, Ross, Sanborn, Sawyer, Sleeper, Smith of Biddeford, Snow of Brunswick, Spear of Warren, Stover, Strickland, Thompson, Thurlough, Weld—50.

ABSENT:—Cook, Hyde, Mercier, White of Wayne—4.

Mr. PETERS of Ellsworth: Mr. Speaker, I desire to change my vote from "yes" to "no." (Applause.)

The SPEAKER: This resolve, not having received the necessary two-thirds required for proposing an amendment to the Constitution, fails of a passage. (Applause.)

Mr. PETERS: Mr. Speaker, I move to reconsider the vote by which this resolve was refused a passage.

A division being had, 98 voted in the affirmative and 39 in the negative.

So the motion was agreed to.

Mr. PETERS: Mr. Speaker, I move that the rules be suspended and that we reconsider the action of the House whereby this resolve was passed to be engrossed, and I make that motion

for the purpose of getting a parliamentary stage of the matter where the resolve may be amended; and in order that the House may intelligently vote upon the proposition as to whether or not this resolve shall be placed where it may be amended, I will explain the amendment which I desire to offer, and which I shall offer if you will give me the opportunity. It is by changing certain words and striking out certain language, and inserting the following: "If the sheriff of any county persistently fails to perform his legal duties and the Governor upon notice thereof and hearing be satisfied as to such persistent failures, he may call a special election in that county for the election of sheriff, and after the result of the election has been determined by the Governor and Council and proclamation thereof made by the Governor, the term of office of the then sheriff shall cease, and his successor so elected shall hold office for the unexpired term or until another is so chosen in his stead." The rest of the amendment is more formal, but it carries out the idea which you will catch at once from the proposed change in the first part of the resolve, which is in substance that instead of the proposed provision of authorizing the Governor to remove a sheriff and name his successor, the Governor is authorized and empowered to call a special election in any county where the sheriff is derelict in his duty, and the people of the county fill the office. It is further proposed—and if I am allowed to propose this amendment I shall at the proper time propose an amendment making the repeal of the Sturgis law conditional upon the passage of this resolution adopted by the people rather than upon the previous one.

Now, I desire briefly with your permission, gentlemen, to state my attitude upon this proposition, and in a general and somewhat rough way to explain why I think it ought to have a passage. I believe we are in accord in a great many things. I believe we are all practically agreed that the prohibition law, so long as it remains a law on the statute books of this State, ought to be enforced; and I never have heard of any political party or any

group of persons, no matter how divided, or others, to make any announcement or take any public position other than that, contrary to that suggestion. I believe we are all practically unanimous in the idea that so long as the law remains on the statute books it ought to be enforced. There used to be a falling off—there previously was to some extent a falling off of that idea. In some localities years ago that idea did not prevail so strong, but the prevailing and the best idea and opinion, as I believe, now is in favor of the strict enforcement of the law. I believe without regard to political parties we may rest upon that as a common ground. I believe that this matter is simply a matter of how best we can get at the enforcement of this law. I take it that we can best do our duty which we swore to perform when we arrived here if when we leave to go home we leave behind us on the books here such laws in relation to the enforcement of this liquor law as are reasonable in our judgment and wise and effective. I think we may all safely say that it is proper for us to get together and see if we can't agree on that course of action because I think it is desired by us.

Of course this is not a question of resubmission on one side and prohibition or high license or no license—it is a question as I look at it, and I give only my point of view as I look at it—it is simply a question of the most expedient and efficacious method of enforcing this law and making the statutes to carry it out. The so-called Sturgis law, which is one method of enforcing the liquor law, we have now had for four years. When that law was first proposed of course it was an entire experiment; nobody knew just how it would work. We are in a better condition today to tell how much a law of that kind is worth. A great many people, and a great many Democrats, and a great many Republicans—and I am one of them—believe that that is an unwise piece of legislation. A great many believe that it is un-American and un-Democratic, and not in accordance with our ancient principles of government and in operation expensive. I think that idea appeals to the

minds of a great many people, and I notice when people have the contrary idea, that it is a good law and a wise piece of legislation, it is nine times out of 10 a man who comes from a county where the Sturgis law was never set in operation.

Now, without going very much into a discussion of this matter of the Sturgis law, I want to say that I think the hostility to that law is based upon a reasonable and proper ground. I have observed that wherever that law was set in operation it was almost universally the cause of discord and dissatisfaction, and in some cases riot and bloodshed. It is not a mere coincidence that that usually happens when that law is set in operation. The law of chances forbids that; and I think it is explained by the fact that the people of any locality have an inherent and an inherited objection to foreign society, people outside of their locality coming in and enforcing or attempting to enforce their laws, and exercising police powers of that kind over their people. Now, you will see and remember that no matter how much ardor our own sheriffs that we elect and our own deputies give to the enforcement of the law, there is no trouble; there is no riot. Our own deputies in my locality may knock down and go through every door in the town and search every dwelling house, and there is no riot and no trouble. There is a feeling of satisfaction among the people, you will find. I feel the same way when the officers show vigilance and activity in that way, and there is a feeling of satisfaction that the officers who we thought were proper men to do this work and voted for are vigilant in the performance of their duties; but when the other officers outside come in, then that whole attitude of the local population changes. Now, that I regard as one of the principal reasons why this law is so unpopular, and when a law is unpopular like that it cannot be efficacious; and that I believe is a reason and a good reason why it is desirable to get rid of it.

There are also other considerations. There are people who think this is wise legislation no doubt, but I am arguing

from my standpoint, and I believe it is unwise. Now, if it is true—and we are pretty well agreed that that law is unwise, and if we want to get rid of it and get something else in place of it, what are we going to get? We have tried, and there has been a vote upon the proposition to substitute for the Sturgis law a law authorizing the Governor to remove a sheriff and put another one in his place; two-thirds of us did not think that that law was a wise piece of legislation, and it has failed of a passage this morning. Now, let us try something else. This is my suggestion. Let us look this thing over carefully and see if this won't do, and let me explain to you how I look at this matter of the proposition to authorize the Governor to call a special election. I don't think very much of the idea of authorizing the Governor to remove a sheriff and put another in his place. (Applause). I never have thought very much of that idea. I think there is great objection to that as a law, and the fact that I think so is well known. It has been my position since I came here and was my position, I will frankly say, in the first caucus that I attended; but there are good things in the law, no doubt. Abler and more experienced men than I have advocated it, and I bowed to their judgment until the determination of the House could be had. I believe that that law has elements along very much the same lines as this same Sturgis law, and I object to having in my county the so-called Sturgis deputies coming in there from the outside, and I would object to the Governor coming there and taking out our sheriff and putting another man in his place without my having a word to say about it. (Applause).

Now, upon this matter of the proposed suggestion, I think you will find on examining it that there are actually some teeth, and quite a good many strong teeth, and which will overcome many of the objections to the other propositions. It is a good deal, gentlemen, in the manner along which modern thinkers have been acting of late, and along the lines that we adopted in this State when we changed the Constitution and carried the referen-

dum and initiative legislation; it is pretty much along those lines because it is in a sense and in a degree a "recall" as they term it, as political economists call it, in some states where they have mapped out a whole new system of laws, which we cannot do here and ought not to try, and where they had all the experience of ages and the best thought of the world to take into consideration they have adopted the initiative and referendum and the recall, which means of course, as you know, that when an officer is elected by the people they still have a string on him, and if he doesn't do a good job they pull him back and yank him out of the chair and put another man in his place. Now, this is very much along those lines, as you will see. It is simply that in case of the delinquency of the sheriff and persistent failure to perform the duties of his office, the Governor may take notice of it and may call a special election in that county and put it up to the people, and they have the right to pull him back and put another in his place. This does not call for the petition of any particular number of people. I don't think that is necessary. If a man in the office of sheriff persistently violates his duty, everybody knows it; if a thousand voters send a letter to the Governor notifying him of that fact he would not know it any better than he did before. Then I think having that hanging over the sheriff, and he knowing that his term of office might and probably would cease upon his failure to perform the duties of his office, would be just as effective and would be just as efficient a club as if his successor was going to be appointed by the Governor. What does the retiring sheriff care about who appoints his successor if he is going out of office, and if his term of office may cease? That is all that interests him. Consequently, I say, it is as efficacious as the other measure in holding the sheriff down; and I don't believe it will be used once in 25 years. I believe if we have this on the books, the very fact that it is on the books will cause the sheriffs to look up and take notice and to perform their duties vigilantly.

Now, in regard to the other end of it, the election and substitution of another officer I think is important. I think it is Democratic and I think it is in accordance with our ancient principles of government, and I believe in it; and I suggest to you whether or not it is a wise way to get a condition established so that when we elect a sheriff and he is sworn in and gives his bond he cannot sit down and say "I have this office for two years and nothing can disturb me, and if I want to run this thing to suit myself I can do it." That condition I think ought to be abrogated, and if the people know that they can with the aid of the Governor also elected by them upon the proper occasion terminate the office of the sheriff they are perfectly satisfied. Of course it may be argued and it may be suggested, "Why not repeal your Sturgis law that you don't think very much of, and not put in something else?" Now, this Sturgis law has been in operation in this State for four years. There is a certain tendency when a law like that which tends to supersede the regularly elected officer is passed—there is a pronounced tendency for those officers to step aside and not be active, and say, "Here, you have passed a law directing those other fellows to come in here, and let them do the work." That is only natural, and it has been the case. If we change the law and repeal the Sturgis law and take out that method, then there is a hole left, so to speak, that the officers will not again be rushing back with that vigilance which they always have had before this Sturgis law was put into operation. It seems to me that is one reason why something else is needed in place of the so-called Sturgis law. It seems to me the practicable proposition—and I tell you that we are practically bound to put something else, all that we can that is reasonable, in place of the other law, because we want to have the law enforced, and if there is any way that we can enforce it by a proper and reasonable law, we want to do it. If we do not believe the Sturgis law is a reasonable law, then get rid of it; and when you get rid of it let us see what reasonable

and proper laws we can substitute for it, and I say that it is a reasonable and proper and effective law which I should like to see substituted here. Of course the same reasons will apply to this as to other similar legislation. It is unnecessary to say that the Governor is required by the constitution to see that the laws are enforced; it is unnecessary to say to the Legislature that he has not much power to enforce this law; it is not necessary to say that if we give him this hold over the sheriffs, if we give him this power behind the sheriffs, making them responsible to him in a sense, he then does have certain power in his hands which he can use to help enforce the law which he was sworn to enforce.

This is my plan—it may not be perfect and probably is not. I have no great pride of opinion, and if anybody else has any better plan I will vote for it. I simply put this forward as a proposition, as something in a practical way and perhaps the best way we can get at it to meet the situation. I believe we should look at this thing from the standpoint of officers of the State of Maine, legislators sent here to devise something to help the people out and to enforce the law in this respect. As I say, if there is any better plan, let us have it, and we want it, and I will vote for it, and this is simply something that comes up because the other proposition has been voted down. Now, this proposition you may take and try, and all I want is a chance to offer this as an amendment, and in order that I may have a chance to offer it as an amendment I am obliged to have the vote whereby this House passed to be engrossed the resolve reconsidered, and as it requires a two-thirds vote and a suspension of the rules to reconsider that vote I have moved at the beginning of my remark that the rules be suspended and that the vote of the House whereby this resolve was passed to be engrossed, be reconsidered; and I do that, as I say, for the purpose of offering the very amendment which I have tried in a rather rough way to explain to you.

Mr. PATTAGALL of Waterville: Mr. Speaker, I would ask the gentleman

from Ellsworth if he would take final action on the main question today?

Mr. PETERS: Yes, I will say frankly to the gentleman from Waterville that if the House reconsiders the vote whereby the resolve was passed to be engrossed, I then desire to further suspend the rules and have the amendment adopted and have the resolve put upon its final passage.

Mr. PATTANGALL: So it will be finally disposed of today?

Mr. PETERS: Yes.

Mr. PATTANGALL: With that understanding I hope that the motion will prevail and that the rules will be suspended.

Mr. BIGELOW of Portland: Mr. Speaker, I had hoped that we could get away from this Legislature without having it described in the records that I had made any speech upon temperance, but this matter has reached the point where I desire to say a word. When I sit into a poker game I want at least a reasonable sort of a hand with which to make a bluff. If I have four cards there may be a chance of my getting a fifth one and so be able to make a good bluff, but when I start in with nothing and try to put up a bluff, it is a dismal failure. Now this proposition submitted by the gentleman from Ellsworth is not honest. I do not mean to question his motives. I believe he is sincere in the matter, but it is simply a bluff. (Laughter.) What the majority want, or some of the majority members of this House want—some of them I say—is to find some way to get rid of the Sturgis law, and the reason they want to get rid of it in my opinion is because it enforces the prohibitory law. They may claim it is because it violates the sense of local self-government, they may claim that it is expensive, but it is my opinion that in those sections where the agitation for the repeal of this law is the greatest, they are opposed to it because it enforces the prohibitory law. Now if they want to get rid of that piece of legislation—which I say now should never have been enacted into law in my opinion because if the party which enacted that piece of legislation had been honest at the time that law

was up, instead of passing the Sturgis law they would have impeached the sheriff of Cumberland county like men. But they did not dare to impeach him because in the 15 other counties of the State there were Republican sheriffs and he happened to be a Democratic sheriff and if they impeached him it meant that there would be 15 other Republican sheriffs in the State of Maine impeached, and therefore they ducked. (Laughter and applause.) Therefore they passed the Sturgis law, and it was not honest. They used it as a club against our particular part of the county, and in my opinion what they want to do now is to bring about a condition of affairs so that rum may be sold in Bangor and in Lewiston and we cannot sell it in Portland. (Laughter and applause.)

Now, gentlemen, the policy I believe that the Republican party has assumed in this House and in this Legislature is to stand pat with the Sturgis law. If it means defeat, let us accept defeat, but let us not present to the people this substitute, putting up a bluff that we intend to do something which we do not intend to do at all and pass any such act as this which has been suggested by the gentleman from Ellsworth. I voted for the other one, although I regarded it as a sort of a four-card bluff, but this one seems to me to be utterly absurd. What would happen in any county supposing the Governor should call a special election to remove a sheriff by the election of another sheriff? What do you suppose would happen? The people would immediately re-elect the same sheriff, and they would continue to do so. In my opinion no Governor would ever remove a sheriff because he would know that to be true, especially if he was a member of his own party. With all the consideration that I have for the sincerity perhaps of the gentleman from Ellsworth I hope that his motion to reconsider will not prevail.

Mr. PIKE of Eastport: Mr. Speaker, the dominant party of this Legislature has spent many long weary hours in caucus in outlining what to them would be a satisfactory rum program. (Laughter.) They at last hit upon the Eaton amendment with the conditional

repeal of the Sturgis law. If the Sturgis law is unwise legislation, as the gentleman from Ellsworth has said, why has not the dominant party of this House introduced a bill to repeal it? But, no, Mr. Speaker, they would not. We must hold the temperance men upon one knee and the liquor element on the other, because there is always an election coming when you can march to the polls the rum element and the temperance element; there is a majority when you can vote those two propositions.

I submit to you, gentlemen of this House, that the Eaton amendment is not a fair referendum. Two years ago when that was submitted to this House I was the only Democrat here who voted in favor of it. It was a straight referendum to the people and both parties at that time had adopted it, and I voted for the referendum although I thought the principle was vicious. I submit that this amendment is not fair. Let the Eaton amendment stand or fall upon its merits and don't attach to it a conditional repeal of the Sturgis law or any other law.

Mr. MONTGOMERY of Camden: Mr. Speaker, perhaps it is unnecessary, but I cannot refrain this morning from adding a few words here because I feel so gratified at the confessions of wrong action by the dominant party of this State. Confession is good for the soul they say, and every Republican here must be relieved to a great extent because it has been a confession that all of this is wrong. I congratulate you, my fellow Democrats, that we have stood here this morning vigilantly, while every attempt has been made not only to control but to beat us, we have stood here and brought forth this confession. It is a grand idea. But let me say to you also that this amendment offered by the gentleman from Ellsworth, sincere and honest as we all believe him to be, is just as wrong as the other. When the human mind gets started on a wrong idea it goes wrong just as it does when it deliberately goes wrong. Start to reason honestly wrong and you will continue to reason honestly wrong. So in this case. The Governor is to call an election to re-

move a sheriff and elect another one in his place. Think of it! Three months afterwards, if that one elected was delinquent another election would be called, and that would leave them going on month after men re-electing a sheriff, for nobody will be satisfied, they never can be satisfied under such an arrangement. It is impracticable. It cannot be pursued; it should not be pursued.

Now I say that having had this confession and having had this great honor of putting the Republican party to rout I cannot see any reason for this amendment, I cannot see any reason for reconsidering this vote, myself. It is inconsistent and insincere when it is brought to its final analysis. It is unnecessary, everybody believes that it is so, nobody wants it at heart. So its insincerity is plain. Any amount of business could have been done here and done more intelligently if these matters had not been touched at all, if the Republican party could be satisfied to leave things as the people have elected them and stop this continual thinking and acting with insincerity. We could have done this business better; we could have stood even the milk cans better. I say it is time to stop.

Mr. PATTANGALL of Waterville: Mr. Speaker: As I understand the present status of the matter, the so-called Eaton amendment lies on the table, the House having reconsidered the vote whereby it denied it a passage to be enacted, and it might if we went no further be called up at any time. Am I right, Mr. Speaker?

The SPEAKER: The resolve has failed of a final passage. The gentleman from Ellsworth moved to reconsider the vote by which it failed of a final passage and that motion was carried. He has now made a motion to reconsider the vote whereby the resolve was passed to be engrossed, and the House has under consideration the motion of the gentleman from Ellsworth.

Mr. PATTANGALL: Exactly. Now, if the motion of the gentleman from Ellsworth should be voted down, then the Eaton resolve, so-called, would lie upon the table subject to be taken up and acted upon by this House at any

time, as I understand it. I don't want that situation to prevail. I do not propose to argue the merits of the amendment offered by the gentleman from Ellsworth. I believe the question has been discussed thoroughly and fully many and many times by each and every one of us, with the companions with whom we associate in our party councils and everywhere else. I don't want to waste the time of this House by re-enacting the scenes in a Democratic caucus, or as we have heard, some of the scenes in a Republican caucus. It is not necessary. There is just one reason why I want to support the motion of the gentleman from Ellsworth, and that is this: He has said in good faith that he will endeavor to carry this matter to a final question this morning if we allow him the opportunity. Now, I want to allow him that opportunity, and I do not want to have this matter so situated that three or four men can be sought to be assembled here in a hurry to pass important legislation when the rest of us are absent. I don't want the State of Maine, the Republican party or the House of Representatives disgraced by any more cheap trickery. I want to see the dominant party of this State join with us, as the gentleman from Ellsworth says he will do, in finally disposing of this important question while we are all here and can each and every one of us vote upon it; and I therefore hope that this motion will prevail and that we will proceed to the disposition of this matter so that it may never come up again. (Applause).

Mr. PETERS: Mr. Speaker, I desire to say that it never occurred to me that the position of the Eaton resolve would in any event be left where it could be taken up in any such manner. I had no such desire. If there is any way whereby that condition, or possible condition, may be prevented, I will join with the gentleman from Waterville in bringing it about. I do not desire in any way that it should be laid upon the table for anybody to do anything else with it at any time.

Mr. PATTANGALL: That is what I want.

Mr. PETERS: Mr. Speaker, I don't want to bother the House too much, and will just detain you a moment. There has been some slight criticism as to the proposition giving the Governor the power to call an election in any county for the election of a sheriff. I don't see any well directed criticism toward that proposition. The gentleman has stated that the people would elect the same sheriffs again. Well, why shouldn't they? He is their sheriff; he runs their business; he is their hired man, and if they want him I am perfectly willing they should have him. If I were living in such a county I should want the right to have the men whom we elect. But I think that is a condition that would not be very apt to occur. I believe the people desire the enforcement of the law. I believe if the people in any county are called upon to elect a sheriff to fill a vacancy that they will elect a sheriff who will enforce the law, and if a sheriff by not enforcing the law has subjected himself to a special election I think the people of the county will be entirely able to take care of the matter. If anyone can get up any better bill let us have it, and I will vote for it. If the gentleman from Portland (Mr. Bigelow) has anything better, let him bring it on, or the gentleman from Camden (Mr. Montgomery) or any other member of the House.

The SPEAKER: The pending question is reconsideration of the vote by which this resolve was passed to be engrossed.

The motion was agreed to.

The SPEAKER: The gentleman from Ellsworth has offered House Amendment "A" and moves its adoption.

The question being on the adoption of the amendment—The motion was agreed to.

Mr. PETERS: Mr. Speaker, I move that the rules be suspended and that this resolve be placed upon its final passage without reference to the committee on engrossed bills and without a report from the committee on engrossed bills.

The motion was agreed to.

Mr. Peters moved that the yeas and nays be ordered.

The motion was agreed to.

Mr. HARRINGTON of South Thomaston: Mr. Speaker, I have learned that through a mistake of the clerk he has me recorded as voting "yes" when I voted "no," on the other roll call.

The SPEAKER: The Chair is of the opinion that the gentleman should have corrected his vote before it was announced.

Mr. HARRINGTON: If there is no way to remedy it it will go that way but I protest against it. I voted "no" in a loud voice.

The SPEAKER: The remarks of the gentleman from South Thomaston will go into the record.

This resolve is now upon its final passage as amended. Upon that question the yeas and nays have been ordered. As many as are in favor of its final passage will, when their names are called, answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Additon, Allen of Richmond, Andrews, Bartlett of Eliot, Bartlett of Stoneham, Beals, Bemis, Beyer, 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, Coolidge, Cousins, Cummings, Davies, Dorr, Drake, Dufour, Emery, Ferguson, Gilbert, Grant, Hall, Hamlin, Hannaford, Hanson, Harriman, Harris, Havey, Hersey, Higgins, Hill, Hodgkins of Temple, Holt, Hussey, Jones, Jordan, Joy, Kavanough, Kelley, Lane, Libby, Lombard, Lord, Ludgate, Marshall, Merrill of Bluehill, Miller, Millett, Morse, Nelson, Nickerson, Patterson, Paul, Perry, Peters, Porter, Pressley, Redlon, Richardson, Rounds, Silsby, Smith of Andover, Smith of Berwick, Snow of Scarborough, Spear of South Portland, Stackpole, Stanley, Stetson, Tibbetts, Trafton, Trickey, Trimble, True, Varney, Weeks, White of Columbia, Whitehouse, Whitney, Wing of Auburn, Wing of Kingfield—96.

NAY:—Allen of Jonesboro, Bearce of Eddington, Bigelow, Bogue, Bourassa, Chase of York, Conners, Couture, Day, Doble, Donnell, Duncan, Dunn, Edwards, Farnham, Fortier, Frost, Harmon, Harrington, Hines, Hodgkins of Damariscot-

ta, Lambert, Mace, McLain, Merrifield, Merrill of Durham, Montgomery, Moore, Moulton, Orff, Packard, Pattangall, Patten, Pelletier, Pike, Pinkham, Putnam, Quinn, Robbins, Ross, Sanborn, Sawyer, Sleeper, Smith of Biddeford, Snow of Brunswick, Spear of Warren, Stover, Strickland, Thompson, Thurlough, Weld—51.

ABSENT:—Cook, Hyde, Mercier, White of Wayne—4.

So the resolve failed of a final passage, not having received the necessary two-thirds vote of the House. (Applause.)

On motion of Mr. Weld of Old Town—
Adjourned,