

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

HOUSE.

Wednesday, March 31, 1909.

Prayer by Rev. Mr. Livingston of Augusta.

Journal of yesterday read and approved.

Resolve in favor of the immediate expenses for the support and maintenance of the Maine School for Feeble Minded, came from the Senate passed to be engrossed under a suspension of the rules.

On motion by Mr. Gilbert of Litchfield, the rules were suspended, the resolve received its two readings and was passed to be engrossed without reference to a committee.

Senate Bills on First Reading.

An Act to prohibit corporations from transmitting electrical power beyond the confines of the State. (Pending first reading, specially assigned for tomorrow on motion by Mr. Davies of Yarmouth).

An Act to authorize the town of Wells to construct a bridge across the Ogunquit river. (Read a third time and passed to be engrossed under a suspension of the rules on motion by Mr. Smith of Berwick).

An Act to amend Section 22 of Chapter 32 of the Revised Statutes, as amended by Section 5 of Chapter 132 of the Public Laws of 1905, relating to the payment of damage done to growing crops, came from the Senate that branch insisting on its action in passing the bill to be engrossed and calling for a committee of conference.

On motion by Mr. Burleigh of Augusta, the House voted to insist and join in the committee of conference.

The Speaker appointed as conferees on the part of the House Messrs. Burleigh of Augusta, Hersey of Houlton and Russell of Gardiner.

An Act to prevent the desecration of the 30th day of May, commonly known as Memorial day, and providing a penalty for the violation, came from the Senate indefinitely postponed.

On motion by Mr. Davies of Yarmouth, the bill was laid upon the table pending concurrent action.

An Act to amend Section 15 of Chapter 54 of the Revised Statutes, relating

to expenses of the inspector of boilers, engines, etc., on steamboats upon inland waters, came from the Senate amended by Senate Amendment "A."

On motion by Mr. Hersey of Houlton, the vote was reconsidered whereby the bill was passed to be engrossed, Senate Amendment "A" was adopted in concurrence, and on further motion by the same gentleman the bill was passed to be engrossed as amended in concurrence.

An Act to amend Section 44 of Chapter 9 of the Revised Statutes, as amended by Chapter 174 of the Public Laws of 1907, relating to the assessment and collection of taxes on lands in places not incorporated, came from the Senate amended by Senate Amendment "A."

On motion by Mr. Pattangall of Waterville, the vote was reconsidered whereby the bill was passed to be engrossed, Senate Amendment "A" was adopted in concurrence, and on further motion by the same gentleman the bill was passed to be engrossed as amended in concurrence.

An Act to prefer Maine labor and Maine contractors upon all work performed for State, municipal, charitable and educational institutions, buildings or public works, or any building or institution supported or aided by the State or municipality, came from the Senate amended by Senate Amendment "A."

On motion by Mr. Kavanough of Portland, the vote was reconsidered whereby this bill was passed to be engrossed, and Senate Amendment "A" was adopted in concurrence.

Mr. Kavanough offered House Amendment "A," "Section 1 is hereby amended by substituting a comma for the period at the end of the section, and inserting thereafter the following: 'Or to State road work.'"

The amendment was adopted and on further motion by Mr. Kavanough, the bill was passed to be engrossed as amended.

An Act to amend Section 3 of Chapter 114 of the Revised Statutes, as amended by Chapter 2 of the Public Laws of 1907, relating to the relief of poor debtors.

This bill was passed to be engrossed in the Senate; subsequently in that body the vote by which it was passed to be engrossed was reconsidered, and Senate Amendment 'A' was adopted, and the bill was then passed to be engrossed as amended.

On motion by Mr. Andrews of Augusta, 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 on further motion by the same gentleman the bill was passed to be engrossed in concurrence.

An Act to amend Section 1 of Chapter 350 of the Private and Special Laws of 1907, relating to the time of service of members of the fire department of the city of Portland.

This bill was passed to be engrossed in the Senate. Subsequently in that body the vote by which it was passed to be engrossed was reconsidered, Senate Amendment A was adopted, and the bill was passed to be engrossed as amended.

On motion by Mr. Rounds of Portland 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 on further motion by the same gentleman the bill was passed to be engrossed as amended in concurrence.

An Act to amend Section 55 of Chapter 88 of the Revised Statutes relating to trustee process.

This bill was passed to be engrossed in the Senate and in the House was indefinitely postponed, and comes back from the Senate, that body insisting and calling for a committee of conference.

On motion by Mr. Hersey of Houlton, the House voted to recede and concur with the Senate.

An Act to authorize courts to suspend or continue for sentence on probation and to provide for the appointment of probation officers.

This bill was passed to be engrossed in the Senate. Subsequently that body reconsidered the vote whereby it was passed to be engrossed and adopted Senate Amendment A, and the bill was

then passed to be engrossed as amended.

On motion by Mr. True of Portland the votes were reconsidered whereby this bill was passed to be enacted and passed to be engrossed.

On motion by Mr. Rounds of Portland the bill was laid upon the table pending concurrent action on the amendment.

Subsequently, on motion by Mr. Rounds, the bill was taken from the table and Senate Amendment A was adopted in concurrence.

Mr. Hersey of Houlton moved that the bill be indefinitely postponed.

The motion was lost.

The bill was then passed to be engrossed as amended in concurrence.

An Act to amend Section 15 of Chapter 4 of the Revised Statutes relating to the election of road commissioner.

This bill was passed to be engrossed in the House, as amended by House Amendment A; in the Senate House Amendment A was rejected and the bill was passed to be engrossed.

On motion by Mr. Burleigh of Augusta, the House voted to recede and concur with the Senate.

Resolve in favor of Lowell E. Bailey.

This resolve was passed to be engrossed in the Senate and in the House was indefinitely postponed, and comes back from the Senate that body insisting and asking for a committee of conference.

On motion of Mr. Hersey of Houlton, the House voted to insist and join a committee of conference.

The Chair appointed as conferees on the part of the House Messrs. Hersey of Houlton, Blanchard of Wilton and Additon of Leeds.

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

This bill was passed to be enacted in the House and passed to be engrossed in the Senate; subsequently the vote was reconsidered by which it was passed to be engrossed in the Senate and that body adopted Senate Amendment A.

On motion by Mr. Burleigh of Augusta, the votes were reconsidered whereby this bill was passed to be en-

acted and passed to be engrossed, Senate Amendment A was adopted in concurrence, and on further motion by the same gentleman the bill was passed to be engrossed as amended in concurrence.

On motion by Mr. Pattangall of Waterville, the vote was reconsidered whereby House Doc. No. 805, An Act in relation to possession under defective proceedings in eminent domain, was passed to be engrossed, and on further motion by the same gentleman the bill was tabled pending its passage to be engrossed.

Division of Town of York.

An Act to divide the town of York and establish the town of Yorktown.

This bill was passed to be engrossed in the House as amended by House Amendments B and C; it comes back from the Senate, House Amendment C adopted in concurrence and House Amendment B rejected.

Mr. Additon of Leeds moved that the House recede and concur.

Mr. Chase of York moved that the bill be laid upon the table until the House reached "Orders of the Day."

Mr. MARSHALL of Portland: Mr. Speaker, I think we can settle this matter here and now. It has been laid aside and deferred, and it seems to me this is a good time to settle it. I hope the motion of the gentleman from Leeds to recede and concur will prevail.

Mr. CHASE of York: Mr. Speaker, I am at a loss to understand why the gentlemen from the different towns in Cumberland county should take such an interest in this bill. I think the people who are interested in the town should have some rights in the matter, and I ask that the matter be laid aside for the present. I don't expect it will go over today; I don't want it to, and we are ready to discuss the matter, or shall be in a little while and for that reason I ask that it be laid aside until we reach Orders of the Day.

Mr. ADDITON: Mr. Speaker, when I came here I certainly was not acquainted with the town of York, but I have come to feel very familiar with the town. We have heard so much about it, and it has taken up so much of the time of the House, that we all

must be very familiar with the town of York. When men and women are obliged to quarrel and continue to quarrel to such an extent that they cannot live in peace and harmony they usually go to the courts and our judges consider it wise to divorce them; and now it seems that the people cannot agree, and they have come here asking this Legislature to settle their difficulties, and if I understand it there are something like 125—

Mr. PATTANGALL of Waterville: Mr. Speaker, I raise a point of order.

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

Mr. PATTANGALL: What is the motion now before the House?

The SPEAKER: The pending question before the House is on the motion of the gentleman from York, Mr. Chase, that this bill be laid on the table.

Mr. PATTANGALL: Mr. Speaker, is that motion debatable?

The SPEAKER: It is not.

A division was had and 49 voted in the affirmative and 62 in the negative.

So the motion was lost.

Mr. ALLEN of Jonesboro: Mr. Speaker: This is rather an unusual performance in the last few days, and it reminds me of a story which I heard a while ago, and if you will bear with me a moment I will repeat it. It seems that a couple of Irishmen, and by the way they are most always Irishmen, were walking through a certain cemetery noting the inscriptions on the tombstones, and they came to one that was inscribed with the name of the individual whose remains were there interred, and on the stone were these words emblematic of Christian faith: "I still live." The Irishman stood back and viewed the inscription and then said to his companion: "Be Jabers, an' if I was dead I wouldn't deny it." (Laughter). Now it seems to me Mr. Speaker that this sentiment of the Irishman might apply to the conduct of this bill. In the first place the bill was brought up before the committee and a complete and exhaustive hearing was held, the result of which was that the committee with the exception of

one man was entirely satisfied that there was no reasonable ground presented for the division of the town of York. One man reserved to himself the right to bring in a minority report, and we had what I think has seldom taken place before—I do not remember a parallel case during the present session of the Legislature—that one man without consulting any other member of the committee brought in an entirely new bill, the provisions of which were so different from the original that it seems as though it was a sort of one man rule; and this new bill without any reference to any committee, without giving the people of the town who were more interested in the case than anybody else could possibly be by nature or by honesty, without giving those people any opportunity whatever to express themselves in the matter, this bill was brought into the House and acted upon, and the House voted to accept the report of the minority, a report to divide the town of York on altogether different lines from those which were suggested in the beginning. The representative from that town, understanding better than the most of us do the conditions there and feeling that those people had a sacred right to be heard upon that matter, a right that I think no man here would care to question—the representative from that town asked permission that these people be heard from.

Now, Mr. Speaker, I may be narrow, but it seems to me that that proposition was a just and a fair one. I can conceive of nothing more reasonable than that down there in the southwestern corner of Maine the people who are interested and vitally interested in that question have a sacred right to be heard on the matter. I say, I cannot conceive of anything more unjust, more outrageous, than to go to work and separate that town without hearing from the people themselves. The amendment simply gives those people a chance to be heard. There was no opportunity for a meeting here before the committee: that was the only way that it seemed possible for them to register their desires in the matter, and my fellow seat-

mate, the representative from York, submitted his amendment and the provisions of that amendment have been seriously criticised. But I think I am authorized to say for that gentleman that he would be willing to have any meeting called by any men at any time that was reasonable under any circumstances, that would give those people a chance to say what they wanted in this particular matter. That is all he asks, and that is all he wants; and I shall be very much surprised and very much disappointed if in my sizing up of the character of the men of the 74th Legislature I find that you are unwilling to give him that right. I will have misjudged the men who are here and with whom I have associated so pleasantly during the last 13 weeks if you are unwilling to let these people say what they want. The amendment was carried by an overwhelming majority, and the bill suffered a second death. No one pretends to claim, as I understand it, that the people down there have any doubt as to what they want. This matter was killed first in the committee room, and killed in the second place by the outcome of the amendment—not killed, because there was some trick in it. We don't care the snap of your finger whether these selectmen call the meetings or not; that is not the vital point in the amendment at all. The men who suspect this gentleman at my right hand of playing some low trick misunderstand the character of the man entirely. There is nothing further from his intention, and he wants to play the matter honestly and squarely, and give those people the chance to say just what they want. The next morning a new proposition came up, and that proposition was the most outrageous one I ever heard tell of. I don't know who was guilty of that, but whoever was, if he had any sense of common honesty and decency and was aware of what that amendment led to, he ought to blush with shame. It simply opens wide the door for any man from Maine to California to go down there and vote on the division of that town. That is what it provides. And it is not only confined to

this country but for Canada, and anywhere else. It would make it possible for the servants, for men, women and children to vote upon that matter. They come here and ask this intelligent body of men to vote for such a proposition as that. And you did the wise thing, a thing you ought to be gratified to go on record about, that you voted it down and refused to consider a proposition so infamous.

Now, this matter went into the Senate after the action of the House and they have refused to accept this proposition placed before them by the Representative from that town, and the motion is now before the House that we recede and concur with the Senate; in other words, that we go down there to the town of York and say to them "You have no right to be heard in this matter." This question is one that we are perfectly capable of settling in this Legislature, and we should not say to the people of that town, "We don't care to know what you think about it,—no matter how great your desire is that the town should remain a united town; no matter how strong your convictions and how sacred the history of that town; no matter how strong your conviction may be on the matter, you have no right to be heard, and we refuse to give you a chance to express your views upon the matter; go back to your home, you have nothing to do with this and we will settle it for you." That is the proposition put up to us by the Senate. Do you want to stand by that? Is that square and honest dealing? Is there any reason in God's Heaven why these people should not be heard? If there is, we would like to know what it is. If any man in this House will give me any reason why these people down there are not entitled to say what they want, I will take my seat and hold my peace and let the matter go. But there isn't any reason. I don't know and I cannot explain why it is that I am interested in this matter as I am. There is not a cent of money in it for me. I never have seen the town of York and never expect to see it. No man has asked me even to speak upon this matter; I have offered my services. I suspect the reason for my interest may be in the fact

that I have been seated for thirteen weeks beside a man who has commanded my respect and my esteem, and I am not willing to see that man treated so shamefully without doing what I may be able to do to help him in a just cause. If it should ever occur that I should be unwilling to take such a step as that, then I hope the people in the class which I have the honor to represent will send somebody else here at subsequent sessions of the Legislature. This man who occupies a seat by my side is a lawyer, and after the things we have heard of that profession we are not always inspired with the greatest of confidence in the profession. Perhaps it is because I have been led to believe that this man was a little different from some others that I have taken so much interest in his matters.

It seems to me there has been a remarkable interest taken in this town of York. The gentleman from Leeds, (Mr. Addition) who spoke a moment ago, told us that the people are in a wrangle down there, and that they had a fight on, and the men who spoke upon this question a few days ago said it was a great wrangle down there and that he was down in the town and that was all he could hear, and so they propose in order to settle that wrangle that they should divide the town; that is the only remedy they have for settling this dispute, dividing the town; it doesn't make any difference which way the proposition went, but they were to divide first by running east and west; they were to divide it again by a line running north and southwest, and we have heard lately that they were to propose another division line, to run north and south, but the only remedy which is offered to settle that matter is to divide the town. This is the only remedy they had for the town of York, to divide it. There are difficulties there, and they have been wrangling about a bridge, as they say. Now, I want to ask you a question, and I would like to have thinking men try to answer it in their own minds, and it is this: Is this petition of the town going to be a remedy for the difficulties in that town? If you divide the town are you going to remove the serious friction there? If that is the one remedy to cure the evils of a

wrangle such as they have described, why under Heaven didn't you try it on the town of Biddeford yesterday? We think there has been something in the nature of friction down there, and we think the report of it has reached the Legislature here, and as near as we can understand it is not settled yet. Why not divide the city of Biddeford? The city of Portland has been in a fight here all winter. Do you want to divide the city of Portland? Do you think that is the proper way to settle a wrangle? I say, Mr. Speaker and gentlemen, that if it is good for the town of York, why is it not good for Biddeford; and if it is good for York, why is it not good for Portland? Sometimes if you divide the town you have the same difficulty, the same friction, the same condition to overcome that you have at the present time. You have not added one jot or one tittle to the solution of the problem. The problem will take care of itself if we don't get in too much of a hurry and let the honorable gentlemen in the lobby dictate as to how we shall vote in this matter. You need not worry about the matter, it will work out in good time.

The reason for dividing the town is that it would stop this quarrel down there, and this is the first time in my life that I ever saw a great company of men very much interested to stop a fight. My experience has been that sometimes when boys get to fighting, the best thing to do is to let them alone; if one is trying to pick upon the other, and that is what generally causes a fight, the best and only way you can settle it for good and all is to let them fight it out, and see which one is the stronger; and that will settle it for all time. Now, gentlemen, don't try to interfere in this matter, it does not concern us particularly, and I believe the town of York is capable of managing its own business. I don't believe we ought to interfere and to do so radical a thing as to divide the town, with the perfect understanding that we must have that neither part of the town wants the division. If you divide the town the warring factions are still there. You know what the trouble is about. It is about the building of a bridge. There was no fight in the town before that, but some few years ago there were people in the

town who conceived the idea that they ought to have a bridge, and while the proposition was voted down at the regular town meeting, at a special town meeting held during the summer or fall they voted to build a certain bridge. They voted to appoint a committee of four to act in conjunction with the selectmen for the building of the bridge. There was not a dollar appropriated for the work, and while preliminary steps were taken probably all right it looks to me as though the selectmen were justified in delaying the matter until that appropriation was made and could be voted by the town. It seems to me that was a reasonable proposition; I may be mistaken, but if I am so mistaken I am willing to be set right. Now, as a matter of fact, these four men went on and built the bridge. They built it without a dollar of appropriation, and after the bridge was built the difficulty arose in regard to the payment for it. There are in the courts at the present time several suits, the deciding of which by the courts of our State will solve the problem of the wrangle in the town of York. That is the only way in which it can be solved. Don't delude yourselves with the idea that dividing the town will settle anything; it will only settle this thing, that this branch of the Legislature will lend itself to do an act which is a rank injustice both to the town of York and to yourselves. You cannot afford to do it and it means too much to you yourselves. Let the matter go to the courts; it is being threshed out there now, and all in good time it will be settled and it will be settled right because in the jury of 12 men that are appointed to try that case there will be no condition of prejudice, there will be no chance for a lobby to get in their work, there will be no chance for injustice to be done. The case will be settled and it will be settled right, it will be settled finally, and it will be settled whether you divide the town or not. Dividing the town will not settle that case. It looks to me as though this procedure may properly be termed rather small. It looks to me as though there are some things connected with this movement that are not worthy of our attention.

There are some reasons why this town should not be divided, and I want to state

them briefly. The people do not want it divided. You cannot draw a line across the town, no matter where or how you draw it, where you will satisfy the people on the other side. My seatmate has a petition signed by almost 3000 men, and letters from about 100 more, nearly the entire number of voters of that town have taken this their only way of being heard in relation to the matter. The Senate said: "You can't go down there and put this case to them and let them vote upon it themselves. The only thing for them to do is to come here." And they have come here, and this is the only possible way, by sending these petitions, no committee for them to go before, but the committee of the House as a whole, no chance for them to be heard in any fair and square way, but they have come here with petitions and letters representing almost every voter in that proposed section. Haven't those men a right to be heard? Are you going to say to them: "Go back, we don't care what you think or what you want in this matter. There is a fight in the town and we are going to divide the town and thus settle the fight." The town of York is an old, historic town, and the history of the town is sacred. There is one man who has \$2000 in that bridge and I am informed that he says he would rather lose every dollar of it than have to have the town divided. You cannot divide the town without doing an injustice, and we ought to hesitate before we do it. I hope the House will refuse to concur with the Senate. (Applause).

Mr. BISBEE of Rumford: Mr. Speaker, it seems to me that we have heard a great deal of history in connection with the town of York and have heard both sides, and now I move the previous question.

The motion was agreed to.

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

Mr. MOORE of Saco: Mr. Speaker and gentlemen of the House, I want to say just a word in regard to this matter and I won't delay you long, and I know that I am under the five minute rule. I do not want to speak for Josiah Chase or any other individual; I want to speak a word for the town of York. 22 years ago it was my privilege to live there for

three months, and I say that the town of York should never be divided; it should be kept together, from the Nubble to Agamenticus, from the harbor to Cape Neddick, it all belongs together. The people there don't want it divided. The people down here lobbying this winter when they stop and consider for a moment will say they do not want it divided. As one gentleman talking with me last night said, "I don't want the old town divided," and none of us do. The Senate has refused to concur in this amendment which it seems to me should appeal to every member of the House as the fairest thing possible, leaving it to the people of that part of the town which is proposed to be set off to determine whether they want it divided or not. What fairer proposition could we have than that? As I understand it, there was another proposition, the so-called Heath amendment which was offered and which provided that Chinamen, Indians, people in Texas, women and children could vote. Even with that I believe that the Japanese and the Chinese, the Indians and the idiots and all the people of that part of the town would much rather keep the old place together. That is what we should do today. Who is prompting this? A lobby, a paid lobby, which has been here all winter, all winter long trafficking and tying people up on this proposition to divide the town of York. The gentleman from Leeds (Mr. Additon) says that when a man and his wife cannot agree the proper thing to do was to divorce them. I say to you, Mr. Speaker, and I know in your own office in Fairfield that you have always, when a man or a woman has come to you who could not agree with their other half, tried to get them together, tried to get them to live together, to remember their children, remember their posterity, and you have done all that you could to protect them and their names. That is what we should do with the town of York and that is what the people of that town want. It was attempted here to pair my vote, to traffic and trade my vote with the honorable gentleman from Lebanon when it was known that we both stood together. That is not fair; that is not right, and this House should not recog-

nize such actions and I hope it won't; I ask it as a personal appeal on my own account, not only on account of the town of York but for myself, I hope that this House will stand where it stood last week.

Mr. BEARCE of Eddington: Mr. Speaker, I wish that I had the talent of some of the members of this Legislature to tell you my opinion upon this subject, but I have not that talent, and so I must tell you in my own rough and haysed kind of a way. It has been my opportunity to be placed upon the committee of towns, and when this claim or this question came before the Legislature last week I was called home and could not at that time state my position upon that question. I want to state my position here at this time, and I will say this, that they had a good hearing, both sides were there at that first hearing and stated their case; and after the hearing we took a straw vote. Now, many of you may know what that is, and I will say that every man was in favor of not dividing the town excepting one man and he was the chairman of the committee. Perhaps I am giving away some secrets, but I am telling you the truth. That chairman of the committee made us understand it was unanimous, while he didn't vote, and claiming he has no need to vote. When we came to vote upon it for good he stood out and said perhaps he would bring in a minority report. That minority report he did bring in, and I believe it was the influence of this paid lobby that brought that minority report. The people of old York didn't want their town divided, they wouldn't consent to it. They hadn't the ghost of a chance to divide it before the committee, and I think I am stating it fairly when I say that we should let the people of that town do as they wish to do. It is right that they should. My brother here, the gentleman from Leeds, comes up and says "Let us divorce them." How would he like to take it right in his own town? If they had a little trouble in that town, a thing which almost every town has to a greater or less extent, if some one should come down here and influence the people of this House by a paid lobby and cut his town in two?

Now, gentlemen of the Legislature, you people who live in the country or anywhere, take it home to yourselves and ask yourselves if it is right that this Legislature should divide that town without the consent of the town or without the vote of the town in any way? They have used a trick here and you all can see it; it is plain trickery. The paid lobby that has been here with money in their hands I truly believe has carried this matter to this point. Now, gentlemen, stand by your manhood and let us do what we think is right. (Applause).

Mr. MARSHALL of Portland: Mr. Speaker, I think I know the town of York as well as the gentleman from Saco (Mr. Moore). I know it from its mountain to its rugged coast. I know it all. I know it better than the gentleman from Jonesboro (Mr. Allen). I have lived there, and my ancestors before me have lived there and I know the conditions. I know that there have been citizens of the town of York here this winter asking and demanding that this town should be divided. They are interested; their property is at stake. The gentleman from Saco speaks about taxing Chinese, Japanese, and that sort of people. I want to ask him whether he will give votes to a man like Francis Lynde Stetson and a man like Thomas Nelson Page? I had a letter here from Mr. Stetson.

Mr. CHASE of York: I would like to ask the gentleman what date he has on his letter from Mr. Stetson?

Mr. MARSHALL: The letter is dated January 12th, 1909 and is as follows:

"Edward S. Marshall, Esq.,

"York Harbor, Me.

"My Dear Sir:

"I would state that since my erection of a house at York Harbor, my judgment has been that it would be to the interests of all parts of the town of York if the interior could be separated from the shore district, enabling each part to conduct its affairs according to the local preference of each for the provision and expenditure of money for the public needs. I say this not for the benefit of the residents of York Harbor only, but for those of the western part of the town as

well; for I believe that there would result not only the avoidance of friction, but a better use of the public funds and the public opportunities of this attractive locality.

"For these reasons, as well as others, I am heartily in sympathy with the movement to divide the town of York, so that the interior part may be separated from the shore district.

"I am,

"Faithfully yours,

"FRANCIS L. STETSON."

Mr. Speaker: It is for 135 of the real estate owners and taxpayers there that I speak, men who represent three-quarters of the valuation of that town who come here and ask to be divided and who are on the petition asking for the division. It is for those people that I speak, those men who have made the town of York what it is today, those men who have seen it grow from a little hamlet, from a fishing village to one of the best and most popular summer resorts upon the coast of Maine.

Mr. CHASE of York: Mr. Speaker: The only thing that I have asked and the only thing I now ask is that this amendment be retained in this bill. Two of the selectmen of the town of York live within that region, in this section which they want to set off. Now, they may take the map of the town of York, and I don't care where they draw their lines, they may draw it from north to south or from east to west, or from northwest to southwest, or from northeast to southwest, and they may take any line of latitude or any line of longitude and they may cut off a small piece or a large piece just as they see fit, and if they will put Amendment A on to that bill then I will help carry it to the Governor for his signature. That is all we ask, and it is a right which we demand of this House.

Now, Mr. Speaker, a good deal has been said about the difficulties in the town of York. I positively deny that there has been any sectional difference in that town. There are always certain differences where you find people of positive views, but there is no essential difference. You will find dif-

ferences all over the town in relation to different matters, but nothing of any great importance. There never would have been any dispute about this bridge if it had not been for the fact that this same crowd of conspirators which is driving the knife into this town had been determined from the beginning to put that bridge across York river, whether the people so wanted it or not. The man who first started this scheme told me that he advised people who first came to him about it that it was no use for them to try to get a vote of the town because they would be voted down three to one. He said you get the county commissioners to lay it out and the town won't have anything to do with it except to pay the bills." They came to the Legislature about it and they got the people of the town to sign a petition to present to the Legislature granting the town of York the right to build that bridge over the river. And what did they do when they got here? We had a senator here, one of the conspirators in this act, and when he got into the committee the name "York" was cut out and in place of it they put in the county commissioners, so that when the town of York came to get it what did they find? They were bound hand and foot like the galley slave in ball and chain. They hadn't anything to do; the town hadn't anything to say about it except to pay the bills, and that is all there was of it.

Now, Mr. Speaker, I want to call attention to a few letters which I have here, and I will beg the pardon of the House if I overstep my time, but I want to call attention to a few out of the 90 odd letters which I have here from citizens within the limits of this section which is under discussion. I will now read a few of these letters:

"March 28, 1909,

"Josiah Chase, Esq.,

"Augusta, Maine.

"My Dear Mr. Chase—As a lifelong resident and taxpayer of York I appeal to you as our honored representative to use every honorable means in your power to prevent this injustice of division of the old town of York. I

have always been interested in the welfare and prosperity of the town and a division would be the greatest detriment possible to all sections of York.

"Instead of promoting peace and harmony it would mean bitterness and strife for the next century to come.

"Very cordially yours,

"JOSEPH C. BRIDGES."

"York Harbor, Maine, March 28, 1909.

"Josiah Chase, Esq.,

"House of Representatives,

"Augusta, Maine.

"My Dear Mr. Chase—Being the oldest citizen at York Harbor, so-called, and one of the largest taxpayers I most emphatically protest against this unjust division of the town of York.

"I have helped to build up the summer business here from its foundation. I have advocated improvements in opposition to the very ones who are now trying to divide this town, and in many instances have won out.

"Twenty-five years ago my parlors were thrown open to the summer visitors for Episcopal services every Sunday morning and a few years later I gave them a lot of land on which they built a church and two years ago they bought a larger lot and are now building a fine stone church thereon. The town is not at a standstill as the opposing side is trying to represent, but should they carry out their vile scheme and thus get the old town deeply in debt, our taxes will increase to such an extent that we never could rise above them and business would certainly drop.

"Oppose this unfair proposition and you will always have the good will of the citizens of the old town of York.

"Very truly yours,

"ELIAS BAKER."

"York Harbor, Maine, March 28, 1909.

"Josiah Chase, Esq.,

"House of Representatives,

"Augusta, Maine.

"My Dear Mr. Chase—As one of the older citizens of this town and one of the largest taxpayers at York Harbor, I wish to offer my most emphatic protest to any division of the town of York.

"Having taken an active part in the summer business here at the Harbor from its very beginning, I feel that I

am able to form a fairly correct opinion in this matter. I have endeavored to give it my most careful consideration from various points of view.

"My conclusion is that the proposed division would not only be a gross injustice to a large number of our citizens, but would result in causing serious damage to the progress of the summer business here.

"Yours respectfully,

"JOHN E. NORWOOD."

Mr. Speaker, I have here 91 letters and they are from practically the best citizens of that section. I also have a petition signed by 282 of the citizens of that section against this iniquity. I hope the motion of the gentleman from Leeds will not prevail.

Mr. Varney of Lebanon moved that the yeas and nays be called.

The motion was agreed to.

The SPEAKER: The House passed this bill to be engrossed as amended by House Amendment B offered by the gentleman from York, Mr. Chase. In the Senate House Amendment B was rejected. The bill now comes back from the Senate and the gentleman from Leeds, Mr. Additon, moves that the House recede and concur with the Senate in the rejection of that amendment. Those in favor of rejecting the amendment will, when their names are called answer yes; those opposed will answer no. The Chair simply makes that explanation to the House. Those in favor of the motion, when their names are called, will answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Additon, Allen of Richmond, Andrews, Bartlett of Stonham, Beyer, Bigelow, Bisbee, Blake, Blanchard, Bowley, Bradford, Burleigh, Bussell, Buswell, Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of Sebec, Clark, Cole, Connors, Cousins, Davies, Drake, Emery, Gilbert, Grant, Hall, Hannaford, Hanson, Harris, Havey, Higgins, Hodgkins of Temple, Holt, Hussey, Jones, Jordan, Joy, Kavanough, Kelley, Lane, Lord, Marshall, McLain, Merrill of Bluehill, Millett, Morse, Nelson, Paul, Perry, Peters, Redlon, Rounds, Smith of Andover, Smith of Berwick, Snow of Scarborough, Spear of South Portland, Stanley, Strickland, Trafton, Trickey, Trimble, True, Whitehouse, Whitney, Wing of Auburn, Wing of Kingfield—69.

NAY:—Allen of Jonesboro, Bartlett of Eliot, Bearce of Eddington, Bemis, Bigney, Bogue, Bourassa, Bragdon, Burse of

Pittsfield, Chase of York, Cook, Coolidge, Donnell, Duncan, Dunn, Edwards, Farnham, Ferguson, Fortier, Frost, Harmon, Harriman, Harrington, Hersey, Hill, Hines, Hodgkins of Damariscotta, Libby, Mace, Merrill of Durham, Miller, Montgomery, Moore, Moulton, Nickerson, Orff, Pattangall, Patten, Patterson, Pelletier, Pike, Pinkham, Porter, Pressley, Putnam, Quinn, Richardson, Sanborn, Sawyer, Silsby, Sleeper, Smith of Biddeford, Snow of Brunswick, Spear of Warren, Stetson, Stover, Thompson, Thurlough, Varney—58.

ABSENT:—Beals, Couture, Cummings, Day, Doble, Dorr, Dufour, Hamlin, Hyde, Lambert, Lombard, Ludgate, Mercier, Merrifield, Packard, Robbins, Ross, Stackpole, Tibbetts, White of Columbia, White of Wayne—23.

PAIRED:—Colby, yes; Weld, no.

So the motion to recede and concur was carried.

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

On motion by Mr. Miller of Lincolnville, Ordered, That W. G. Harrington be excused from further attendance upon this session of the Legislature and that the clerk be instructed to make up his pay in full to the end of the session. (Referred to committee on leave of absence).

On motion by Mr. Miller of Lincolnville, Ordered, That C. H. Merrifield of Rockland, be excused from further attendance at the 74th session of the Legislature and that the clerk be instructed to make up his payroll in full. (Referred to committee on leave of absence).

Orders.

Mr. Havey of Sullivan, presented the following order:

Ordered, That after the disposition of the matters specially assigned for today all matters appearing on the calendar as tabled and not assigned be taken up and disposed of in the order in which they appear on the calendar.

On motion by Mr. Havey of Sullivan, the order was given a passage.

Reports of Committees.

Mr. Hyde from the committee on appropriations and financial affairs, reported "ought to pass" on resolve in favor of James A. Chase, mail carrier for the House. (The report was accepted and on motion by Mr. Hyde of Bath, the rules were suspended, the resolve received its two readings and

was passed to be engrossed without being printed).

Same gentleman from same committee reported "ought to pass" on resolve in favor of the clerk and stenographer of the committee on mercantile affairs and insurance and of the committee on telegraphs and telephones. (The report was accepted, and on motion by Mr. Kavanough of Portland, the rules were suspended, the resolve received its two readings and was passed to be engrossed without being printed).

Same gentleman from same committee reported "ought to pass" on resolve in favor of the secretary of the committee on State School for Boys and the committee on public health. (The report was accepted and on motion by Mr. Jordan of Cape Elizabeth the rules were suspended; the resolve received its two readings and was passed to be engrossed without being printed).

Same gentleman from same committee reported "ought to pass" on resolve in favor of the messenger of the committee on railroads and expresses. (The report was accepted, and on motion by Mr. Strickland of Bangor the rules were suspended, the resolve received its two readings and was passed to be engrossed without being printed).

Mr. Strickland from same committee reported "ought to pass" on resolve in favor of the clerk to the committee on education. (The report was accepted and on motion by Mr. Cole of Kenduskeag, the rules were suspended, the resolve received its two readings and was passed to be engrossed without being printed).

Mr. Kelley from the committee on sea and shore fisheries reported "ought to pass" on bill, An Act to prohibit the taking of scallops in Pennequaquian and Cobbsecook bays from the first of April to October 1st of each year. (The report was accepted).

On motion by Mr. Harriman of Meddybemps, the rules were suspended, the bill received its three several readings and was passed to be engrossed without being printed).

Mr. Bowley from same committee, re-

ported "ought to pass" on bill, An Act for the propagation of shellfish on the coast of Maine. (The report was accepted).

On motion by Mr. Davies of Yarmouth, the rules were suspended and the bill received its three several readings and was passed to be engrossed without being printed.

Mr. Spear from the committee on claims on resolve in favor of Cary plantation, reported that the same be referred to the next Legislature. (The report was accepted).

From the Senate: An Act relating to the common school fund and the means of providing for and distributing the same.

This bill was passed to be engrossed in the House as amended by House Amendment A; in the Senate House Amendment A was adopted and Senate Amendment A was adopted and the bill was passed to be engrossed as amended.

On motion by Mr. Pattangall of Waterville the vote was reconsidered whereby this bill was passed to be engrossed, Senate Amendment A was adopted in concurrence, and the bill was then passed to be engrossed as amended in concurrence.

Passed To Be Engrossed.

An Act to regulate the use of joint poles in the public street by electrical companies.

An Act to incorporate the Milo Water District.

Passed To Be Enacted.

An Act to authorize cities and towns to permit the use of lunch wagons on public ways. (Tabled pending its passage to be enacted on motion of Mr. Dunn of Brewer.)

An Act to amend Chapter 30 of the Revised Statutes relating to apothecaries and the sale of poisons.

An Act to provide for competitive bids in the award of State contracts for the construction and repair of buildings and bridges.

An Act to provide for a bounty on bob cats, loup-cerviers and Canada lynx.

An Act to authorize the town of York to aid the York hospital.

An Act to create a charter for the city of Rockland.

Finally Passed.

Resolve in favor of W. S. Bemis.

Resolve in favor of the State House employes.

Resolve in favor of the clerk to the committee on taxation.

Resolve in favor of the messenger to the committee on taxation.

Resolve in favor of the University of Maine.

Resolve in favor of the Maine Industrial School for Girls.

Resolve in favor of the plantation of Magalloway, in Oxford county.

Resolve in favor of the clerk and stenographer of the committee on military affairs.

Resolve in favor of DeForrest Keyes. (Tabled pending its final passage of motion of Mr. Pike of Eastport.)

Resolve in favor of the town of Harmony.

Resolve in favor of A. H. Miller, secretary of the pension committee.

Resolve in favor of the shorthand reporter to the committee on railroads and expresses.

Resolve in favor of H. M. Sewall, chairman of the committee on salaries and fees, in payment of counsels and witnesses fees, stenographer's services, and disbursements made by him in the matter of the investigation of the State and town liquor agencies.

Resolve in favor of the clerk to the committee on towns and Indian affairs.

On motion by Mr. Pike of Eastport, Resolve in favor of DeForrest Keyes, was taken from the table.

Mr. Pike then moved that the resolve be indefinitely postponed.

Mr. Bisbee of Rumford moved that on this question the yeas and nays be called.

The motion was agreed to, and the yeas and nays were ordered.

The SPEAKER: The House has under consideration Resolve in favor of DeForrest Keyes. The gentleman from Eastport, Mr. Pike, moves that the resolve be indefinitely postponed. Upon that question the yeas and nays have been ordered. Those in favor of the indefinite postponement, when their names are called, will answer

yes; those opposed will answer no. The clerk will call the roll.

YEA:—Allen of Jonesboro, Bartlett of Stoneham, Blanchard, Bourassa, Bragdon, Campbell of Kingman, Chase of York, Colby, Cole, Conners, Cook, Donnell, Dunn, Edwards, Farnham, Fortier, Grant, Harrington, Hines, Lord, Mace, Miller, Montgomery, Nickerson, Orff, Pattangall, Patten, Patterson, Pelletier, Pike, Porter, Putnam, Quinn, Richardson, Sleeper, Smith of Andover, Snow of Brunswick, Stetson, Strickland, Thompson, Thurlough, Weld, Wing of Kingfield—42.

NAY:—Allen of Richmond, Andrews, Bartlett of Eliot, Beals, Bearce of Edgington, Beyer, Bigelow, Bisbee, Blake, Bowley, Bradford, Burlingame, Bussell, Buswell, Campbell of Cherryfield, Chase of Sebec, Clark, Coolidge, Cousins, Davies, Dorr, Duncan, Emery, Ferguson, Gilbert, Hannaford, Hanson, Harriman, Harris, Havy, Hersey, Higgins, Hill, Hodgkins of Temple, Holt, Jones, Jordan, Joy, Kavanough, Kelley, Lambert, Lane, Libby, Marshall, McLain, Merrifield, Merrill of Bluehill, Millett, Morse, Moulton, Nelson, Paul, Perry, Peters, Pinkham, Pressley, Redlon, Rounds, Sanborn, Silsby, Smith of Berwick, Smith of Biddeford, Snow of Scarborough, Spear of South Portland, Spear of Warren, Stanley, Stover, Trafton, Trickey, Trimble, True, Varney, Whitehouse, Whitney—75.

ABSENT:—Additon, Bemis, Bigney, Bogue, Burse of Pittsfield, Charles, Couture, Cummings, Day, Doble, Drake, Dufour, Frost, Hall, Hamlin, Harmon, Hodgkins of Damariscotta, Hussey, Hyde, Lombard, Ludgate, Mercier, Merrill of Durham, Moore, Packard, Robbins, Ross, Sawyer, Stackpole, Tibbetts, White of Columbia, White of Wayne, Wing of Auburn—33.

So the motion to indefinitely postpone was lost.

Mr. PATTANGALL of Waterville: Mr. Speaker, I desire to move that the House reconsider the vote whereby this resolve was passed to be engrossed; and I will explain to the friends of the resolve the reasons for my motion in order that they may not oppose it, and I will endeavor to be very brief in the matter. It is that the Legislature by a very decided vote have concluded that the State of Maine owes a moral debt to this organization which is the subject of the resolve. Now, it is apparent to me and must be to every thinking man of this House that if anything at all on this resolve as a moral debt—and nobody claims there is any legal debt—the interest is due. I never knew until yesterday that a moral debt could be compromised. I supposed that moral debts, if paid at

all, were paid in full; and if this can be reconsidered I hope the friends of the resolve will think that I am offering the amendment in good faith and will vote for it. If this can be reconsidered I will offer an amendment which will give them the entire amount of this moral claim against the State, because I object to the State compromising a claim based wholly on honor on about 60 cents on the dollar. I don't like that. I don't think the State owed anything on the claim, but if it does, then we owe it all, and if we are going to pay this debt of honor let us pay it all and not pay it on the percentage basis. The interest would amount in six years, on the sum of \$18,000 to about \$7000; and if we can vote to reconsider then this amendment can be offered and I think I can assure the gentlemen who are interested in this claim that they have now sufficient backing in the House so that it would vote the interest to them. It was a mistake on their part that they didn't insist upon that amendment in the first place. I therefore move that we reconsider the vote whereby this resolve was passed to be engrossed.

Mr. DAVIES of Yarmouth: Mr. Speaker, if I understand the remarks of the gentleman from Waterville, Mr. Pattangall, the purpose for reconsideration of the vote is to offer an amendment. It seems to me that the House has taken about all the time that it ought to on this matter concerning DeForrest Keyes. After the matter was presented to the committee it was gone over very carefully in executive session, and we decided that we would recommend to the House that there be paid to Mr. Keyes the sum of \$18,000 which was the precise amount of money he left in the State treasury, without interest and without any expense. Now, I sincerely hope the House will not recede from that position in order that we may now get this matter out of the way.

Mr. DUNN of Brewer: Mr. Speaker, I desire to say just one word in regard to this matter. I hope that the suggestion made by the gentleman from Waterville will prevail, and for this reason: I believe we were elected to represent the people of the State of Maine,

to settle questions, and when they are settled to have them settled right. When I first became acquainted with the DeForrest Keyes case I openly confess that I believed and I do believe now that there is merit in the case. But recent developments have demonstrated to my mind beyond question that the third House is of more moment in this Legislature than is the first or the second House, and I see traces unmistakable to my mind of the things that reach down deep into the heart, and I wish to record my vote upon the question of the honor of the State of Maine in a manner that when it is recorded the people whom I represent will understand that when I voted I tried to understand what I voted for. I could say more but I simply ask for another chance to record my vote upon that question.

Mr. PATTANGALL: Mr. Speaker, in company with the gentleman from Yarmouth, Mr. Davies, I deplore using any more time than we can help on this matter at so late a stage of the session, but if the gentlemen would just think that it would take only a moment or two to give \$7000 more to this deserving organization, worthy men who have been with us all winter. While our time is worth a good deal, just think what that would be worth to them. I think without doubt we could get through by Friday night, but I would be willing to stay here until Saturday morning to have that act of justice done in the last days of this Legislature, and give away just \$7000 more of the State money to some people who have been humbly waiting for it for the last six years.

Mr. BIGELOW of Portland: Mr. Speaker, I hope the House will not allow the gentleman from Waterville to prevail with this proposition by any reference to the third House. In company with many other members of the House I voted for this resolve, after having given the matter consideration, because it seemed to me that the State of Maine in this particular matter owed this man this amount of money. The gentleman from Waterville in his proposition relative to the interest is not at all sincere in my opinion; all that he desires to do is to

cast reflection upon the men in this House who from honest conviction voted for this resolve and I trust this motion will not prevail.

The motion was lost.

The resolve was then passed to be enacted.

On motion by Mr. Strickland of Bangor, the House took a recess until 2 o'clock in the afternoon.

Afternoon Session.

The House order for the appointment of a special joint committee to consider the subject matter of the juvenile court, came from the Senate amended by Senate amendment "A."

On motion by Mr. Burleigh of Augusta, Senate amendment "A" was adopted in concurrence.

From the Senate: An Act relating to the collection and payment of county taxes by the State treasurer, came from the Senate passed to be engrossed under a suspension of the rules. (Read three times and passed to be engrossed under suspension of the rules in concurrence on motion by Mr. Wing of Kingfield).

From the Senate: Resolve in favor of the clerk to the committee on ways and bridges. (Read twice and passed to be engrossed under a suspension of the rules in concurrence on motion by Mr. Sanborn of Dover).

From the Senate: An Act relating to the commissioner of public works of the city of Portland, came from the Senate passed to be engrossed under a suspension of the rules.

Mr. BEYER of Portland: Mr. Speaker, these bills are all put up to us by the city government of Portland. This bill has not been passed upon by the city government. Personally I was no more in sympathy with this than I was with any of the other bills but which I have allowed to go through; but since this bill has been passed by our city government I cannot see that I am called upon to waive my personal feelings in the matter, and I move that it be indefinitely postponed.

Mr. BIGELOW of Portland: Mr. Speaker, the delegation from Portland have succeeded in having passed by this Legislature bills increasing the terms

of office of many of the city officials in Portland from one year to five years. The commissioner of public works of Portland is a Democrat, the other officials are Republicans. He is an efficient official, so recognized by men of all parties. His term of office is now three years. I believe it is only fair play and in justice that inasmuch as we have increased the tenure of office of the other officials, all of whom are Republicans, that we should put on a like basis the term of office of the commissioner of public works, and it is for that reason that the bill has been introduced. The city council of Portland has not recommended it, but I think the bill meets with the approval of the city of Portland.

Mr. ROUNDS of Portland: Mr. Speaker, it seems to me that some one man wants to put the street department back into politics; it is out of politics now, and our predecessors of two years ago took it out of politics. I have here two papers, one Republican and the other Democratic, both of which are opposed to this bill. There is a string to it so that the mayor may be able to make a machine out of this. This bill puts the commissioner in the position of a clerk for the mayor, and the mayor can run the thing as a political machine. Now, do we want to legislate here because one man wants to be a political boss of the city of Portland? I don't think we do, and therefore I move to indefinitely postpone the bill.

Mr. BIGELOW: Mr. Speaker, if the objection to this bill is as to the change that is made in the original bill changing the method of the appointment of the superintendent of streets, I would ask the gentleman if he would agree to withdraw his motion providing that part is stricken out and merely the term of office is changed?

Mr. ROUNDS: The commissioner of public works has only another year to serve and then it will be very near time for the next Legislature. If the next Legislature sees fit to make any changes I think it would be all right to do it. I think we have had changes enough for this year.

Mr. DAVIES of Yarmouth: Mr. Speaker, the Portland delegation have reported favorably on various bills

which provide for a five-year tenure of office of various servants, the electrician, certain members of the police department, and some others. It was stated by the gentleman from Portland (Mr. Rounds) in discussing the matter a few days ago that the purpose of it was to get these departments out of politics. Now, the commissioner of public works I happen to know is a very efficient servant; he is one of the most efficient servants of the municipal government of the city of Portland, and he is so considered, and I believe that the gentleman from Portland (Mr. Beyer) said that this bill was introduced into the Senate at the instance of the mayor, who happens to be a Republican. Now, I think it is nothing more than fair, if this Legislature is going to make the tenure of office of these various officials in Portland five years for the purpose of putting them out of politics, it is perfectly fair to make an efficient servant like the commissioner of public works a servant for five years with all the others; and I don't know why he should be militated against if the purpose is to take the entire municipal system, so far as it can be done, out of politics. The gentleman from Portland (Mr. Bigelow) offers to have this bill amended so that it shall be just like the others, and I hope that the gentleman from Portland (Mr. Rounds) will be willing to accept that amendment.

Mr. REDLON: Mr. Speaker, leaving the question of politics out of the discussion for the time being and looking at the matter in a fair way I wish to say that it was the intention of the delegation from Portland, some of us at least, to try to make the tenure of office of these officials that are recommended to us by the council of the city of Portland permanent. But we failed to agree upon that, and if we had not failed to agree the office of commissioner of public works would have been included in that proposition. That is to say, the chief of the fire department, the chief of police, commissioner of public works, city electrician we endeavored to get appointed for life or during good behaviour. That we found it impossible to agree upon.

Then the question of this commissioner of public works came up and we found that he was the first man who was appointed for a term of years, which is three years. We compromised on a five year term for the rest of them, and it occurred to the members of this delegation that the difference between three years and five years was so slight that it hardly made any difference, and so we left the office of commissioner of public works as it was. The delegation in talking this thing over took that into consideration; also they took into consideration the fact that there is before the citizens of Portland in several different forms a city charter which will probably be agreed upon and will be presented to the next Legislature, and the delegation took into account the fact that undoubtedly these officers, all of them would be combined or considered under this new city charter, and in a way that would make them more equal. And under those conditions I hope that the movement to make this office five years instead of three will be indefinitely postponed.

The question being on the motion to indefinitely postpone the bill, a division was called for.

A division was had.

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

The motion was lost.

The SPEAKER: The Chair will declare the vote: Forty-two voted in the affirmative and 40 in the negative.

So the motion to indefinitely postpone the bill was carried.

From the Senate: An Act to correct an error in a resolve granting county taxes for the years 1909 and 1910, came from the Senate passed to be engrossed under a suspension of the rules. (Read three times and passed to be engrossed in concurrence under a suspension of the rules on motion by Mr. Peters of Ellsworth).

From the Senate: An Act relating to the assessment of the county taxes for the several counties for the year 1909. (Read three times and passed to be engrossed in concurrence under a suspension of the rules on motion by Mr. Peters of Ellsworth).

From the Senate: Resolve in favor of the clerk to the committee on labor.

(Read twice and passed to be engrossed under suspension of the rules in concurrence on motion by Mr. Beals of Auburn).

From the Senate: An Act to abolish liquor agencies, came from the Senate indefinitely postponed in that body.

Mr. Dorr of Dresden, moved that the House recede and concur with the Senate.

Mr. Libby of Amity, moved that the yeas and nays be ordered on the motion.

The motion was agreed to.

The SPEAKER: The question is upon the motion to recede and concur with the Senate. Those in favor of the motion, when their names are called, will answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Additon, Beals, Beyer, Bigelow, Bisbee, Bradford, Burleigh, Bussell, Buswell, Campbell of Cherryfield, Campbell of Kingman, Colby, Cole, Dorr, Grant, Higgins, Hodgkins of Temple, Kelley, Paul, Perry, Peters, Redlon, Smith of Berwick, Spear of South Portland, True, Wing of Auburn, Wing of Kingfield—23.

NAY:—Allen of Jonesboro, Allen of Richmond, Andrews, Bartlett of Eliot, Bartlett of Stoneham, Bearce of Eddington, Bemis, Bigney, Blake, Blanchard, Bogue, Bourassa, Bragdon, Burse of Pittsfield, Charles, Chase of Sebec, Chase of York, Clark, Conners, Cook, Davies, Donnell, Duncan, Dunn, Edwards, Farnham, Ferguson, Fortier, Hanson, Harmon, Harriman, Harrington, Harris, Hersey, Hill, Hines, Hodgkins of Damariscotta, Hussey, Jones, Jordan, Joy, Kavanough, Lambert, Lane, Libby, Mace, Marshall, McLain, Merrifield, Merrill of Bluehill, Miller, Millett, Montgomery, Moore, Morse, Moulton, Nelson, Nickerson, Orff, Packard, Pattangall, Patten, Pelletier, Pike, Pinkham, Porter, Pressley, Putnam, Quinn, Richardson, Rounds, Sanborn, Silsby, Sleeper, Smith of Andover, Smith of Biddeford, Snow of Brunswick, Spear of Warren, Stanley, Stetson, Stover, Strickland, Thompson, Thurlough, Trafton, Trickey, Trimble, Varney, Weld, Whitehouse, Whitney—33.

ABSENT:—Bowley, Coolidge, Cousins, Couture, Cummings, Day, Doble, Drake, Dufour, Emery, Frost, Gilbert, Hall, Hamlin, Hannaford, Havery, Holt, Hyde, Lombard, Lord, Ludgate, Mercer, Merrill of Durham, Patterson, Robbins, Ross, Sawyer, Snow of Scarborough, Stackpole, Tibbetts, White of Columbia, White of Wayne—33.

So the motion was lost.

On motion by Mr. Allen of Jonesboro,

the House voted to insist and ask for a committee of conference.

The Chair appointed as conferees on the part of the House Messrs. Allen of Jonesboro, Libby of Amity and Burse of Pittsfield.

An Act relating to the Bodwell Water Power Co. of Old Town, Maine, came from the Senate indefinitely postponed.

On motion by Mr. Wing of Auburn, the House voted to recede and concur with the Senate in its action.

An Act to provide for the better enforcement of the laws against the sale and manufacture of intoxicating liquors, came from the Senate, that branch voting to adhere to its former action in adopting the majority report in non-concurrence with the House.

Mr. Allen of Jonesboro moved that the House adhere.

Mr. Burleigh of Augusta moved that the House insist and call for a committee of conference.

The SPEAKER: The motion to insist has precedence of the motion to adhere.

The question being on the motion that the House insist and ask for a committee of conference,—

The motion was agreed to.

The Chair appointed as conferees on the part of the House Messrs. Burleigh of Augusta, Allen of Jonesboro and Burse of Pittsfield.

Majority and minority reports of the committee on legal affairs to which was referred bill, An Act relating to the office of assistant attorney general, came from the Senate with the majority report, "ought not to pass" accepted.

On motion by Mr. Hersey of Houlton, the report of the majority was accepted in concurrence.

An Act to amend An Act creating the office of State auditor came from the Senate indefinitely postponed.

On motion by Mr. Wing of Auburn, the House receded and concurred with the Senate in its action.

Resolve in favor of Ray P. Eaton, which was indefinitely postponed by the House, came back from the Senate

passed to be engrossed as amended by Senate Amendment A.

On motion by Mr. Marshall of Portland, the vote was reconsidered whereby this resolve was indefinitely postponed, Senate amendment A was adopted in concurrence, and the resolve then received its second reading and was passed to be engrossed as amended in concurrence.

Resolve providing for the payment of certain deficiencies accrued prior to January 1, 1909, containing an emergency clause, came up on its final passage.

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

So the resolve was finally passed, it having received the vote of two-thirds of all the members elected to this House.

Resolve in favor of preserving the life of fish in hatcheries and for the temporary operation of hatcheries and feeding stations of the State, came up on its final passage, containing an emergency clause.

A division was had and 101 voted in the affirmative and none in the negative.

So the resolve was finally passed, it having received the votes of two-thirds of all the members elected to this House.

An Act creating the Maine Forestry District and providing for protection against forest fires, came up on its passage to be enacted, containing an emergency clause.

On motion of Mr. Bussell of Gardiner the yeas and nays were ordered.

Mr. PATTANGALL of Waterville: Mr. Speaker, this levies a tax of one and one-half mills for certain purposes. It may be that the creation of a fire district and the levying of that tax is necessary for the peace, health and public safety of the people of Maine, but it occurs to me that if we are going to levy a tax and are going to attach to it an emergency clause we give the opportunity to anybody who desires to fight that tax to carry to the courts the constitutionality of this emergency joke which

we have been playing all winter, and possibly depriving ourselves of \$60,000 of revenue. The creation of a fire district for the protection of forests it seems to me would come as well on the first of July as on the first of April; and if we are risking \$60,000 of tax money by playing with the constitution I think we had better not do it.

Mr. STRICKLAND of Bangor: Mr. Speaker, I would call the attention of the House to the fact that in 1903 the worse forest fires we had in the State for a great many years occurred during the month of June. If we are going to protect our forests, if we are going to give the forest commissioner a chance to organize his forces and look out for fires it should be done before July.

Mr. DAVIES of Yarmouth. Mr. Speaker, the House is judge of emergency measures. In view of the fact stated by the gentleman from Bangor (Mr. Strickland) that the largest fires occurred in June it seems to me it is our duty to pass this act as an emergency measure.

Mr. WING of Auburn: Mr. Speaker, I would like to ask where in the constitution it says that the House is the judge of the emergency?

Mr. PETERS of Ellsworth: Mr. Speaker, I understood there is nothing in the constitution which says so, but I further understand that whether or not emergency exists is solely a question of fact for the Legislature. It has been so decided by the courts of Oregon and by at least one other court of last resort in this country.

Mr. PATTANGALL: Mr. Speaker, I simply entered a protest against a condition which I think may obtain. I have looked over the decisions of the court of Oregon and I have not found in those decisions that the Legislature was the sole judge of emergency. I am not objecting to the formation. If the House is the sole judge of an emergency then there is nothing to prevent our putting an emergency clause on every bill which goes through this body and entirely nullify the constitutional provision which we have adopted. The mere statement of that proposition ought to show any lawyer

that it is not a good law. I am not objecting to the passage of this bill, I am not objecting to the formation of a fire patrol. I reported this bill from the committee. At that time I had not noticed that an emergency clause was attached to it; but I am objecting to taking a risk which may be the cause of some man who does not approve of this tax going to the courts and having an opportunity to upset it. If the House wants to take the risk I haven't the slightest objection.

Mr. LIBBY of Amity: Mr. Speaker, I don't know anything about constitutional law but I do know that in the spring of the year before the green stuff begins to grow up is the worst time for fire to run in the whole year; and if we want protection from fire we want it in the early spring.

Mr. PETERS: Mr. Speaker, I would like to ask the gentleman from Waterville whether he believes that the Legislature is not the sole judge as to whether or not an emergency exists under our present constitution?

Mr. PATTANGALL: Mr. Speaker, I have no idea and never had and never shall have, unless our courts pronounce a decision to that effect, that the Legislature is the sole judge of the existence of an emergency.

Mr. PETERS: I would like to ask further if the gentleman does not think that on all questions of fact the Legislature is the sole judge?

Mr. PATTANGALL: I think the Legislature is bound by the provisions of the constitutional amendment which we adopted. That defines what shall be an emergency and does not leave it to the Legislature to say that the catching of scallops or anything else necessarily made it an emergency.

Mr. PETERS: I would ask if whether an emergency exists is not a question of fact?

Mr. PATTANGALL: Considering the provision of our constitution I should say it was a mixed question of fact of course.

Mr. PETERS: I differ and others differ with the gentleman from Waterville. I maintain that whether or not an emergency exists under our con-

stitution it is solely and absolutely a question of fact. I maintain that the Legislature is the sole judge of a question of fact like this.

Mr. PATTANGALL: I would like to ask the gentleman from Ellsworth one question. If that view is correct and the Legislature is the sole judge of the question of an emergency, does the gentleman believe that we could carry every bill through here that we saw fit with an emergency clause?

Mr. PETERS: I believe that under this constitution we can as a Legislature, by declaring it a question of fact as to the existence of an emergency, pass any law and have it take effect now when approved by the Governor; and that would apply to all laws.

Mr. PATTANGALL: Then in your opinion the entire clause, so far as it relates to a popular veto, could be abrogated by mere act of the Legislature?

Mr. PETERS: I believe, the Legislature being the sole judge as to the emergency, can practically nullify that constitutional provision.

Mr. BURLEIGH of Augusta: Mr. Speaker, I understand that if this law is not passed it goes into effect in July and it will then be too late for the tax to be assessed this year; so there will be no tax assessed until next year.

Mr. COLBY of Bingham: Mr. Speaker, I want to assure the House that the largest fires Maine ever had, with the exception of last year, in many cases have occurred in the month of May.

Mr. HERSEY of HOULTON: Mr. Speaker, I want to ask if this House is not the judge of the emergency, I would like to know who is? (Laughter.)

Mr. PATTANGALL: Mr. Speaker, it may have escaped my attention but I had not noticed that we had passed any law abolishing the supreme court as yet. (Applause.)

Mr. PETERS: Mr. Speaker, I wish to say that when we adopted that constitution we did pass a law abolishing the supreme court so far as these questions relating to emergency are concerned, in my opinion. (Applause.)

The SPEAKER: This bill is placed upon its passage to be enacted. Those

in favor of passing this bill to be enacted, when their names are called, will 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, Bearce of Eddington, Bemis, Beyer, Bigelow, Bigney, Bisbee, Blake, Blanchard, Bowley, Bradford, Burleigh, Burse of Pittsfield, Bussell, Buswell, Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of Sebec, Clark, Colby, Cole, Conners, Coolidge, Cousins, Davies, Donnell, Dorr, Drake, Duncan, Emery, Ferguson, Gilbert, Grant, Hall, Hannaford, Hanson, Harriman, Harrington, Harris, Hersey, Higgins, Hill, Hodgkins of Temple, Holt, Hussey, Jones, Jordan, Joy, Kavanough, Kelley, Lambert, Lane, Libby, Lord, Marshall, McLain, Merrifield, Merrill of Bluehill, Merrill of Durham, Miller, Millett, Montgomery, Morse, Moulton, Nelson, Nickerson, Orff, Patten, Patterson, Paul, Pelletier, Perry, Peters, Pinkham, Porter, Pressley, Redlon, Richardson, Ross, Rounds, Sanborn, Silsby, Smith of Andover, Smith of Berwick, Snow of Brunswick, Snow of Scarborough, Spear of South Portland, Spear of Warren, Stanley, Stetson, Stover, Strickland, Thompson, Thurlough, Trafton, Trickey, Trimble, True, Varney, Whitehouse, Whitney, Wing of Kingfield—108.

NAY:—Allen of Jonesboro, Bogue, Bourassa, Chase of York, Dunn, Farnham, Fortier, Frost, Hines, Hodgkins of Damariscotta, Mace, Packard, Pattangall, Pike, Putnam, Quinn, Sawyer, Sleeper, Smith of Biddeford, Weld, Wing of Auburn—21.

ABSENT:—Bragdon, Cook, Couture, Cummings, Day, Doble, Dufour, Edwards, Hamlin, Harmon, Havey, Hyde, Lombard, Ludgate, Mercier, Moore, Robbins, Stackpole, Tibbetts, White of Columbia, White of Wayne—21.

So the bill was passed to be enacted it having received the votes of two-thirds of all the members elected to the House.

Passed to be enacted: An Act relating to the common school fund and the means of providing for and distributing the same.

On motion of Mr. Strickland of Bangor the House voted to take a recess of 15 minutes.

After Recess.

Unfinished business: Bill to authorize cities and towns to maintain telephone lines.

Mr. HERSEY of Houlton: Mr. Speaker: This bill provides that the towns may tax their inhabitants to

support and telephones and telephone lines. I think this bill ought not to become a law giving towns and cities the authority to go into the telephone business and tax the inhabitants for running a business like this. All over the State there are bankrupt telephone companies whose only hope is that some larger company would take them over and take care of the stock and the stockholders. The stock telephone companies require some capital. A town can issue stock and run a telephone company by taxation, and you can see at once the difficulties that would arise. Enact this law and some town which has a weak board of municipal officers or a town which is being run by some fellow who wants a telephone company established will induce the town to go into this telephone business. We must protect these towns against themselves. Charles Francis Adams says that a municipality may at times properly own its light and heat and water plants but wherever a town or city has attempted to have under its own control and own street railways or telephones and operate them it has been a failure on every occasion and that it has resulted in disaster to the city or town that has tried it; and he advises that it never should be done. I think this House should say that this bill ought not to pass, and I move that it be indefinitely postponed.

Mr. CAMPBELL of Kingman: Mr. Speaker: The report of the committee on this bill was unanimous in its favor. I would like to hear from some member of the committee.

Mr. BEYER of Portland: I hope the motion to indefinitely postpone will prevail. This is a general law which allows a city by a majority vote of its city council to buy any telephone line or erect one and tax its inhabitants for the support of that line. If it were a special act it would be a different matter. A general law allowing the wholesale buying of any one of this class of operations I do not think should go through this Legislature.

The question being on the motion to indefinitely postpone the bill.

The motion was agreed to.

Unfinished business: An Act to restore Portland bridge.

Mr. MOULTON of Cumberland: Mr. Speaker, this bill was tabled pending the adoption of House Amendment A. Last week I made a motion to indefinitely postpone this amendment with the bill. The gentleman from South Portland (Mr. Spear) proposed that unless he could offer a proposition which was acceptable to every representative on the delegation outside of the city of Portland he would let the matter drop. Under those conditions I accepted the proposition. At that time every delegate in Cumberland county, together with the county commissioners, was opposed to this bill except three, and during this time the Portland delegation have got together and have agreed on matters in regard to City hall and the other matters pertaining to Portland with the understanding that the remaining delegates from Portland shall support this bill that the Portland bridge shall be built over. This amendment says that work on this bridge on the passage of this act shall at once begin. The bridge at the present time is in a good state of preservation and probably the best authority we have says that it will answer the purpose and be safe for from four to six years. Three county commissioners are opposed to this bill and the best experts they can obtain say that the bridge is absolutely safe. The only thing about it that they bring up is that the bridge is inadequate to do the business which is done at the present time. I make a motion to indefinitely postpone this bill and the amendment.

Mr. ROUNDS of Portland, Mr. Speaker, I have an amendment to offer which provides that in the judgment of the county commissioners, when they deem it advisable, they shall build Portland bridge on certain lines. Those of you who wanted to do so had an opportunity to look at the situation there and you saw what it was, how they had to wait for the draw to be opened and working as it did in the old way; but we are willing to keep on until it gets worn out so that it may be built right under the direction of the county commissioners; and if

you vote against the indefinite postponement of it I shall introduce an amendment to that effect.

When Portland draw was built 18 years ago that bridge was not built to allow an electric car over it. It was only designed for a six ton bridge. That bridge has existed all these years and since then the large Saco cars weighing 10 or 12 tons are passing over that bridge. I am not asking for the county commissioners to construct this bridge right away, but when in their judgment they shall think it best to do so. If I am permitted I shall offer an amendment to this effect, that whenever in the judgment of the county commissioners public safety and business requires the reconstruction of the bridge the county commissioners shall proceed to construct it with a suitable draw of sufficient width to accommodate all of the Cumberland delegation. The gentleman from Cumberland has told us that nearly all of the Cumberland delegation are opposed to having this bridge built. I want to say that 90 per cent. of the tax paying public down there are in favor of this bill as amended.

The SPEAKER: The gentleman from Cumberland moved to indefinitely postpone but prior to his motion the gentleman from Portland (Mr. Rounds) offered an amendment. The motion to amend has precedence over the motion to indefinitely postpone.

Mr. GRANT of Freeport: Mr. Speaker, last week the gentleman from Portland (Mr. Rounds) was shouting for economy and did everything he could to defeat the building of City hall on the ground of economy. Now here is a bridge that is not needed and according to the best authority will not be needed for some six years and it will cost a million dollars; and this same gentleman now wants the county of Cumberland saddled with that bill. He said last week that he did not want to build City hall because it would be a monument to Mayor Leighton, and he is asking you by passing this bill to build a monument to himself that will cost a million after Cumberland county has just completed a million and a half dollar court house. Monday night at our session this same gentleman

said that if some people keep on they will have Cumberland county bankrupt. Now this bridge that they are asking to have built is not only the present bridge but seven hundred feet more into the city of Portland and enough higher to extend over the tracks of the Boston & Maine and Maine Central Railroad; and the people outside of the city of Portland have got to help maintain that bridge after it is built.

We do not need this bridge at the present time and it will be six years before we do need it, and why not let some future Legislature enact this law? I have not the slightest doubt that my friend from Portland (Mr. Rounds) will be here two years from now and can get this bill through if necessary; and I am going to predict, as was predicted last fall when he was elected, that if he is here he will be heard from. (Laughter.) My people living in a country town oppose this bill, and I understand that a greater part of the people in Portland oppose this bill. The county commissioners are to a man opposing this bridge bill. I learned a good many years ago that it was a good rule not to cross a bridge until you come to it, and I do not believe but what the same rule will work well today, not to build the bridge until we need it. This is the first time I have occupied any time on the floor and asked any favors of this house, but I do hope you will be reasonable about this matter and vote with us to indefinitely postpone this bill. (Applause.)

Mr. MARSHALL of Portland: Mr. Speaker, I realize that Portland has occupied a great deal of the time of this House. (Applause.) The amendment offered it seems to me is reasonable. It puts no burden on the county. It simply provides that in case of any accident, in case it should be demonstrated that a new bridge was immediately needed there by reason of any accident which should occur, that then the county commissioners have the authority to go ahead and do the work promptly. The amendment offered is very different from the original bill. I think the original bill did not meet the general approbation of the Portland delegation; I believe the amendment does.

Mr. Rounds offered House Amendment B.

Mr. DAVIES of Yarmouth: Mr. Speaker, Portland is a large city (applause) and a very influential city (applause) and I think that the very able representatives from that city who come here do not intend that the city shall lose any prestige (applause) on account of their being here. (Applause.) But there is another consideration. Portland is not the only town or city in Cumberland and this is a Cumberland county matter which involves the sum of a million dollars; so think it is best that we should go ahead to the considerations which have been offered on both sides, weighing the matter carefully, and then doing justice as we see it. I believe the matter is one which should have gone to the Cumberland county delegation for consideration. I do not intend to suggest at all that the matter was not fairly and honestly acted upon, but I do feel that it is a matter where the members of the Cumberland delegation would know more about and could decide more intelligently than the committee to which it was referred.

Now the bill provides for the reconstruction of Portland bridge. Could there be anything more simple or appropriate than that? But there is tacked onto the bill a provision that the rest of the county shall pay for a viaduct that goes from Brackett street to the bridge, and I can hardly see why the county should do that. As has been suggested by the gentleman from Freeport, Cumberland county is building a court house and there have been enabling acts passed by this Legislature thus far providing for the expenditure of \$950,000, and I do not think that anything has been done yet on the inside of the building. The city of Portland pays 60 per cent. of it, or thereabouts, and the county pays the balance. Now we are poor in Cumberland county outside of Portland, and in addition to its other outlays Portland wants to hook on about a million dollars for a bridge and is going to ask the county to pay half of it and it is going to include this viaduct. Of course the bridge is going to benefit the county somewhat, but the conditions are these: \$5200 has been expended on the present bridge, and I think it has been acknowledged by a number of people interested in it that at the present time

there is no immediate need of rebuilding this bridge. Now considering all that is going on in Cumberland county and particularly in the city of Portland, the debts that are being incurred there which have got to be met, does this Legislature representing the State of Maine want to say to the inhabitants of Cumberland county outside of the city of Portland, you must help them build a bridge at the present time that is approximately 2800 feet long? Or would it be better and the part of wisdom to wait a short time until we get our second wind down there on the financial question and then say to us: "This is something that has got to be built and the proper time has come and we feel it necessary to call upon you to pay your proportional part?" It is one of the largest propositions which has been offered at this Legislature; and speaking for the inhabitants of my own town and our sister town of North Yarmouth I feel that we ought not to be called upon to go to this expenditure at the present time. (Applause.)

Mr. ROUNDS: Mr. Speaker: I don't think the gentleman from Yarmouth has read the bill very carefully. It seems that the gentleman from Yarmouth when he wanted a bridge so that he could get it out of Yarmouth to Portland, they came here and we gave them a nice iron bridge. Now, we are only asking a little for the other parts of the county, as to this viaduct it is a part of the old bridge; it is the old right of way. That is all we are asking for is to put that bridge back in the old right of way.

Mr. SPEAR of South Portland: Mr. Speaker: When this bill came from the table last week the motion was made by the gentleman from Cumberland (Mr. Moulton) to indefinitely postpone, and at that time I asked that the matter be assigned until Friday of the same week. I made a statement that I had a proposition to submit to the county delegation that seemed to be satisfactory to the gentleman and to the House. I made my proposition to the gentleman from Cumberland and to perhaps three or four more of the delegation within 20 minutes, and it was not favorably received, and I dropped it. There was a county delega-

tion meeting called for that night which I did not attend, but I notified the secretary as to what my proposition was. Now, you are all aware that this Portland bridge bill originally and the amendment offered previous to Amendment "B" was not a bill of my initiative, and I find that the parties offering the bill and the Portland delegation and a large percentage of the county Delegation have agreed on House Amendment "B." House Amendment "A" was a very drastic proposition. It was that the county commissioners should proceed practically forthwith to reconstruct and rebuild the bridge. I was not in favor of that proposition. It carried another provision stating that the county shall pay one-half and the railroad interests should pay one-half. I objected to that. I suggested in case the parties could not agree that the county commissioners could still go ahead and build and the proportional expense should be divided by some justice of the court sitting in equity after a hearing. The present amendment which the gentleman from Portland desires to have adopted is, in affect this, that whenever in the judgment of the county commissioners public safety and business demand the reconstruction of the bridge then it shall be reconstructed along certain lines. There is the only limitation or restriction in the bill. It does not carry with it a single intent to shorten the life of the present bridge. In relation to the property interests the present bridge is so low, so near the surface of the water, that the draw has to be opened at least four times unnecessarily for once that it is necessary. This amendment is nothing more or less than an enabling act. It carries with it the authority to issue bonds to the amount of half a million dollars and reconstruct the bridge along permanent lines, and only when in the judgment of the county commissioners safety and business demand it. My people recognize the fact that Cumberland county is building a court house, that Portland is building a city hall. My people are not rich, my city is not rich. We are not in any hurry for the reconstruction of Portland

bridge, but conditions there are dangerous, and it is a matter vital to the protection of our families and vital to the interests of our property, and when this bridge is built it should be built permanently and along permanent lines. We fear nothing more or less than a half-way proposition which ought not to be attempted. We ask you to pass this enabling act to give the county commissioners authority to build this bridge. We simply ask that when it is reconstructed it shall be reconstructed permanently and right.

Mr. TRUE of Portland: Mr. Speaker: As a member of the Portland delegation, I hope the House will see fit to support the amendment.

Mr. JORDAN of Cape Elizabeth: Mr. Speaker, I live out beyond this Portland bridge in the town of Cape Elizabeth that has a valuation of about a million dollars. If there is one thing which retards our growth it is this Portland bridge; and I am interested that when that bridge is reconstructed it shall be reconstructed along proper lines, and for that reason I favor the amendment.

Mr. WHITNEY of Gorham: Mr. Speaker, as one of the delegation from Cumberland county I do not see why we should not leave this measure to some future Legislature to decide. I hope the amendment will not prevail.

Mr. Bisbee of Rumford, moved the previous question.

The motion was agreed to.

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

It was agreed to.

The question being on the adoption of House amendment "A."

The amendment was adopted.

The question being on the adoption of House amendment "B" to House amendment "A."—

A division was had, and 60 voted in the affirmative and 32 in the negative.

So the amendment was adopted.

The bill then received its two readings, and on motion by Mr. Rounds of Portland, the rules were suspended, the bill received its third reading and was passed to be engrossed as amended.

Unfinished business: An Act to make uniform the standard relating to the

percentage of alcohol in intoxicating liquors.

On motion by Mr. Wing of Auburn, the House, reconsidered the vote whereby this bill was passed to be engrossed.

Mr. Wing offered House amendment "A," by inserting after the word "liquors" in the first line the words "including cider containing one per cent. of alcohol and all liquors."

Mr. Bigelow of Portland, moved the previous question.

The motion was agreed to.

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

Mr. ALLEN of Jonesboro, stated that he had no objection to the amendment.

Mr. PATTANGALL of Waterville, hoped that the House would adopt the amendment and pass the bill.

Mr. WING said he had long felt that the statute which reads "all intoxicating liquors except cider" was a very great mistake and a blot on the statutes of the State, and he felt it was time that cider should be put in the class of intoxicating liquors. I do not offer the amendment to kill the bill.

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

It was agreed to.

Mr. Allen of Jonesboro, moved that the yeas and nays be ordered.

The motion was lost.

The question being on the adoption of House amendment "A" offered by Mr. Wing of Auburn,—

The amendment was adopted.

The bill was then passed to be engrossed as amended.

Unfinished business: An Act relating to the taking of beaver.

Mr. Smith of Andover, moved that the bill be indefinitely postponed.

Mr. Colby of Bingham, offered House Amendment "A," by striking out all after the words in the third line and substituting the following: "Provided however it shall be lawful to kill beaver between the fifteenth day of November and the first day of January following of each year in Township number one, Range five, W. B. K. P., in Franklin county, being Jimmy pond Township, so called, and in all unorganized townships in Somerset county,

except it shall be unlawful to take or kill any beaver within one mile of any public sporting camps in Somerset county or within one mile of Moosehead lake for a period of two years from the time this act takes effect."

The amendment was adopted.

The question being on the motion to indefinitely postpone the bill,—

The motion was lost.

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

Unfinished Business: An Act relating to the salary of the warden of the Maine State prison.

On motion by Mr. Davies of Yarmouth, the bill was passed to be enacted.

Unfinished Business: Report of the committee on temperance to which was referred bill, An Act for the better enforcement of the laws against the manufacture and sale of intoxicating liquors, reporting ought not to pass.

Mr. Havey of Sullivan, moved that the bill lie upon the table, stating that it depended upon what disposition was made of the so-called Sturgis bill.

The motion was agreed to.

Special Assignment: Bill, An Act prohibiting the depositing of sawdust and other mill waste in Jackson Mill stream and Joe Weeks' Mill stream in Lincoln county.

Mr. Wing of Kingfield, moved that the bill be indefinitely postponed.

The motion was lost.

Mr. Wing offered House amendment "A," by striking out of Section one after the word "employ" the words "into Jackson Mill stream and Joe Weeks' Mill stream, so called, tributaries to Damariscotta lake in the town of Jefferson in the county of Lincoln," and inserting the words "into any river or stream in the State of Maine."

The amendment was lost.

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

Special Assignment: An Act in relation to hunting on Sunday.

The pending question being the adoption of House amendment "B,"—

Mr. Wing of Auburn, moved that the bill be indefinitely postponed.

The question being on the adoption of House amendment "B."—

The amendment was rejected.
The question being on the motion to
indefinitely postpone the bill,—
A division was had and 49 voted in

the affirmative and 38 in the negative.
So the motion prevailed.
On motion by Mr. Peters of Ellsworth,
Adjourned.