

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

To Judges, Supreme and Superior,	10
To Governor and Councillors,	8
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For the year 1912, the same as 1911 with 200 for the Maine Legislature.

Mr. LEACH: Mr. President: This cuts the cost down from \$3200 to \$900.

Passed to Be Engrossed.

An Act to extend the charter of the Central Aroostook Electric Company.

An Act to ratify, confirm and make valid the proceedings of the special town meeting of the inhabitants of the town of Presque Isle, held May 3, 1909, and the bonds issued by said town in aid of the Aroostook Valley Railroad Company.

An Act concerning trespass.

An Act to amend that part of Section 5 of Chapter 80 of the Revised Statutes of Maine, relating to the regular sessions of the county commissioners of Oxford county.

An Act to extend the charter of the Northern Aroostook Electric Company.

An Act to authorize the Wiscasset, Waterville and Farmington Railroad Company to dispose of a part of the property of said company.

An Act to amend Section 95 of Chapter 49 of the Revised Statutes of 1903, as amended by Chapter 121 of the Public Laws of 1905, as amended by Chapter 170 of the Public Laws of 1907, relating to notices of injury to casualty insurance companies.

An Act to amend Section 56 of Chapter 32 of the Revised Statutes, relating to the disposal of money received for fines and penalties for violation of the fish and game laws.

An Act to extend the charter of the Jonesport Central Railroad Company.

Passed to Be Enacted.

An Act to provide for a close time on scallops.

On motion by Mr. Milliken of Aroostook,

Adjourned.

HOUSE.

Thursday, February 16, 1911.

Prayer by Rev. Mr. Evans of Gardiner.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

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

Judiciary.

By Mr. Clark of Portland—Resolutions of the Current Events Club of Portland in favor of the Children's Act of the Maine Prison Association for a system of juvenile courts.

Also, Petition of James Maxwell, alderman Ward 1, Portland, and 106 others, for same.

Also, Petition of William H. Gould and 24 others of Portland, for same.

Also, Petition of Charles M. Woodman and 15 others of Portland, for same.

Also, Petition of James F. Albion of Portland and 28 others, for same.

Also, Petition of F. A. Robinson and 46 others of Portland, for same.

By Mr. Active I. Snow of Brunswick—Petition of President William DeWitt Hyde of Bowdoin College and 28 others of the faculty and town of Brunswick for same.

By Mr. Shea of Eden—Petition of Hollis Hodgkins and 14 others of Bar Harbor in favor of amending Chapter 133 of Private and Special Laws of 1909.

Also, Petition of Leon Lord and six others of Bar Harbor, for same.

By Mr. Powers of Caribou—Caribou municipal court, Bill for amendment in regard to trial justice jurisdiction.

Agriculture.

By Mr. Allen of Jonesboro—Resolve to reimburse owners of domestic animals for damages by destruction by wild animals.

State Lands and State Roads.

By Mr. Bearce of Eddington—Petition of E. C. Merrill and 45 others of East Eddington in favor of a road around Chick hill.

Shore Fisheries.

By Mr. Harmon of Stonington—Remonstrance of E. A. Hopkins and seven others against any change in the present lobster law.

Also, Remonstrance of Llewellyn Elwell and seven others, against same.

Placed on File.

By Mr. Allen of Jonesboro—Remonstrance of Harry F. Stinson of South Portland and 25 others against re-submission of prohibitory law.

Labor.

By Mr. Pattangall of Waterville—An Act to amend Section 48, Chapter 40, of the Revised Statutes as amended by Chapter 70 of the Public Laws of 1909, relating to the employment of women and children.

Taxation.

By Mr. Colby of Bingham—Resolve for the appointment of delegates to the conferences of the International Tax Association.

Orders.

On motion of Mr. Pattangall of Waterville,

Ordered, That the clerk order printed for distribution by the messenger one hundred copies of House bills Nos. 1, 6, 10, 25, 26, 28, 33, 63, 69 and 75, and three hundred copies of House bill number 42.

On motion of Mr. Pollard of Solon,

Ordered, That of the Act for the better protection of cattle, horses and other domestic animals against contagious diseases, presented by Mr. Thompson of Skowhegan, and referred to the committee on agriculture, five hundred copies of that bill be printed for distribution.

Mr. PACKARD of Rockport: Mr. Speaker, I have an order to introduce at this time, and I would say that the same has been approved by the committee on rules.

Ordered, that the debate on Resubmission be limited to two hours, one hour to be taken by the supporters of the majority report and one hour by the supporters of the minority report, the Speaker to designate two members, one on each side, who shall have charge of the time and be entitled to

the floor, excepting as they yield it to others.

The order was given a passage.

Reports of Committees.

Mr. Wilson from the committee on legal affairs reported "ought not to pass" on Bill, An Act to amend Section 4 of Chapter 174 of the Public Laws of 1905 as amended by Chapter 145 of the Public Laws of 1909 in relation to the powers of county commissioners.

Mr. Skehan from the committee on railroads and expresses reported "ought not to pass" on Bill, An Act to amend Section 1 of Chapter 83 of the Private and Special Laws of 1909, entitled "An Act to extend the authority of the Rockland, South Thomaston and St. George Railway.

Mr. Wilkins from the committee on towns reported "ought not to pass" on Bill, An Act to divide the town of Boothbay and establish the town of East Boothbay.

Mr. Allen from the committee on temperance to which was referred resolve for an amendment to the Constitution, relating to the sale and manufacture of intoxicating liquors, reported that the subject matter is covered by another bill.

Mr. Emerson from the committee on interior waters, on petition of Ira F. Burnell and 52 others to repeal Chapter 370 of the Private and Special Laws of the year 1905, relating to throwing mill waste into Breakneck brook and its tributaries in Cumberland county, reported that petitioners have leave to withdraw.

Mr. Dunn from the committee on legal affairs, on Bill, An Act granting additional privileges to the Peaks Island Corporation, reported that same be referred to the committee on the judiciary.

The reports were accepted.

Mr. Pelletier from the committee on legal affairs reported "ought to pass" on Bill, An Act to extend the provisions of Chapter 315 of the Private and Special Laws of 1909 entitled "An Act to incorporate the Penobscot Bay Water Company.

Mr. Scates from same committee reported same on Bill, An Act to

amend Section 34 of Chapter 4 of the Revised Statutes 1903 of Maine, relating to ward lines.

Mr. Pelletier from the same committee reported same on Bill, An Act to repeal Chapter 126 of the Public Laws of 1909 relative to the power of prison and jail inspectors.

Mr. Skehan from the committee on railroads and expresses reported same on Bill, An Act relating to the Mount Desert Transit Company.

Same gentleman from same committee reported same on Bill, An Act to amend and extend the charter of the Belfast and Liberty Electric Railroad Company.

Same gentleman from same committee reported same on Bill, An Act to amend Chapter 313 of the Private Laws of the year 1909, entitled "An Act to abolish Rines Hill grade crossing in Augusta.

Same gentleman from same committee reported same on Bill, An Act to extend the charter of the Fairfield and Skowhegan Railroad Company.

Majority report of the committee on counties, on Bill, An Act to annex the town of Stonington, in Hancock county, to the county of Knox, reported "ought not to pass."

(Signed)

SANBORN,
BOYNTON,
OSBORN,
ANDERSON,
FRANK,
JORDAN,
MCCURDY,
MCCANN.

Minority report of same committee, on same bill, reported "ought to pass."

(Signed)

HARMON,
COPELAND.

(On motion of Mr. Peters of Ellsworth, both reports were tabled pending acceptance of either.)

Majority report of the committee on counties, on Bill, An Act to annex the town of Isle au Haut, in Hancock

county, to the county of Knox, reported "ought not to pass."

(Signed)

SANBORN,
BOYNTON,
OSBORN,
MCCURDY,
ANDERSON,
FRANK,
JORDAN,
MCCANN.

Minority report of same committee, on same Bill, reported "ought to pass."

(Signed)

HARMON,
COPELAND.

(On motion of Mr. Peters of Ellsworth, both reports were tabled pending the acceptance of either.)

Mr. Wilkins from the committee on towns, reported "ought to pass" on Bill, An Act to incorporate the town of Merrill.

Mr. Deering from the committee on State lands and State roads on Bill, An Act to regulate the opening of streets in cities, reported the same in a new draft under same title, and that it ought to pass.

Mr. Skehan from same committee, on Bill, An Act to improve certain State lands, reported the same in a new draft under same title, and that it ought to pass.

Mr. Harmon from the committee on shore fisheries, on Bill, An Act to protect striped and sea bass in the waters of the Sheepscot river and its tributaries, reported same in a new draft under the title of "An Act it shall be unlawful to fish for or catch striped or sea bass in the waters of Sheepscot river from February 15 until January 1, of each year" and that it ought to pass.

Mr. Phillips from the committee on ways and bridges, on Bill, An Act to prohibit the use of automobiles and motor vehicles on one of the ways of the town of Waterford, reported the same in a new draft under the title of "An Act to prohibit the use of automobiles and motor vehicles on one of the ways of the town of Waterford for two years," and that it ought to pass.

The reports were accepted and bills

and resolves ordered printed under joint rules.

First Reading of Printed Bills.

Resolve in favor of the town of Porter.

Resolve in favor of the town of Hermon.

Resolve in favor of Arlington J. Day. An Act to incorporate the Bluehill Water Company.

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

An Act to amend Chapter 243 of the Public Laws of 1909 relating to the election of assessors in towns.

An Act to amend Chapter 54 of the Special Laws of 1895, as amended by Chapter 60 of the Special Laws of 1903, by enlarging the territory of the Rumford Falls Village Corporation.

An Act to amend an act to revise, consolidate and amend the charter and laws of the city of Augusta, and relating to the tenure of office of the members of the fire department of said city.

Mr. Davies of Yarmouth, offered House Amendment A, "This Act shall not take effect until it has been adopted by the legal voters of the city of Augusta at general election or special called for that purpose."

On motion of Mr. Williamson of Augusta, the bill and amendment were tabled and specially assigned for consideration tomorrow.

Passed to be Engrossed.

Senate Resolve, No. 78, in favor of Edward E. Chase, Jr.

House Bill, No. 150, An Act to prohibit the hunting of ducks and other water fowl in Saco Bay.

House Bill, No. 167, An Act to extend time in which the Maine Title Guarantee Company is authorized to commence business.

House Bill, No. 169, An Act to repeal an Act authorizing the city of Portland to appoint a deputy sealer of weights and measures.

House Bill, No. 170, An Act to facilitate the identification of criminals.

House Bill, No. 171, An Act relative to clerk hire in the office of the Register of Deeds in Kennebec county.

House Bill, No. 172, An Act to in-

crease the allowance for watering tubs.

House Bill, No. 174, An Act to extend the charter of the Mutual Fire Insurance Company.

House Bill, No. 175, An Act to extend the charter of the Northeastern Insurance Company.

House Bill, No. 176, An Act to build and repair a dyke in the town of Millbridge.

House Bill No. 178, An Act to authorize the mayor of the city of Portland to appoint Commissioners of Cemeteries and Public Grounds.

House Bill, No. 179, An Act to extend the charter of the Fire Insurance Company of Portland, Maine.

Passed to Be Enacted.

An Act to amend Chapter 481 of the Private and Special Laws of 1893, entitled "An Act to incorporate the Sebago Improvement Company."

An Act to regulate fishing in Folly pond, so-called, situated in the town of York and county of York.

Finally Passed.

Resolve in favor of E. N. Thompson of Augusta.

Resolve in favor of Lola Coly, representative of the Penobscot Tribe of Indians for 1911 and 1912.

Resolve in favor of Richard Stuart.

Resolve in favor of James M. Benson.

Resolve providing for an appropriation for the protection of trees and shrubs from the introduction and ravages of dangerous insects and diseases.

Mr. PATTANGALL of Waterville: Mr. Speaker, as I recall it, this resolve contains an emergency clause.

The SPEAKER: It does contain an emergency clause.

Mr. PATTANGALL: Then, Mr. Speaker, should there not be a vote taken to determine whether the necessary two-thirds of the House vote in favor of the resolve?

The SPEAKER: Under the laws of the State two-thirds of the actual number of members must vote for the resolve in order that it may be given a passage.

A rising vote being taken, 144 voted

in the affirmative, and the resolve was finally passed.

Orders of the Day.

On motion of Mr. Hogan of Portland, bill, An Act to amend Chapter 206 of the Public Laws of 1909, entitled "An Act to consolidate and revise the military laws of the State of Maine." was taken from the table, and on further motion by the same gentleman it was referred to the committee on military affairs.

On motion of Mr. Goodwin of Biddeford, bill, An Act relating to county attorneys, was taken from the table, and on further motion by the same gentleman it was referred to the committee on judiciary.

On motion of Mr. Goodwin of Biddeford, bill, An Act relating to limitation of prosecutions, was taken from the table, and on further motion by the same gentleman it was referred to the committee on judiciary.

On motion of Mr. Porter of Mapleton, bill, An Act to amend Section 20 of Chapter 36 of the Public Laws of 1909, in relation to regulation and sale of fertilizers, was taken from the table, and on further motion by the same gentleman it was referred to the committee on agriculture.

On motion of Mr. Plummer of Lisbon, bill, An Act to amend Section 34 of Chapter 15 of the Revised Statutes relative to the election of superintendent of schools, was taken from the table, and on further motion by the same gentleman it was referred to the committee on education.

On motion of Mr. Woodside of Webster, bill, An Act relating to investments by savings banks, was taken from the table, and on further motion by the same gentleman it was referred to the committee on banks and banking.

On motion of Mr. Morse of Belfast, bill, An Act to establish a municipal court in the city of Belfast, was taken from the table, and on further motion by the same gentleman it was referred to the committee on judiciary.

On motion of Mr. Hastings of Auburn, bill, An Act to annex Fryeburg Academy Grant to the town of Mason, was taken from the table, and on fur-

ther motion by the same gentleman it was referred to the committee on towns.

On motion of Mr. Murphy of Portland, bill, An Act relating to the board of overseers of the poor of the city of Portland, was taken from the table, and on further motion by the same gentleman it was re-committed to the committee on legal affairs.

On motion of Mr. Murphy of Portland, Bill, An Act to amend Section 13 of Chapter 9 of the Revised Statutes of the State of Maine, relating to securities exempt from taxation, was taken from the table, and on further motion by the same gentleman it was referred to the committee on taxation.

On motion of Mr. Heffron of Eastport, Bill, An Act for the better protection of the fisheries of Maine was taken from the table, and on further motion by the same gentleman it was dismissed from the calendar, being improperly here.

Mr. POWERS of Caribou: Mr. Speaker, I wish to present a bill out of order. I will say that I received this bill yesterday and accompanying it was an explanation that the parties thought this had been sent to the House a number of days ago; and for that reason I ask unanimous consent of the House to introduce it at this time.

Unanimous consent was given and Mr. Powers introduced Bill, An Act for an amendment in regard to the salary of the recorder of the Caribou municipal court. (Referred to the committee on legal affairs.)

On motion of Mr. Williamson of Augusta, Senate Order, The House concurring, that the committee on State School for Boys and Industrial School for Girls be directed to consider the advisability of consolidating the boards of trustees of the two institutions and report by bill or otherwise, was taken from the table.

Mr. WILLIAMSON: Mr. Speaker, a bill covering the same subject matter has already by this House been referred to the committee on legal affairs and in order that the two committees may not have the same subject matter under consideration I move

that this order be indefinitely postponed.

The motion was agreed to.

Resubmission.

The SPEAKER: The Chair will designate as the gentlemen to have charge of the assigned time, for those who favor the majority report on resubmission that it ought to pass, Mr. Allen of Jonesboro, and for those favoring the minority report, that the bill ought not to pass, Mr. Hersey of Houlton, who will each be entitled to an hour, only as they themselves yield to persons whom they may designate.

On motion of Mr. Allen of Jonesboro, resolve relating to resubmission was taken from the table.

Mr. ALLEN: Mr. Speaker, I move that the House concur with the Senate report, in accepting the majority report. I will yield the floor at this time to the gentleman from Ellsworth, Mr. Peters.

Mr. PETERS of Ellsworth: Mr. Speaker, I have great hesitation in entering upon a path which has been trod so often by so many men so much abler than I. I should not have courage to enter upon the discussion at all were it not for the fact that I represent, and purport to represent, only myself as a citizen and as a member of the Legislature, and I disclaim any desire to speak for any political party, any organization, or any locality, Mr. Speaker, but only as an individual, approaching the subject from an individual standpoint, untrammelled by any consideration save the good of the State, as I see it. I may say that I have no set speech. Mr. Speaker; the time is somewhat limited, there are numerous gentlemen who desire to make remarks on both sides, but I have some observations which appear to me to be pertinent from my standpoint.

It strikes me that the usual vein of the discussion of this matter has traveled along lines which are apt to lead one slightly away from the real issue. I have observed that in discussing this matter of resubmission, and it has of course been frequently discussed, that remarks immediately

fall into lines of demarkation between prohibition on the one hand and local option and license law on the other. Now there can be no question, there is no room for dispute, as to the proposition that the abuse of liquor is at the foundation of pauperism, insanity and crime to a great extent. Citizens who appreciate the relative values of things do not differ on that proposition. On the other matter of the relative merits or desirability of prohibition on the one side and a license law on the other, we never can all agree. So long as there are different localities in the State, different kinds of citizens, different interests, it will be impossible for all people to agree upon those questions. It might just as well be recognized. Now I maintain that before we come to any discussion of the relative merits of prohibition and license, we must decide some vital preliminary questions of a constitutional nature before we can act intelligently upon this subject. I suppose a lawyer naturally and instinctively likes to get his feet placed on the constitution. He feels safer. What does it say? Under what are we acting? What is the question, anyhow? How do we get at it? The Constitution, Mr. Speaker, says in Article 10, Section 2, "The Legislature whenever two-thirds of both Houses deem it necessary may propose amendments to the Constitution." That is what we can do if we deem it necessary. Well, now, what are the rights of the people? How do they stand towards this matter? Is there anything here which gives them any interest in the settlement of this question?

Mr. Speaker, the first Article of the Constitution is the very bed-rock, the foundation stone of the whole edifice. In that is specified the natural and primary rights of citizens. Upon that structure the whole edifice stands; and if that foundation is ever shaken the whole house falls. Now in the very second section of Article 1, it is provided, and always has been, that "all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit. They have therefore an in-

alienable and indefeasible right to institute government and to alter, reform or totally change the same when their safety and happiness require it. It seems, then, that we cannot get away from the fundamental proposition that the people are given at the start, have always had and have now, an inalienable and indefeasible right to alter, reform or change this form of government if they deem it necessary, if they deem that their safety and happiness require it."

Now, then, what is the proper attitude of the Legislature concerning any proposed change of this kind? I maintain and always have that no change in the Constitution, either by taking anything away or by adding anything to it, should ever be made unless preceded by long continued agitation, Mr. Speaker, followed by a demand from the citizenship, clear and unmistakable. Now we certainly have had agitation. This thing has been agitated publicly for many years, it has been presented here in the form of a question similar to this, has been discussed here and elsewhere for years. It has come up here time and time again. The agitation certainly has been sufficient. Now is there a demand, is the demand clear, is it unmistakable? Of course that is the place where we may divide. That is the question of fact, as I look at it, whether or not the demand is clear and imperative, because if it is, acting under their constitutional rights, the people have a right to vote upon this question, and we cannot properly as legislators stand between them and their rights if we believe that their demand is clear; if we believe that it is not, it is our duty, I think, in my attitude towards this matter, to vote the other way.

Now of course there are several ways of finding out how the people stand, upon this question of their demand I mean. There is one way, in analyzing the votes which they give for elections, and have given. It has been said when the last election was pointed to as a showing of the desires of the people in this respect, that other issues were involved besides resubmission, and that is true.

There were other issues, but if you begin, Mr. Speaker, back in 1904 and analyze the votes given for Governor by this people, by our fellow citizens, and remember at the same time since that time every year this question of resubmission has been invariably an issue in the platform of both parties, and when you notice that from 1904 to 1910 the plurality for the Republican candidate shrinks from 25,000 to minus 8000, a constantly decreasing plurality every year, and remember that all the time this issue was one of the party issues and that there was no other issue which was a living issue every time, I maintain that the conclusion which I have come to that the people imperatively demand an opportunity to vote upon this amendment is inevitable, that is, that is the way it appears to me. Also if you will examine the votes given by the Legislature upon this question from time to time at every session during this period you will see a constantly increasing number given in favor of submitting this amendment, beginning I think with 23, and if I am not mistaken the last time it received some 50 or 60 votes. Those are in a sense straws, pretty strong ones, but I think they indicate what I maintain to be the fact. Then every one of us has sources of information, every one of us knows a good many people in different parts of the State—and I put it to you, gentlemen, if when you are going around and seeing people and conversing with them in this State, it is not your judgment that the demand of the people for an opportunity to vote upon this important constitutional amendment is decisive, is clear, is present with us. I do not mean that everybody in the State demands it. I maintain, however, that a majority of the citizens of this State are in favor of and desire an opportunity to vote upon the question, and that we are confronted with that as a fact. Now when we find that to be a fact, why I think that that is practically a settlement of a necessary primary question.

Now my idea is that in approaching this thing as we must conscientiously,

we should go further and figure as to the effect of this proposition to resubmit this amendment to the people. Well, now, what is the effect, what may be the effect of it? I think that a good many people in the State do not fully understand it. Prior to the passage of this amendment, which was in 1884, there were for more than twenty years, more than twenty-five years I think, stringent laws on the statute books against the sale of liquor. When the amendment was passed in 1884 those laws were there. After it was passed they were there; they are there now. When this amendment is repealed, if it is repealed, by the people, it will not in any degree change one word or line of the statutes prohibiting the sale of intoxicating liquors. No matter what the vote is on the question of adopting the amendment next fall, it will not alter one particle of the legislation of this body touching the manufacture and sale of liquor. Moreover, it will leave it entirely in the hands of the Legislature, then, and thereafter, to take care of the question as it sees fit.

Now in connection, leaving it as it does if this amendment is passed, this provision is repealed, leaving it as it does then, entirely in the hands of the Legislature to pass by statutes as it sees fit in its wisdom any prohibitions against the sale of liquor, right there is a very important consideration and one that has a very intimate connection with this question, that the Constitution has been previously changed so that the people participate in legislation, Mr. Speaker. If this Constitution was as it used to be if the people had no opportunity to reject our laws and no chance to introduce anything themselves that they might have to pass in the way of legislation, I think a man could well hesitate longer perhaps before voting to give an opportunity to repeal this provision, to submit this provision so it might possibly be repealed. But the provisions surrounding legislation now are such that we can more safely entrust this matter to the Legislature, it being a matter for the great good of the body politics, than perhaps could otherwise

be done, because if the Legislature passes any statute hereafter in regard to the sale of liquor, whether prohibiting it absolutely or licensing it or giving local option with license or in any other way, that situation will be met right squarely in the face with the fact that the people will have a chance to reject any act they may pass on that subject; and if the Legislature should fail to pass legislation demanded by the people, the people have a right to propose it to the Legislature for their consideration, and if the Legislature does not see fit to pass it, it can go back to the people and they can pass it so there would not be any very great opportunity of perversion of the function of legislation along those lines on account of the amendment to the Constitution which was passed in 1907.

Now, Mr. Speaker, there are a great many people, and I think I am one of them, in this State who believe that the Constitution is really no place for a law of this kind, that the real place for it is on the statutes of the State where it was prior to 1884 and where it is now and where it ought to be. Now in looking at that matter, Mr. Speaker, a person familiar with the situation sees that there is no where else in the constitution any subject apparently akin to this one. The Constitution provides and fixes and defines the great natural rights and principles of our citizenship, and then of course establishes the form of government, defines the lines between the legislative, the executive and judicial departments, regulates the methods of voting and methods of protection by the military department and those great fundamental principles which we are obliged to have in order to be a public organization and government; and where in the Constitution do you find any parallel, any similar subject to this law which regulates and which prohibits the sale of liquor? Is it any more reasonable, is there any greater propriety in enacting legislation prohibiting the sale of liquor, in putting it into the Constitution, than there is in incorporating a provision prohibiting the sale of poisons? I appre-

hend not, looking at it from an ordinary reasonable standpoint. I apprehend not. This of course was put in the Constitution in 1884 purely so as to prohibit the Legislature from getting away from the desires of the people touching legislation that they might not approve of. But, as I explained in relation to the referendum, that condition has changed, the objection no longer prevails to that extent. It is my idea, Mr. Speaker, that this opinion that the Constitution is no proper place for a provision of this kind, will increase, and I believe it is entertained by the best jurists and thinking men, publicists of the State. I believe as time goes on it will be increasingly so. I believe that the time will come when it will be considered an anomaly that we ever had this kind of legislation in the Constitution, because I believe we can handle it in an entirely satisfactory manner in our Legislature by the representatives of the people supplemented by the people themselves.

New in this matter we should not approach it wholly from the standpoint of an advocate, it seems to me. We are in a sense the jury, we are the only body which has a right to decide this particular question. This question cannot be initiated by the people. This cannot come to us in the form of proposed legislation, Mr. Speaker, the responsibility is entirely upon us to say whether we will stand between the people and the opportunity which they desire, as I believe. Now in this action, our attitude being as I maintain that of a tribunal to decide rather than to argue with each other, it seems to me we could properly go a step further and consider what reasons have been advanced in the past or lately by the various advocates of one theory or the other in connection with this legislation, to see whether those reasons would be likely to prevail with a good many thinking people, because as I look at it the issue for us to decide is whether or not the people demand this thing, and all else should be considered as bearing upon that issue. Now of course there have been a good many reasons. I suppose

a large number of and a variety of reasons animate different people who favor the submission of this amendment. I suppose that a considerable group of people desire a submission of this amendment for the purpose of voting for it, or reaffirming it, as they say. I noticed that in the Senate yesterday two high-minded gentlemen expressly stated that they voted for the submission of the amendment but they intended to vote against its repeal at the polls—they voted for the amendment here for the purpose of reaffirming it. Now that idea probably prevails among a considerable number of people of the State. I have no doubt of it. Others, probably a larger number, desire to submit this to the people to have this provision repealed so that the Legislature and the people if they desire it can enact a license law coupled with local option. Well, now, that is a good reason, that is, it is a logical reason, it is a frank reason, it is a reason they are entitled to have, and it does prevail among a great many people, it animates a great many high-minded, honorable and well meaning people I haven't any question. There are others, and as I say I am coming to the conclusion that I am one of them, who feel on account of the fact that the Constitution is properly and fundamentally no place for this kind of legislation, that it should be removed from the Constitution and kept on the statute books of the State where it can be handled by the Legislature and the people; and I think that the number of people who take that attitude will constantly increase and has increased largely of late. There are some of course who will vote for this with the idea of taking it out of politics, a reason based a good deal upon expediency perhaps but a reason they are entitled to have; and I think it will have a good deal of effect along those lines, Mr. Speaker. No doubt there are a lot of people, a lot of young men in the State who have come to the front and say that they are a new generation and that they feel they want to be considered, they want to have a vote and a voice on this matter. Probably they wouldn't have had

that thought if this matter had not been agitated so much. Probably some people want to vote on this matter because they think they are deprived perhaps of some rights that they ought to have. That idea may have been unconsciously fostered by political speakers during the last several campaigns. It simply goes to swell the number of citizens of the State who take the position I have indicated that they desire and demand an opportunity to vote upon this question. I think those groups of people with those various reasons each of which they are entitled to have—whether they are logical in some cases or not it seems to them that they have a right to them—I think those groups of people taken together are rapidly becoming and have become more than a majority of the people of the State.

On the other side of course there is one large reason which has been and always will be given for refusing to submit this amendment to the people, and that is because the people may vote to repeal the prohibitory law and may allow the sale of liquor without sufficient restrictions. That is the one fundamental reason which has been given. I cannot see that any other can be given for a refusal to submit this law, this constitutional provision to the people. That is a perfectly honest reason that may seem, that does seem to a large number of people of the State to be a sufficient reason for their attitude in opposing this resolve. The only thing is whether they consider that the demand of the people should be heard or whether the Legislature shall determine as to what is best for the people and not allow the people to interfere in the matter.

Now, Mr. Speaker, I have endeavored to present these considerations as they occur to me without any regard to party lines or partisanship. If one were to discuss this matter from a party standpoint, it seems to me that nothing could be more expedient for the members of the Republican party than to assist in the passage of an amendment of this kind. This thing has been a sore in the body of the Republican party for years, it has fester-

ed, it has spread, it has almost killed the party, the way I look at it—almost killed it. There is nothing for us to do but to get it out of our system. If we can once get this out of our system, fellow Republicans, we can get well; if we cannot we wont. (Laughter and applause). But, Mr. Speaker, I believe we should rise above partisanship in this matter. I do not look at it along party lines. I believe that each of us should vote upon this matter as he thinks is best and right for the interests and the best welfare of the State without regard to prejudice, fear or favor; and when he has done that, Mr. Speaker, and has satisfied his own conscience he will have nothing to regret. Mr. Speaker, I shall vote for resubmission. (Applause.)

Mr. ALLEN of Jonesboro: Mr. Speaker, I yield the floor to the other side, reserving the right to close the matter after they have spoken.

The SPEAKER: One-half of the time has been taken.

Mr. HERSEY of Houlton: Mr. Speaker, I understand that we must now exhaust our time at this time, if we wish to.

The SPEAKER: The hour that is given you.

Mr. HERSEY: I yield 10 minutes to the gentleman upon the temperance committee, Mr. Quimby, who signed the minority report.

Mr. QUIMBY of Turner: Mr. Speaker, I only ask for five minutes time in which to present to you the facts in relation to this bill which is known to us as resubmission, and they have kindly given me this five minutes in order to tell you what little I know about the bill. Of course it has come to us now from the Senate to see what we will do with it. It has been acted upon there. This bill originated in the Senate as you all know, and was presented to your committee through the senator from Knox. He brought this matter before your committee of temperance, of which I was a member, and he ably presented it, and he took the ground, as did the gentleman who has last spoken, that there were a certain number of people who wished the privilege of voting upon this question, and upon that line discussed it, and also he

pleaded for the home and for the fireside, and he did well; but unlike others bills which come up, as I noticed, before this committee, he did not bring any of those young men forward to substantiate that fact, and if he brought anybody to represent the home and the fireside it was represented by the W. C. T. U., of which organization Mrs. L. M. N. Stevens was present to speak for them. That is all that I heard of the home and the fireside except through him, and your committee after listening to those remarks from the people there present brought in their reports.

Now, who wants this resubmission? You gave a chance here, a public hearing, for people to express their views from all over the State who wanted this resubmission, and as I say it was presented by him. And on the other side, who appeared before your committee in opposition? Not only the national president of the W. C. T. U., who presented her side of the question as she saw it and as she is in touch with the homes and the firesides, but the clergy was represented, and they said they did not want it, did not want resubmission. They thought it was not best for the morals of this State. Business men appeared before the committee and they said it was best for the interest of the State not to resubmit; educators from our institutions and colleges appeared before the committee and they said the same; Grangers and all classes of people appeared before the committee asking that we work against resubmission. That is what we had before the committee. I listened attentively to both sides, and as a representative for the best interest of the laws of this State I voted upon the minority. I thought it was for the best interest of the State, and those are the people who appeared before your committee. Now, I am not going to take up any more of your time or attempt to make any speech. There is a good opportunity here, but I want to state to you the facts why we brought in this minority report.

Mr. HERSEY of Houlton: Mr. Speaker, From any canvass I have been able to make of the House I am not aware of anybody else that wishes to speak upon this matter except Mr. Davies and myself. I yield one-

half of my time to Mr. Davies at this time.

Mr. DAVIES of Yarmouth: Mr. Speaker, I do not intend to take the time of the House except to say that I desire to be recorded as voting against resubmission; but I ask leave to print in the record a statement of my views.

The SPEAKER: The gentleman asks permission of the House to print a statement of his views.
It was agreed to.

Mr. DAVIES submitted the following:

Why not resubmit the Fifth Amendment to the people for them to confirm or abrogate it, you ask me. Because the economical and political sides of the question are entirely overshadowed and eclipsed by the moral phase of it. Is it denied that resubmission is the first step toward the legalized saloon? The saloon takes a well recognized place in community life. Is it denied that the functions it performs are necessarily demoralizing and degrading; that it lends itself for a rendezvous for people who commit infractions of the law; that its associations create a distaste for honest labor; that it corrupts our political life by exchanging the votes under its influence for immunity from punishment when breaking the law? It is a menace to our civilization, leaving pain and sorrow and poverty in its wake.

The belief is general that the saloon is convicted of these charges. Why should we care to resubmit to others for their approval the advisability of taking a step which might open the door to legalizing a traffic so entirely under the ban of the moral law? In other words, what could it profit one to submit a moral principle founded upon a firm conviction, to another for approval or rejection? And is it not one great purpose of government to convert moral principles into political conduct?

We admit that the Prohibitory Law fails to prevent the sale of liquor; no human agency can entirely prevent it, but it makes the saloon keeper an outlaw and stamps the traffic inimical to public morals, destructive

of those influences which make for good and purity, and offensive to the tone of our political life. Give the saloon the sanction of law, and you attempt to clothe it with respectability. Then dress it in gilt and marble, hang it with art and color, frame it in polished woods and interesting attractions, and its influence must be more potent and far-reaching than the outlawed place, environed by dirt and filth, always in fear of the officer who may lawfully work its temporary destruction and present the dispenser of its goods at the bar of the court. Some one has well said, "No law perfectly suits the convenience of every member of the community; the only consideration is whether, on the whole, it is profitable to the greater part."

Our opponents say, "You cannot legislate morality into a man." This is perfectly true. Neither does the law aim to accomplish any such results. Man's right to the freest exercise of his power, faculties, and tastes, under some necessary restrictions, is well recognized and fundamental. But the purposes of Democratic government cannot be gainsaid, namely, to advance the material interests of the inhabitants and promote a higher standard of citizenship. To assist in the development of these purposes, we are safeguarded by enactments of restraint and limitation marking certain bounds beyond which there is danger of retarding social progress and of corrupting public health and morals. To deny this would be to deny the purposes of all law. The great purpose sought to be achieved by the Prohibitory Law is to prescribe a rule of conduct. The law calculates to bring to society the fullest measure of protection within the circuit of its influence. The legalized saloon is an enemy to society. It entices the poor man from his home; gives him better shelter; gives him excitement and companionship. Do you wonder he yields?"

The resubmissionists tell us that the Prohibitory Law is class legislation; that it deprives the poor man of his drink, yet leaves a way for the rich man to drink at his club. This argument is speciously sound.

but in reality is fallacious. It is granted that those who have, are better equipped to withstand the rigidity of the law than those who have less, and this must always be so, on account of the disparity of their financial resources. Their rights are equal under the law. The police power, so near to the citizens, is calculated to bring all individuals under its surveillance, regulating and prohibiting the agencies and instrumentalities of trade and dispensation which are in any way offensive to good morals. In this function may be found ample authority in matters within its purview, to level barriers existing between men, arising by means of inequalities of fortune, and should show its disdain for privileges and exemptions. Are we not too prone to condemn the law when the reason for our condemnation can better be found in the indifference displayed by many on whom the burden falls to carry out its enforcement?

Mr. HERSEY of Houlton: Mr. Speaker, in 1884 after 33 years of statutory prohibition in the State of Maine, the people of this State, the voters of this State, went to the ballot box and by a vote of three to one put statutory prohibition of 33 years into the Constitution of the State. In spite of this decisive vote of the people the Democratic party of the State commenced at once to put into its platform in this State its opposition to all sumptuary laws, and it kept that up until about 10 years ago when they changed their tactics and put into every State platform a demand for the resubmission of the constitutional amendment and through every campaign they maintained that plank, advocated it in their platform.

During the last 27 years, Mr. Speaker, the only test as to whether the people had changed their minds in the 27 years was made two years ago, when a great political party in this State had before it two candidates for Governor, both men of ability. As to intellectual qualities and character there was no choice between them. One candidate believed, he said, the question should be submitted to the people, of resubmission, he said he fa-

vored the Maine law, but he said he was in favor of giving the people a chance to say whether they wanted it taken from the Constitution or not; he made that a part of his platform. And that was the only choice between the two men. That was the contest in every caucus throughout the State of a great political party, it was the contest in a great political convention represented by every delegate that they were entitled to; and when that vote was taken on that question alone between the two men, the man who declared himself for resubmission in the State of Maine was overwhelmingly defeated and he admitted it, that the question had been settled as far as he was concerned, the people had spoken, the test had come and they repudiated him on that account; and that was the only test that has been made by the people of Maine excepting in another particular. Before the Legislature for the past 10 years there have come petitions from people from all over the State of Maine, the Legislature has been literally flooded with petitions from the people exercising the God given right of petition. It was a denial of this right which caused the Revolution, when the people said that the King had spurned their petitions from the foot of the Throne. When the people speak to the Legislature and their representatives they speak by petition; and those petitions came, they have been coming here for 10 years to this Legislature, they have flooded us down to the present hour, they have been read this morning, against resubmission, and not one single petition from all our great State for 10 years has been sent here for resubmission. No one has dared to put their name on a petition and send it to the Legislature asking the representatives to vote for resubmission. Why is it? Have the people been heard from? Has the test been made as to the demand for resubmission?

Mr. Speaker, the gentleman from Ellsworth this morning said that the people in his opinion demanded that the Constitutional amendment should be annulled because they wanted it to be a statutory law, they did not want it in the Constitution though they

might want it on the statute books. I remember as you remember as we all remember in the contest of 1884 that the only reason for putting it into the Constitution at that time was to take it out of politics, to place it, they said, beyond the reach of the Legislature to affect it. The Legislature does not always represent the people of Maine. Take it out of the Constitution, the gentleman says, because you settle the question that way Not at all. What is to hinder any Legislature after you have taken it out of the Constitution, from repealing all the prohibitory law of Maine? And then my brother says, invoke the referendum; and in two years decide whether they shall retain the Maine law or whether they shall not. I say the way to keep it out of politics is to put it in the Constitution and keep it in the Constitution.

Now, Mr. Speaker, I want to say right here that I shall vote against resubmission for the reason that I do not believe the people of Maine are demanding resubmission. From any evidence I have the people of Maine are satisfied with the matter as it is. There may be dissatisfied politicians, there may be dissatisfied liquor sellers, there may be dissatisfied outlaws, who want a change, but the people, the honest, sober, law-abiding people are satisfied with the Maine law in the Constitution. But in taking this position, Mr. Speaker, I recognize the fact that there are men in the Republican party, men like my friend Judge Peters from Ellsworth, just as honest as I am, just as good temperance men as I am, who want the prohibitory law as much as I do, who believe in the Maine law and say that that want the question submitted to the people that the law of Maine be sustained. The position of the Republican party upon this matter has been well known in the past. It is well known today. There are men in this House, like those in the Senate, who will vote for resubmission today, who say that they desire that it may be submitted to the people of Maine to sustain the law, not because they are against the law but they are tired, they say, of hearing on every street

corner some politician they meet say to them: "Are you afraid to trust the people of Maine?" And so I do not find fault with the member of my party today in this Legislature who votes for resubmission. I believe he does so honestly, squarely and fairly, believing that the Maine law will be sustained at the ballot box. The minority party, Mr. Speaker, in this Legislature, does not stand in the same situation as the Democratic party in the Legislature of Maine today. We have not been whipped into line here. Every Republican has a right to express his own opinion untrammelled by the action of any caucus. A leading paper in Portland said that the Democrat who did not vote for resubmission was a traitor to his party and would be so dealt with. If the Democratic party can hold its members by the party lash, that is all right. I want you to understand that the Republican party of Maine today are not being whipped into line today on this question.

I want to say further, Mr. Speaker, that I believe that resubmission is to pass this House: and this is a solemn moment for me. It is a solemn moment to the people of the State of Maine. In a few short moments the flag of truce is to be carried back to the enemies' lines. The messenger that leaves the steps of this Capitol to bear to the liquor sellers of this nation the declaration of war, is also to carry back the flag of truce back to the lines that represent the homes of the people of Maine. No longer is there to be any discussion of this matter. No longer will there be Republicans and Democrats upon this question in this State. There will go to the people of this State a message like that carried by Paul Revere of old, calling the people from their homes to defend their liberties and their homes. There will go out from this Legislature another Lincoln proclamation to the people regardless of whether they are Democrats or Republicans, to stand by their homes. This contest, Mr. Speaker, between the home and the saloon, is coming, and I recognize some things as you do, that the enemies of the homes of the people of Maine are strongly entrenched. I recognize as these women

do who sit here today who have dreaded this declaration of war, I recognize as the people of Maine who came to this Legislature a few weeks ago recognize, that it means a solemn and an awful thing to the people of Maine, this conflict which has been precipitated. It means that the world is looking upon Maine today and will in the conflict to come to learn whether law and order shall prevail or whether our boasted civilization shall become a thing of the past. If the Maine law triumphs in that conflict, civilization will triumph; if the Maine law goes down we will go down. Yes, the enemy is strongly entrenched. In a few days their lines will be drawn up, the breastworks will be thrown up, there will be plenty of money sent to this old State to take the Maine law out of the Constitution. Mr. Speaker, I have here a copy of a letter from the New Hampshire Wholesale and Retail Liquor Dealers Association to those of Boston and other cities calling for funds for the New Hampshire campaign and I will read it to you.

Manchester, Oct. 6, 1910

Boston, Mass.

Gentlemen:

On November 8th, at the general election in New Hampshire, there will be a vote in EVERY city and town on the license question. In addition to this vote the election of the Legislature takes place whose members will,—IF the Anti-Saloon candidates are successful,—vote to REPEAL the local-option law and substitute therefore Statutory Prohibition.

Our enemies, the Anti-Saloon League, have been working the past year to put us out of business. They are advertising the fact they are raising a fund for this purpose. The national Association is assisting in the hope that by defeating license and local-option in New Hampshire, they will be able to obtain a similar result in Vermont at the March election, and also prevent resubmission in Maine. THIS STATE IS THE HUB OF THEIR PLANS—and it is left to this ORGANIZATION to PREVENT the fulfilling of their plans.

This organization embraces practically EVERY WHOLESALE AND RETAIL DEALER in the State. Its Executive

Board, comprised of some of the best known dealers, have given freely of their time in building a defense for the license cause. We are now soliciting the assistance of the brewers, wholesalers, distillers and distributors who find New Hampshire a market for their goods.

Your firm is one which BENEFITS through the local-option policy in this State, and we shall appreciate any assistance you care to give. Instead of contributing to different towns and cities, whatever you may donate will be all that is needed for the State. This Association is handling the campaign and will defend every city and town. We plan by public speakers, advertisements and literature to create a strong license and Anti-Prohibition feeling in the State. The result this fall will determine the policy for four years, hence the need of extra effort and assistance at this time.

WILL YOU SEND US A CHECK AT ONCE as your contribution, bearing in mind our need of a large fund to successfully carry out our work.

Very truly,

O. H. STEELE, Secy.

Not only that, Mr. Speaker, but it will be possible through money to obtain from the press editorials for license and advocates for license. Further than that, they will find for money plenty of orators with smooth and oily tongues to go before the people proclaiming the benefits of high license to the people of Maine, and how can you pave your streets and educate your children and carry on the institutions of your State by taxing the vices of your people? You will find men in the pulpit that can be hired for this money, men in the pulpit who wear the livery of Heaven to serve the devil in, who will undertake to defend high license and say it is possible to reform the saloon and make it respectable and attractive place for the boys and make easy the road to hell. Oh, Mr. Speaker, on this awful and solemn occasion, I want you to understand that temperance people of Maine who love their homes do not for a moment forget that in this awful contest that is to come there is great danger to the homes of Maine.

There is another side Mr. Speaker, upon which I want to touch for a moment. Through all this as I said a mo-

ment ago the lines are going to be drawn opposite the enemy. There is to be a strong defence for the homes of Maine for law and for order. The late Joseph Cook once said that the time is coming when the two strongest passions of the Anglo Saxon, the love of liberty and the love of home, would lock themselves about the neck of the liquor traffic and destroy it forever. That day, Mr. Speaker, has come, and that hour has come. God Almighty can use the wrath of men to praise Him, and what the liquor dealers say is a victory for them will be a Waterloo for the liquor traffic. The greatest passions of the human heart are the love of liberty and the love of home. The great evangelical churches of Maine will be a unit in this matter, those who have said that you cannot license the liquor traffic and they will stand by the ballot box. The mighty Catholic church from whose sacred altars white robed priests have declared that the liquor traffic should be cursed, will be a force in this cause. More than that, Mr. Speaker, the men of business and the men of brains, the men who have been born upon the farms of Maine and brought up there as boys with the healthy bodies and rugged frames not doped by the saloon, the business men, the men who need the clear brain and steady hand, the men who run the trains throughout the State of Maine, and those who manage the great enterprises of Maine, and that stand for great institutions will stand for the home and will stand for the State and for the business of Maine against the onslaught of this great crime.

More than that, Mr. Speaker, women, women who were last at the Cross and first at the tomb, women who believe in the home and who love the little boy that leaves the threshold of home on his way to school, who believe that he should not be debauched by the saloon, those women will appeal to the men of Maine and will invoke the chivalry of the men of Maine for the manhood of Maine, and those men will stand there back of the women and their homes and make this fight for home. It will not be confined to the business men of Maine who carry on great enterprises. This fight will be made by the farmers of Maine in their towns back from the centers and

from the open saloon, men who have grown grey and who never saw an open saloon. It will be made by the boys who have been mentioned by the gentleman from Ellsworth, the boys of Maine who have been brought up without seeing an open saloon, who will have a chance and who will take it, and it will be in defence of mother and in defence of the firesides of Maine; and the sons of toil, the men with blackened faces will save the home, who will march to the ballot box and vote against the crime of all the ages, and the song that will be sung when this battle shall close, when this Waterloo shall come to the friends of license, will be the song of "Home, Sweet Home." Then you will hear from the people, you will hear from the people themselves. The voice that will speak at the ballot box will be the voice of a higher, a grander, a better civilization. It will be the voice of a sober, law-abiding people. It will be the voice of the people. It will be the voice of God. (Applause).

Mr. GOODWIN of Biddeford: Mr. Speaker, I have no speech to make but with the permission of the gentleman from Jonesboro and with the permission of the House I would like to have put into the record certain views upon this question upon a side which I think has not been touched upon, and which I think are entertained by a large number of people. I simply would like to have it incorporated in the record as my tribute to the matter.

The SPEAKER: The gentleman moves that he have leave to print his views in the Record.

The motion was agreed to.

Mr. Goodwin submitted the following:

(From Chapter 15 of "The Ramrodders," by Holman Day.)

A man who was somewhat flushed and a bit uncertain in his gait came out of the State Committee headquarters. He planted himself in front of Thornton.

"Thelismier," he said, familiarly, "I've been trying to get something out of Luke. He won't say. Now what do you know about it? Is the party going

to be honest? Are we going to get that resubmission plank in the platform this year?"

"They haven't asked me to write the platform, Phon."

"I tell you, the people want a chance to vote on this prohibitory question. It's been stuck into our constitution where the people can't get at it. I ain't arguing high license, but I tell you the people want a chance to vote on the question, and the Democrats are going to offer 'em a chance."

"That's a Democratic privilege," said the Duke, calmly, preparing to push past his interlocutor. "The Republican party stands for prohibition, and hasn't had any trouble in rounding up the votes for the last twenty-five years."

But the disputant caught hold of him when he started away.

"Look here, Thelismier, you ain't so much of a hypocrite as the most of 'em. Why don't you help us make a break in this thing? Damn it, let's be decent about it! Rum enough running in that bar-room downstairs to drive the turbine-wheel in my woolen mill! Half the delegates to this convention with a drink aboard, and a third of 'em pretty well slewed! I am myself. But I'm honest about it. They're drinking run in about every room in this hotel. And they're going into convention tomorrow and nail that prohibitory plank into the platform with spikes. By Judas, I'm honest in my business; now I want to have a chance to be honest in my politics!"

The SPEAKER: Is there anything further to be said upon the question? Is there anything further to be said against resubmission, which is now in the time allotted to the gentleman from Houlton, the remaining half hour, by those favoring the minority report? If there are none then the gentleman from Jonesboro is still entitled to half an hour or so much thereof as he may desire.

Mr. ALLEN of Jonesboro: There is just one thing, Mr. Speaker, I would like to say before I yield the floor to others. The matter has probably been overlooked. The members of the

Democratic party and those of the Republican party who will vote with with them neither have homes nor wives nor mothers. They are planning deliberately to slaughter the homes and the wives and mothers of their neighbors. I yield the floor to the gentleman from Phillips, Mr. Austin.

Mr. AUSTIN of Phillips: Mr. Speaker and Members of the House, had I the easy working mind of the gentleman from Yarmouth, or of my friend the gentleman from Biddeford, I would prefer that the few words which I have to say at this time might also have been embodied in the record of the House today. The only objection to that in my mind in my own personal case would be that neither my friends, the members of this House, nor my constituents at home, nor my many friends throughout the State probably would ever see or know what they were. Now I am not going into this matter, although feeling it deeply, with the masterful ability for discussion and declamation and analysis of my friend, the gentleman from Ellsworth, nor can I play upon the very utmost feelings of human sympathy, as has my esteemed friend the gentleman from Houlton. I cannot be so moved with the awful agony of this solemn hour as is my esteemed friend from Houlton. I do not look upon the cause of temperance as upon Caesar's body lying before us here in the House of Representatives today with its life blood ebbing away through the stabs of its friends. That is not my idea of it. I have been brought up in my line of thought and in my method of thinking and in my belief that all great causes must be carried through to a successful termination by concerted and united effort. I am primarily a party man. I believe in party organization, and that party effort must be maintained to carry through to successful issues the more important questions of the day; and for that reason I have stood for some things in the past with other members of

my party which seemed against my personal judgment, and the question which is now before us today has been one of them. My women are dearer to me than anything else under God's Heaven. I am not here today to propose or to advocate any measure which shall tear out the hearts or leave my women in shame in the streets of the State of Maine. Nor do I believe that the gentleman from Houlton, Mr. Hersey, whatever his views may be, believes that the Republicans or the Democrats of this House in their support of this great question are taking steps against the comfort, the good feeling and the best interests of the women of the State of Maine, and their families and firesides. That is all extraneous.

Now I am making no apology for what my vote shall be upon this question either to this House, to the galleries or to my constituents. The time has come in my opinion for me not to sink my personal judgment in the unknown wishes of the majority of my constituency. I do not think the Republicans of the State of Maine or the Democrats of the State of Maine can afford longer to ignore what I believe is the wish of the great body of the people of the State of Maine. Now to go over the matter which has been gone into minutely by others, let me say that my belief is founded upon this—it is a question of political judgment and not a question of ethics. In the year 1902 our Republican party in this State came away from the polls with a plurality of over 25,000; in 1904 we came out with a plurality of 26,000; in 1906, at the end of one of the most successful administrations that the State has ever had, Governor Cobb's first administration, the first two years of his administration in this State, at a time when no mal-administration was charged against the Republican party and no charges of extravagance, the main questions at issue being other policies, and I say under the conditions existing at that time we came out with a majority reduced in the two years from 26,000 to 8000. For Heaven's sake, Gentlemen,

can you see any writing on the wall, or are you still blind? (Applause and laughter). In 1908 at the end of Governor Cobb's second administration, an administration in which our friends the Democrats vied with us in throwing bouquets to that masterful administration, our majority was still further reduced to 7000. That was not on account of gross Republican extravagance and mal-administration. It was something else. Gentlemen, there was another cat in the meal. What happened in 1910, just two years afterwards? With a man placed in nomination by the Republican party whom no man ever dared to call dishonest, who had given us two years of excellent administration, as far as honesty and the ordinary policies of the administration went, with a man against him in the Democratic party who at that time was inexperienced but who gave signs of course we say, we all say, of great merit and of good prospects. Those two men were set up against each other, the Republican having had two years of experience and two years of good administration. What is the result? Of course now my friends say, "That has nothing to do with this. We said and we proved that you Republicans were not only extravagant, were bad administrators, but we more than two-thirds believe and we are going to try and make the people believe you are dishonest." I must admit that those things had force, as was proved afterwards. (Laughter). But, gentlemen, I am speaking of the polls and of nothing that has happened at this present session of the Legislature. (Laughter).

But what happened in the years from 1908 to 1910? The Republican majority of 7000 wiped out and a Democratic plurality of almost 9000, a difference of over 15,000 in the State of Maine. Can't you see any writing on the wall, or are you still blind? (Applause and laughter) Are you going to say, fellow Republicans, that the only reason that we were kicked out of office and completely discredited by the people of this State last year was simply and solely from the fact that we were

grossly extravagant and totally unfitted for the administration of the government of the State? I think that is a humiliating confession. I do not believe that we are even going to let our good friend from Waterville (Mr. Pattangall) prove that we were so, although he is certainly making long strides in that direction. (Laughter.)

Now I claim this, gentlemen, that the further any political party gets from the voice of the people of this State or any other, the less confidence the people will show in them. I have no fellowship or feeling whatever to any man whatever his principles are that says to me: "The danger of submitting this proposition to the people is that the majority of the people of the State of Maine may want something different." For Heaven's sake, what are we? Are we a government by the people and for the people or are we governed by maudlin sentiment? The very foundation of our governmental existence depends upon the people and we must not get out of sight of it. My claim is that the Republican party has gotten too far away from that position and is suffering therefrom today.

Now lest I may take too much time, I want to close with only a very few remarks and will leave with you this thought. The Prohibitionists of this House and of this State are not all teetotalers. (Laughter and applause) Nor on the other hand, perhaps, are all teetotalers prohibitionists. I am firmly of the belief that the rural sections of this State believe today that constitutional prohibition is the best policy for the State of Maine to adopt. I am not afraid to put this great question before the people of the State of Maine next September and let them decide, for I know that my good old county of Franklin will return an enormous majority for constitutional prohibition. They are aching for a chance to do it. I know the county of Oxford will do it, and I know that the county of Aroostook will do it. I know the rural counties of the State will do that thing; and therefore, representing the

rural sections of our State, it gives me pleasure, gentlemen, to register my vote today in favor of resubmission. I thank you. (Applause).

Mr. ALLEN of Jonesboro: Mr. Speaker, I would name as the next speaker the gentleman from Hallowell, Mr. Clearwater.

Mr. CLEARWATER of Hallowell: Mr. Speaker, as a Republican member of this House I wish to state very briefly why I favor resubmission.

I have given it much careful thought. I have discussed this subject with a great number of men of various vocations and stations in life, among them being several clergymen of different denominations, merchants, mechanics, large manufacturers and corporate interests, and therefore employers of men. I have gone over it with earnest, sincere temperance advocates, and have also had the benefit of the opinion on this matter of some of the leading men of legal and judicial mind in this State.

I feel that I have thoroughly informed myself on the subject. That I am able to view the whole proposition clearly and intelligently, to weigh it fairly and impartially.

And yet I hesitate somewhat to express myself here this morning.

Not that I haven't long since fully determined exactly what position I shall take in the matter—for I have.

Not that there is any question or doubt in my own mind that my decision is the right and wise one—for there is none.

Not that I ordinarily hesitate to express my views, or to speak freely and openly on this or any other subject with which I am familiar—for I do not.

I hesitate simply because I know that there is really nothing new to be said.

The field has been plowed and harrowed through spring, summer, autumn and winter for six long years and more.

This question has been discussed in every home, in every church, in every club and place where men and women gather, and in every newspaper throughout the State of Maine.

Every man and every woman, too, who talks and reads and thinks, knows about

this question—they can't help it. Most of them, too, have made up their minds regarding it as fully as have either you or I; and while it may have taken them six years to think it over and decide, this, it seems to me, is so much the better, for whatever the result, surely it cannot be said that the citizens of Maine have acted hastily or that they have been blinded or unfairly influenced in any way.

Looking at it from every point of view it honestly doesn't seem to me that to any fair-minded, careful, thinking man, there can longer be any question or doubt that a large majority of the people of the State of Maine, irrespective of party or position, have fully and most decidedly made up their minds in favor of resubmission.

The voters of Maine have told us so—more than 70,000 of them in the quiet, but irresistible voice of the ballot.

They began telling us in 1904.

They told us again in 1906.

They reiterated their demand in 1908.

And now last September they again spoke in such strength and with such emphasis that their demand—and it is a reasonable demand—can no longer be questioned or refused.

We are told that while it may be true that a considerable majority of the people of Maine do favor resubmission, that this majority does not represent the better class of our people.

I am not all sure that even this statement is true. But one thing is absolutely certain that even granting that it is true it cannot be considered as in any way arguing against this question. The Constitution of this State does not differentiate between two classes, and when any man attempts to say that it does, let him pause to realize that he is striking at the very foundation of the government of this State and Nation.

It is also argued that if this question be submitted to the people—possibly at a special election to be held next September, that the vote will be greatly influenced by a flood of

money to be poured in from other states. In other words that the election will be bought by the liquor interests. I do not so agree. And let me tell you something that I believe you already know—something that all of us should know anyway, that the day when an election in Maine can be bought is gone forever!

Furthermore, you well know that the "floating" vote so-called—that small percentage of the whole that might be influenced by money would vote against retaining this amendment anyway, and therefore no need for buying them.

It has also been said, that we cannot consider the question of resubmission without discussing prohibition and license. This I do not think is true. To me the issues are separate and distinct. And we are not here today to argue temperance v. intemperance, to discuss the relative merits of License and Prohibition, to decide between enforcement and nullification. Neither are we here to talk politics. This is no longer a party question, it has long since become a State-wide issue of the people without regard to politics or party—and whatever the vote of this House may be today neither party can rightfully claim victory or defeat.

We must look at this thing fairly and squarely, my fellow Legislators. We must weigh it carefully. Consider it with clarity of thought and with unbiased mind—consider it for what it is of itself, and entirely within itself.

We must strip from it the political mantle that some would have it wear, and set it up before us, separate and distinct, clear-cut and alone.

And with this done what do we find? What is the real question?

Simply this: Have the people of Maine a right to say whether this fifth amendment to the Constitution and commonly known as the prohibitory amendment, shall be retained in the Constitution or be stricken out? That is all—nothing more.

And have the people of Maine plainly expressed a desire to vote upon this question? I contend that they have not only the right, but that they have plainly expressed the desire to exercise that right. Believing this to be so, I further contend that it is not within our province as legislators—as representatives of the people who sent us here, to question why they ask this right or what their final decision will be.

To the opponents of this measure both here and elsewhere—to all the earnest temperance workers of this State, I say to you honestly and from my heart that in your opposition you are striking a distinct blow to temperance. For I firmly believe from my investigations that the sooner this question is settled—the sooner it is made a dead issue—the better it will be for the cause of temperance, for the people and for our State.

For my own part I want to see this question that has so long been wrongfully made a political football in an unfair game of hypocrisy and deceit—submitted fairly to the voters of Maine and by them settled, as I believe it will be settled for many years to come.

I am not afraid to trust the people of Maine with this question. I was born in Maine. I've lived with them all my life. They are your people and my people, and I've never yet known them to go so very far away from the truth and the right.

And so as a life-long Republican—as a man who loves his party, his State, his city, and his home—I shall vote today to let a majority of the people of Maine decide this question; because I have confidence in them, and I believe they will decide it right. Because I believe it will be for the best. Because I believe it to be the right, fair, honest thing for me to do. (Applause.)

Mr. ALLEN of Jonesboro: Mr. Speaker, I would name as the next to discuss this question the gentleman from Calais, Mr. Trimble.

Mr. TRIMBLE of Calais: Mr. Speaker, in favoring this motion and in voting for the passage of this resolution I feel that it is not necessary for me

to apologize to the Republican party of which I am and hope to long continue to be a working member, nor to the temperance interests of the State for whom and for whose labor to make our State better I have the very highest regard. In common with other members of the House I have given this matter very careful consideration. And along the line of the arguments so well expressed by the gentleman from Ellsworth that I shall not undertake to repeat them, I have come to the conclusion that it is the true duty of this Legislature to submit this amendment to the voters of the State of Maine. I am not one of those who are fearful of the result. This resolution calls for a special election at which this question will be decided, and should it pass, as I hope and trust it will, on that day the voters of the State of Maine, irrespective of party, will go to their various polling places and, unswayed by prejudice, uninfluenced by anything or any motive excepting what is for the best interest of the State, will choose and decide what they will do with this question. For too long has the agitation of this question clouded our political horizon. It is time it was removed. It is high time now to remove it, and I hope that this resolution will receive the necessary two-thirds vote. (Applause)

Mr. ALLEN of Jonesboro: Mr. Speaker, I would next present the name of the gentleman from Rumford, Mr. Bisbee.

Mr. BISBEE of Rumford: Mr. Speaker, I wish to add but a few words to what has already been said in favor of resubmission and that I may be recorded in favor of it. The people whom I represent are in favor of resubmission, not with the idea of repealing the amendment but with the idea of reaffirming and retaining it, and therefore I hope that the majority report of the committee will be accepted. (Applause.)

Mr. ALLEN of Jonesboro: Mr. Speaker, in view of the fact that the friends of the majority report have yielded so much time to the minority party. I ask the privilege of presenting the name of the

gentleman from Waterville, Mr. Pattangall, who will close the debate.

Mr. PATTANGALL of Waterville: Mr. Speaker, I had no intention of interesting myself in this debate, nor do I rise for the purpose of making the briefest possible speech. I do rise for the purpose of making a motion, and for that purpose alone. I do not make this motion for the purpose of cutting off debate because the opponents of the motion to adopt the majority report will still have some time left. It is simply to move that at the proper time, whenever this Republican caucus adjourns and the House resumes business, that we vote by the yeas and nays. (Laughter and applause.)

The SPEAKER: Is there anything further to be said upon this question? If not, the gentleman from Waterville moves that when the vote is taken it be taken by the yeas and nays. As many as are in favor of the motion will rise and stand until counted.

A sufficient number arose and the yeas and nays were ordered.

The SPEAKER: The question is on the acceptance of the majority report. Those voting in favor of the acceptance of the majority report, which is in favor of resubmission, will say aye when their names are called; those voting in the negative will vote against accepting the report and against resubmission. Before calling the roll the Speaker announces this pair: Mr. Berry of Fayette will vote in the negative, against resubmission, being paired with Mr. Miller of Hartland, who would vote yes and in favor of resubmission if he were present; and the clerk will see that the pair is recorded. Is the House ready for the question. The clerk will call the roll, and those voting aye will vote for the acceptance of the majority report and in favor of resubmission.

YEA—Allen of Columbia Falls, Allen of Jonesboro, Ames, Austin, Bearce, Bisbee, Bogue, Boman, Burkett, Campbell, Chase, Clark, Clearwater, Conners, Copeland, Couture, Cowan, Cronin, Cyr, Deering of Portland, Deering of Waldoboro, Descoteaux, Dow, Doyle, Dresser, Dufour, Dunn, Dutton, Farnham, Files, Frank, Gamache, Goodwin, Gross, Harmon,

Hastings, Heffron, Hodgkins, Hodgman, Hogan, Jordan, Kelley, Kelleher, Knight, Lambert, Lawry, LeBel, Libby, Littlefield of Bluehill, Mace, Macomber, Mallet, Manter, Marriner, McAllister, McCurdy, Merrifield, Mitchell, Mower, Murphy, Noyes, Otis, Packard, Pattangall, Patten, Pelletier, Percy, Perkins of Kennebunk, Perkins of Mechanic Falls, Peters, Phillips, Pinkham, Plummer, Pollard, Porter of Pembroke, Putnam, Robinson of Peru, Ross, Sawyer, Scates, Shea, Skehan, Sleeper, Small, Smith, Active I. Snow, Alvah Snow, Snow of Bucksport, Stetson, Strickland, Thompson of Presque Isle, Thompson of Skowhegan, Trafton, Trask, Trim, Trimble, Tucker, Waldron, Weymouth, Wilkins, Williamson, Wilson, Woodside, Morey—104.

NAY—Anderson, Andrews, Averill, Benn, Bowker, Briggs, Brown, Buzzell, Colby, Davies, Davis, Drummond, Emer-

son, Emery, Fenderson, Greenwood, Hersey, Johnson, Kennard, Kingsbury, Littlefield of Wells, McBride, McCann, McCready, Merrill, Monroe, Morse of Waterford, Pike, Porter of Mapleton, Powers, Quimby, Robinson of Lagrange, Russell, Soule, Stinson, Turner, Weston, Wheeler, Whitney, Wilcox—40.

ABSENT—Hedman, Newcomb—2.

PAIRED—Hartwell, yes; Morse, no.

So the majority report of the committee was accepted.

On motion of Mr. Pattangall of Waterville the rules were suspended, the resolve received its two readings and was passed to be engrossed in concurrence.

On motion of Mr. Hersey of Houlton,

Adjourned.