

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fifth Legislature

OF THE

STATE OF MAINE

1911

On motion by Mr. Milliken of Aroostook, Resolve in favor of the board of State Assessors, was taken from the table.

On motion of Mr. Fulton of Sagadahoc, the resolve was indefinitely postponed.

On motion by Mr. Boynton of Lincoln,

Adjourned.

HOUSE.

Wednesday, March 29, 1911.

Preyer by Rev. Mr. Gibson of Augusta.

Journal of yesterday read and approved.

Papers from the Senate disposed of in concurrence.

Resolve in favor of the Children's hospital at Portland. (Senate Amendment A adopted and resolve passed to be engrossed under a suspension of the rules.)

An Act relating to evidence in personal injury cases, came from the Senate indefinitely postponed. (Tabled on motion of Mr. Bogue of East Machias.)

An Act to amend Section 1 of Chapter 244 of the Public Laws of 1909 relating to transmission of power beyond the confines of the State, came from the Senate indefinitely postponed.

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

An Act to provide for the proper observance in the public schools of the birth of Henry Wadsworth Longfellow, came from the Senate indefinitely postponed.

On motion of Mr. Chase of York the House concurred with the Senate in its action.

An Act to repeal Chapter 142 of the Public Laws of 1905 relating to the support of alien paupers, came from the Senate indefinitely postponed.

On motion of Mr. Strickland of Bangor, the House voted to insist and ask for a committee of conference.

The Speaker appointed on the part of the House, Messrs. Strickland of Bangor, Pattangall of Waterville and Hastings of Auburn.

Resolve repealing Chapter 338 of the

Resolves of 1909 in favor of the town of Old Orchard, came from the Senate indefinitely postponed.

On motion of Mr. Allen of Jonesboro the House voted to insist and ask for a committee of conference.

The Speaker appointed on the part of the House, Messrs. Allen of Jonesboro, Pattangall of Waterville and Williamson of Augusta.

An Act for the taxation of steam railroads according to their actual value, came from the Senate with the committee report "ought not to pass" adopted in that branch.

The House concurred with the Senate in its acceptance of the report.

Bill, An Act to amend Section 25 of Chapter 125 of the Revised Statutes relating to the observance of the Lord's day, came from the Senate referred to the next Legislature.

On motion of Mr. Scates of Westbrook, the House voted to insist and ask for a committee of conference.

The Speaker appointed on the part of the House, Messrs. Scates of Westbrook, Clearwater of Hallowell and Otis of Rockland.

Senate Bills on First Reading.

An Act to provide for the better collection of inheritance taxes.

Mr. Allen of Jonesboro presented remonstrance of Stephen Smith of Northfield and 18 others against consolidating the fish and game department with the department of shore fisheries. (Placed on file.)

Reports of Committees.

Mr. Strickland from the committee on appropriations and financial affairs, reported ought to pass on Resolve in favor of Karl C. Jones, clerk to the committee on taxation.

First Reading of Printed Bills and Resolves.

The following were passed to be engrossed under a suspension of the rules:

Resolve in favor of J. P. Tucker, secretary of the committee on School for Feeble Minded.

An Act to amend Sections 34 and 35 of Chapter 16 of the Revised Statutes relating to conveyance of pews in meeting houses to organized parishes

or incorporated churches.

An Act relating to the liability of employers to make compensation for personal injuries suffered by employes. (Tabled pending first reading on motion of Mr. Strickland of Bangor.)

Passed to Be Engrossed.

An Act relating to taxation on incomes. (Tabled by Mr. Scates of Westbrook for the purpose of offering an amendment.)

On motion of Mr. Pattangall, bill relating to exemptions from taxation, was taken from the table.

Mr. AMES of Norridgewock: Mr. Speaker, inasmuch as the general law seems to cover this point, I move that this bill be indefinitely postponed.

The motion was agreed to.

Mr. PATTANGALL: Mr. Speaker, I understand that the Senate yesterday acted on a new resolve in favor of the Children's hospital. I move that the engrossed resolve in favor of the Children's hospital which is now on the table of the House, be taken from the table and acted upon.

The motion was agreed to.

The SPEAKER: The question is, shall this resolve become a law notwithstanding the objection of the Governor. The Clerk will call the roll.

YEA:—Anderson, Andrews, Benn, Berry, Brown, Colby, Davies, Drummond, Dutton, Hedman, Hersey, Johnson, Kingsbury, Merrill, Monroe, Morse of Belfast, Morse of Waterford, Peters, Porter of Mapleton, Powers, Quimby, Robinson of Lagrange, Robinson of Peru, Smith, Snow of Bucksport, Soule, Stinson, Weston—28.

NAY:—Allen of Jonesboro, Ames, Bearce, Bisbee, Bogue, Boman, Bowker, Burkett, Campbell, Chase, Clark, Connors, Cowan, Cronin, Cyr, Davis, Deering of Portland, Deering of Waldoboro, Descoiteaux, Dow, Dresser, Dufour, Emerson, Farnham, Files, Frank, Gamache, Goodwin, Gross, Harmon, Hartwell, Hastings, Heffron, Hodgkins, Hodgman, Jordan, Kelleher, Kennard, Knight, Lambert, Lawry, LeBel, Libby, Littlefield of Bluehill, Littlefield of Wells, Mace, Macomber, Mallet, Manter, Marriner, McAllister, McBride, McCurdy, Merrifield, Miller of Hartland, Mower, Murphy, Noyes, Otis, Packard, Pattangall, Patten, Pelletier, Perkins of Kennebunk, Perkins of Mechanic Falls, Phillips, Pinkham, Plummer, Pollard, Putnam, Ross, Russell, Scates, Shea, Skehan, Sleeper, Small, Active I. Snow, Alvah Snow, Stetson, Strickland, Thompson of Presque Isle, Thompson of

Skowhegan, Trafton, Trim, Trimble, Tucker, Waldron, Weymouth, Wilkins, Williamson, Wilson—92.

ABSENT:—Allen of Columbia Falls, Austin, Averill, Briggs, Buzzell, Clearwater, Copeland, Couture, Doyle, Dunn, Emery, Fenderson, Greenwood, Hogan, Kelley, McCann, McCready, Mitchell, Newcomb, Percy, Pike, Porter of Pembroke, Sawyer, Trask, Turner, Wheeler, Whitney, Wilcox, Woodside—29.

So the veto was sustained.

On motion of Mr. Hastings of Auburn, Bill, An Act relating to superintendents of schools, was taken from the table.

The bill received its second reading, and on motion of Mr. Hastings the rules were suspended, the bill received its third reading and was passed to be engrossed.

Mr. Mallett of Freeport presented the report of the conference committee in regard to bill, An Act to correct and protect helpless, neglected and offending children, that the Cumberland County Delegation were opposed to the bill, and on motion by Mr. Mallett it was indefinitely postponed.

Resolve providing for an appropriation to prevent the spread of glanders in the plantations of Jackman, Moose River and Dennistown.

This resolve containing the emergency clause, 101 votes were necessary for its passage.

A division was had and the resolve received its final passage by a vote of 107.

On motion of Mr. Williamson of Augusta, Resolution in favor of a parcel post was taken from the table.

The resolution then received a passage.

On motion of Mr. Hersey of Houlton the House voted that all matters on the callendar be taken up and disposed of in their order.

An Act relating to State Aid for free High schools.

Mr. Hersey moved that the bill be referred to the next Legislature.

On motion of Mr. Pattangall the bill received its two readings.

Mr. Powers of Caribou insisted on the motion of the gentleman from Houlton.

Mr. Williamson moved to amend by striking out the emergency clause.

The motion was agreed to.

Mr. Hersey then withdrew his motion and on motion by Mr. Wilson of Auburn the rules were suspended, the bill received its third reading and was passed to be engrossed, as amended.

An Act relating to the pounds of salmon, togue and perch one person may take. (Tabled by Mr. Austin of Phillips for the purpose of offering an amendment.)

Resolve in favor of East Maine Conference Seminary.

Mr. SNOW of Bucksport: Mr. Speaker, this resolve does not ask for an appropriation, but it is for the purpose of giving an extension of time to the institution. At the last session of the Legislature an appropriation of \$20,000 was made, conditional on the raising of an equal amount by the Seminary. They have received subscriptions to the amount of about \$10,000 and are expecting to be able to get the total amount in the course of time. They have not been able to get it as yet and this resolve simply provides that the seminary may have an extension of time in which to raise the necessary amount of money.

Mr. PATTANGALL of Waterville: Mr. Speaker, this is a private institution and not a State institution. No doubt it is a worthy institution and should receive an appropriation. The House will recall how we have cut down the amounts given to our regular State institutions, and it seems only fair and proper that we should not grant anything more to a private institution than we do to the regular institutions of the State. For that reason, Mr. Speaker, I move that the resolve be indefinitely postponed.

Mr. PETERS of Ellsworth: Mr. Speaker, undoubtedly there is some merit in the claim which is made by this seminary. It seems from the remarks of the gentleman from Bucksport that the institution has been unable as yet to get the amount which they require by subscription, and for that reason I move that the resolve be laid upon the table in order that an adjustment may be reached in the matter.

The question being on the motion to lay the resolve on the table,

A division was had and the motion was lost by a vote of 37 to 49.

The question before the House being on the indefinite postponement of the resolve,

Mr. HERSEY: Mr. Speaker, the gentleman from Waterville in discussing this resolve has seen fit to again call the attention of this House to Republican extravagance and that we must again economize. I was a representative to the 74th Legislature of Maine. I am proud of that fact. In this Legislature are 50 members of the 74th, and it must be a pleasure to them indeed that they were members of the Legislature of 1909, for that Legislature did great things for the State of Maine. We found roads in the State up in the unorganized townships that needed assistance with no source of taxation and we appropriated money to assist those needful plantations and their highways. We found also bridges that needed assistance and we gave for the use of roads and bridges in this State that needed assistance where no other income could be found, the sum of \$193,000. We built up the great institutions of the State of Maine. We gave \$10,000 to the Normal school buildings at Farmington, \$25,000 to build a new Normal school at Machias, we gave \$45,000 to erect buildings at the Eastern Maine Normal school, we built buildings for Lincoln Academy to the amount of \$1000, and for Milton Academy to the amount of \$7500, we assisted Bates College in erecting a heating plant to the amount of \$45,000, we erected buildings for the Maine School for the Deaf to the amount of \$12,000, we erected buildings for the Maine Industrial School for Girls to the extent of \$3000, we expended \$50,000 for the building for the State School for Boys, we gave the necessary appropriation of \$150,000 to erect and build the magnificent buildings for the Maine School for the Feeble Minded, we took our hospitals that needed assistance and needed buildings and enlarged them, and we treated them as they ought to have been treated. We gave \$10,000 to Webber hospital for buildings at Biddeford, we erected a building for the Children's hospital at Portland in the amount of \$40,000, we built in this

State that home for the victims of the white plague, the Maine State Sanatorium at Hebron, to the amount of \$25,000. We enlarged the Maine Insurance hospital, a necessary expenditure, to the amount of \$110,000. We also enlarged the Eastern Maine Insane hospital at Bangor under the law of necessity to the amount of \$175,000. We took the old State House, an old fire trap, a disgrace to the State, and enlarged it to the extent of \$350,000, and this magnificent structure stands today the wonder and admiration of all people that it could have been done for that sum, and we made it what it is. All these expenditures, Mr. Speaker, were made by the Republican administration two years ago for the benefit of the State of Maine and its great institutions, and these buildings became at once the great assets of the State of Maine and the property of this State for all time, a monument not to Republican extravagance but to Republican wisdom and in line of progress and a higher civilization.

Now it is true, Mr. Speaker, that on January 1, 1911, there was a deficit, brought about in this way. All the claims, all the resolves carrying money, all the bills asking for appropriations from the State, were referred by the last Legislature to the proper committees, the appropriations and claims; and those committees gave public hearing and considered all those claims and demands against the State and made their reports to the Legislature, and after the Legislature had considered all these claims and demands they approved an appropriation bill and that bill was submitted by the committee on appropriations to the Governor, and he called in the State auditor. The committee on appropriations and the Governor thought—it was a matter of opinion with them—that three mills for the first year and five mills for the second year would take care of the appropriation bill and be sufficient to meet all the demands of the State until the assembling of the next Legislature. The State auditor thought otherwise. In his opinion it would take five mills the first year and five mills for the second year. The opinion, how-

ever, of the appropriation committee and the Governor prevailed. The State auditor was right. It made a difference of two mills which was exactly the amount of the deficit on January 1, 1911.

Now it is true, Mr. Speaker, that at the last State election what was the minority party became the majority party. The Democrats took charge of State affairs and upon them fell the responsibility of conducting the affairs of the State for the next two years at least and it became incumbent on the Democratic party to meet the conditions of things as they found them and carry on the affairs of the State to the best interest of all the people of the State.

Mr. Speaker, the Democratic party finds a deficit, not because, as we claim, from any extravagance, not because of any improper use of the funds of the State, not because of the dishonesty of any office holder, but simply because of an error of judgment in assessing the taxes of the State, and the Democratic party found itself up against this problem and some policy had to be pursued in regard to the matter. What did they do? The Republican party said that the thing to do was to pay the bills. If the Republican party had been returned to power they would have paid the bills. They would have taken care of the deficit. They would have assessed a tax sufficient to have paid it; and the time to assess a State tax is now and not two years from now or four years from now. The tax payers, we believe, wanted to do that. They believed in paying the bills of the State. They did not believe that they should have these great institutions which they have built for the State of Maine and not pay for them. I think they are willing to be taxed to pay for them, and the should be taxed to pay for them. That has been the policy of the Republican party in this Legislature, Mr. Speaker. Instead of putting off appropriations, we should meet the question now and here. The raising of the State tax does not mean as much as you might think, sufficient to pay every bill the State owes; it would mean less than a dollar for the man who pays \$100 tax in the State of Maine.

But a different policy has been pursued by the Democratic party, as I might put it by the machine of the majority party, and they say it is a policy of economy.

but as I claim a false economy. They say, "Don't pay your bills, don't pay them now, don't raise the money by taxation, for our Governor said in his message that you must not raise the State tax." Early in the session I called attention to the fact that we ought not to assemble the appropriations on the eighth of March. I said, appropriate what the State of Maine needs, do not appropriate anything for what it does not need but what it does need appropriate the money for it; but the gentleman from Waterville said on January 17, "Of course you can raise taxes, you can make them higher if you want to, but if you do I am afraid there won't be much use for us to attempt to get a re-election a year from next summer." Do you see it? The Democratic leader of this Legislature was playing politics. He said that you must pursue a policy of economy that would return you to the Legislature a year from this coming summer; if you raise the State tax to pay the bills of the State you could not come back here; that is the political thing; it must be a policy of economy for politics; and all through the Legislature the gentleman from Waterville has said to you Democrats that there must be rigid economy. But there came a time, the eighth of March, when the little claims from the towns over the State for pauper expenses and for roads and bridges were presented here, and it was said that all those must go over to the next Legislature, and over they went. On the night of the eighth of March the Democrats met in caucus and the question began to be asked, "Why can't we raise the State tax and pay the bills now?" and your Governor said before the Democratic caucus, "You must make the people of this State feel economy in such a way that it may appear that it is due to the Republican party and the extravagance of the Republican party that you have not got your pay;" and the Governor vetoed the Children's hospital resolve. It was used for the purpose of a future campaign, for the purpose of returning you a year from next summer; you must put the knife in if it hurts. That policy has been carried out. Everything else has been disregarded but the policy of economy for politics and putting everything over to the next Legislature and taking no responsibili-

ty in this Legislature. What have you done? You say, "we repealed the Sturgis law." That is a great thing to brag about! You say you abolished the office of assistant attorney general. So that if the one man is indisposed or absent the office and people must suffer. You did a great thing by your law of course in abolishing the State paper. You took a great paper with capital behind it and set it aside and you made a State paper of a little sheet that borrowed its type of the Kennebec Journal to carry on this work. (Laughter.) And you abolished the alien pauper law so that no town could get its pay for taking care of its alien paupers. That is the work you have done for the State. That is the constructive legislation the Democratic party of the Seventy-Fifth Legislature of Maine; and you can now go home and tell the people of the great work you have done for the State.

But the Governor said that you have not done foolish things. Now as to some things you have not done.

The SPEAKER: The Chair would suggest that the gentleman confine his remarks more closely to the matter under discussion, which is the motion of the gentleman from Bucksport. (Applause.)

Mr. PETERS: Mr. Speaker, I move that the gentleman have authority of the House by unanimous consent to continue his remarks in the line he sees fit.

Mr. PATTANGALL: Mr. Speaker, I second that motion.

The motion was agreed to.

Mr. HERSEY: Mr. Speaker, I thank the House for the privilege accorded me of saying a word more on this line. I did not wish to get away from the question, I did not think I was doing so. (Laughter.) I was speaking on the point of the veto message and also of the policy of putting everything over to the next Legislature; and now I am coming to the constructive legislation of this Legislature, the foolish things you did not do. You did not enact any ballot reform in this Legislature. You did not follow the leadership of the great senator from Lincoln who wanted ballot reform in the Seventy-Fifth Legislature. You did not

enact a public utility bill. You took the question of the great water powers of the State and gave us no legislation there—all negative, the things you did not do. Now I say that the gentleman from Waterville has been consistent in carrying out the policy of his party in this Legislature, first, "To make the people of Maine feel that our policy for economy will make them suffer and their suffering will return us to power," secondly, "We won't do anything and if we don't do anything we cannot be blamed for it." As far as this matter before us is concerned it would be the policy of the Democratic party that they should not pass this resolve, so that I say the gentleman from Waterville while opposing this resolve is consistent. My friend from Ellsworth is consistent, speaking from the minority, that this State should disregard those matters. If this school needs money to carry on its work, it is our policy to give it to the school, but it is not the policy of the gentleman from Waterville. I state these things with the kindest feelings towards the Democrats of this House. I simply say that the Democratic party of this Legislature has carried out the policy of its leaders and has been consistent. You have done the work you have laid out to do. The only question is, whether the people of Maine will endorse the policy of the 75th Legislature inaugurated by the Democratic party of Maine and return you two years from now. If they do so, I shall be satisfied. I have only tried to bring before you your policy and the policy of the minority party of the Legislature. Which one the people accept is all right. I say you have done your work well. I am simply praising you for it, the way and manner in which you have done your work. If the people approve it, all right; if they don't approve it, don't blame me. (Applause.)

Mr. PATANGALL: Mr. Speaker, I infer from some things the gentleman from Houlton has said that he is not entirely satisfied with the work of this Legislature. I did not raise any point of order with regard to the gentleman's discussing matters so far foreign to the subject. I refrained from raising that point of order for two reasons.

One was that I knew, after the gentleman had talked four or five minutes, that he had evolved out of his inner consciousness another stump speech and we would have to listen to it sometime before we adjourned and I thought we had just as soon have the agony over this afternoon as any other time. Another thing, I knew that he was constitutionally unable to discuss the subject which was at hand, anyway; he always discusses something not before the House when he attempts it. This morning perhaps he has gone farther afield than usual; but he has entertained and interested us. So far as the matter before the House is concerned, it is a question of indefinite postponement of the resolve in favor of the Eastern Maine Conference Seminary. The gentleman's speech reminded me of Artemus Ward's lecture on Africa. It is said that Artemus Ward in the course of his tour of the world advertised in London to deliver a lecture on Africa. When the audience assembled he addressed them in his inimitable way, entertained them and amused them for a couple of hours, saying nothing whatever about Africa, and when he had finished he held up a little map of Africa, seven by nine, and said to the audience: "If any of you will examine that map for five minutes you will know more about Africa than I do." (Laughter.) That is all he said about Africa.

Now as I understand the difficulty with the gentleman from Houlton, it is not in regard to this resolve which we are discussing. I believe that he agrees with me that it is part of the consistent work of this Legislature to refrain from making an appropriation of this sort. The difficulty he complains the most about is that somebody or some men, having looked over the situation which confronted the State and the party, mapped out a definite program and that the Democratic party followed that program. That seems to be the real trouble with the gentleman from Houlton. In other words, in spite of his effort and the efforts of his party associates in the House and Senate, and the efforts of the Republican press, nobody has succeeded in making the Dem-

ocratic members of this House believe that it was the part of wisdom for them to divide the party and permit the Democratic party to be conducted along the road to ruin by the eloquence of the gentleman from Houlton. That seems to be the thing that disturbs him. He says we have really had a pony and have pursued it consistently. We have gone along together. I think the first remarks which the gentleman made in addressing this House consisted very largely of picturing to the Democratic members the great danger of supporting any measure I made because I was the man whom you were going to be bossed by. Now I have listened to that kind of rot all winter, not only listened to it but I have read some of it. There has not been any good sense in it. There has not been any good argument in it. There has not been anything in it except a little cheap attempt to divide the Democrats. It has not succeeded. The gentleman from Houlton in common with some of his associates regrets it.

The 74th Legislature was a great Legislature. Without any hesitation at all it voted from its generous heart money to anybody that asked for it. Committees reported any bill that came before them for an appropriation of money. The Legislature with almost a unanimous vote passed any appropriation of money. The gentleman from Houlton did not stand up in his place in the Seventy-fourth Legislature and say that the State of Maine must pay its bills. Just contract the bill, that was all. It was a great Legislature. When its work was completed and we found that better than a million dollars had been appropriated than the State could hope to receive in revenue, some of us in the minority party made the fact public; and what did the members of the Seventy-fourth Legislature say in reply to it? Did they say, "We made a mistake in fixing our tax rate?" No. They said: "This whole proposition that the state has appropriated more money than it can pay is simply Democratic campaign talk," and they kept it up to the time when your State convention met in Augusta. Was anything said there about the work of the Seventy-fourth Legislature having been good excepting that they failed to receive mon-

ey enough? No. Even the Governor of Maine stood on the platform in that convention and told you that you had raised money enough. He did not tell you that the Legislature had got to assemble here and raise the tax so as to get money to pay the bills that that grand Legislature had accumulated. He said the bills were paid; and he said that when that year closed the treasury would be in the same good condition as when Governor Cobb left it. The people judged something in regard to that grand old Seventy-fourth Legislature. They listened to your talk as we have listened to it this winter; and when you got the returns in September you knew that they didn't believe your song, didn't you? We will take our chances with them when we go before them the next time. We came here facing a situation that no administration ever faced before in the history of the State. You built buildings, you say, and added to the assets of Maine. What else did you do? Talk about what this Legislature has done! You had constructive legislation all right. You had the kind of constructive legislation that caused you to be so situated that you had borrowed every dollar that you could borrow, you could not borrow any more. The State of Maine could not float a promissory note of \$50 legally when this Legislature met. Its credit was absolutely gone. Besides that you passed over to this Legislature unpaid warrants amounting to \$384,000. What did we have to meet them with? One hundred and fifteen thousand dollars of cash and \$108,000 of that was anticipated taxes that the treasurer got from the city of Portland and Eden and York and Bangor by writing those places in December that he needed money desperately. Of the \$115,000 which you left in the bank to take care of your checks for \$484,000, you borrowed \$108,000 from this year's taxes. That is the way you left us. Besides that you left us \$335,000 of bills that came in from time to time that no warrant had been issued for. You had a constructive Legislature! Then what did you do? The State of Maine must pay its bills, said the gentleman from Houlton. That is Republican doctrine he says. Why didn't you pay them last

year? Then we could have spent some money here. Why didn't you pay the bills? Because you did not raise money enough to pay them with, and that grand old 74th Legislature did not dare to raise money enough to pay the bills it contracted. If it had, we would not have had a majority of 20 in this House, the House would have been un-animously Democratic. (Applause.)

Now we faced that situation. We had a million dollars of your bills to pay, not ours; but we are paying them as fast as we can. Do you want them paid tomorrow? Don't you know that the State tax, if you levied 15 mills, don't bring a dollar into your State treasury until next January? When do you think taxes are paid? In order to do it and still not tax the people of Maine too heavily, we have been obliged to economize, we have been obliged to be niggardly almost, we have been in a position where we had to deny ourselves and deny the State things we would like to do; but we have not done what the gentleman from Houlton says, we have not passed over to the next Legislature to pay a single bill that Maine owes, not one, and the gentleman from Houlton knows it. We expect in the next campaign when the gentleman goes out on the stump that that same talk will be made that has been made here this morning, that we have sent to the next Legislature bills to pay which Maine owes. It is not so. Neither the gentleman from Houlton or anybody else can point to one single dollar Maine owes that we have asked to go to the next Legislature. When your pauper claims came up did you say that the State owed them? Of course you did not, because we said that what the State owes in pauper claims can be paid by order of the Governor and Council. Then you said, "We cannot get it from the Governor and Council because the State don't owe this, it is only an equitable claim that the State ought to pay, a gift, a gratuity." Did the State owe for the building of roads and bridges in certain sections of the State, those claims which came here? No, not one single dollar which the State of Maine owes has been sent to the next Legis-

lature to bother them but we have bothered with them ourselves. We have tried to meet that situation fairly and squarely. It has been met because this Legislature has adhered to a policy which was forced upon it, a policy that it could not help adopting unless it was absolutely reckless because we have held appropriations down and at the same time not made the tax rate exorbitant, we have placed the State in a position where, during the latter part of Governor's Plaisted's first administration, there won't be people going about with orders on the State treasury asking loan sharks to discount them for them. The Republican policy is to pay the bills. Today in the State of Maine there are cases of farmers holding orders on the State issued by the Cattle Commission and they have given them up at 20 per cent. discount to loan sharks because the Republican party did not provide for the way to pay the State's bills when it had charge of the State. Now it is of no use talking about that; but the same thing was kept up in the campaign. "We don't owe anything," they said then. Now they keep up the cry that we are not paying the bills. Their policy is to pay them; our policy this winter has been to pay their bills. Two years from now when the next Legislature meets, whether it is Republican or Democratic, if it appropriates a ten-dollar bill beyond the revenues that it provides, it does wrong. It may have been unwise for us in the early days to say we would assemble together the various appropriations before we passed any of them—it may have been unwise from the standpoint of the gentleman from Houlton. It was the part of wisdom from the standpoint of those who were trying to do their best to carry this House on as it ought to be carried on. The gentleman is now forced to acknowledge that the Democratic party has carried out its program, has kept its promise, has relieved the people of the burden of any extra taxation, has kept the appropriations down where they belong because of the expenditures of the last Legislature having been too great, and can go to the people so that Maine can have a square

start and in the future raise its money as it needs it, pay its bills as it goes along and not burden one administration with the debts of another.

This Legislature has not done anything, the gentleman says. A Legislature faced by the responsibility that this one was faced with, could do little else than study a way out of the situation in which we found ourselves. We have done a good deal of work besides that, though. We did not pass a public utility bill, and the gentleman from Houlton ought not to complain about that because he voted against the passage of that himself. He was part and parcel of the failure to pass that bill. Take the platform which we put before the people and see how much of it has been carried out. We promised resubmission. They have it. We promised to repeal the Sturgis law. We repealed it. We promised to abolish the State liquor agencies. They are abolished. We carried out everything in that line of legislation which we agreed to. We promised a corrupt practice act. It is passed. We promised the direct primary. It will be passed; it is ready to pass. On the income tax matter we differed and enacted yesterday a State income tax. Whether the Senate adopts that or not, I don't know, but this Legislature will pass either a State income tax or the resolve in favor of a national tax. That was all that was contained in our platform except a promise of economy and a general promise in the equalization of taxation. We have raised the taxes on steam railroads so that the revenue from that source will be \$124,000 more next year than last. The gentleman says there is no way to get revenue except by indirect taxation. We found a way. We got \$124,000 additional tax from the steam railroads. We raised the tax on telephone and telegraph companies so that they will yield a revenue of \$25,000 a year more next year than last. The express companies will bring in from \$12,000 to \$15,000 more than last year. We have an insurance tax bill which will make \$10,000 more coming from those companies. In other words, from the public service corporation and the insurance companies we

have levied a tax so that the revenue will be from \$150,000 to \$200,000 more in 1912 than in 1910 by reason of the changes in the law which we have made. Isn't that constructive legislation? We have passed some other laws. When you consider the program which this Legislature has carried out I believe you will be as proud to have been a member of the Seventy-Fifth Legislature as the gentleman from Houlton would possibly be of having been a member of the Seventy-Fourth. But so far as I am concerned, speaking as one member here and as one who has toiled as hard as I was capable of toiling all winter, not for any measures in which I was personally interested but to bring about so far as I could see it that which was good for my party and my State, I want to say that I shall go from this Hall feeling that the Seventy-Fifth Legislature of Maine deserves a vote of confidence from the people of this State, and that it has fought through its disagreeable duty in a manner most creditable to it, most creditable to all of its members as men and most creditable to the party which has had the responsibility of conducting its affairs. (Applause.)

Mr. Peters offered House Amendment A, by striking out the words "two years" in the fourth line of the resolve and inserting in place thereof the words "six months."

Mr. PETERS: Mr. Speaker, it seems by an arrangement between the Legislature and the Seminary they were given two years in which to raise the money. Perhaps two years is an unreasonable time, but inasmuch as they have collected together the sum of \$10,000 it seems to me only reasonable that they should have an extension of six months for this purpose.

The question being on the adoption of the amendment,

A division was had and the amendment was adopted by a vote of 60 to 59.

Mr. PATFANGALL: Mr. Speaker, the Legislature two years ago made the appropriation available at any time after the resolve took effect. The resolve had no emergency clause and therefore took effect on the second day of July. Under the old resolve the Seminary could get \$20,000 from the State provided it raised between now and the second day of July \$20,000, or

\$10,000 more than the gentleman from Bucksport said they had already raised. Now, it seems to me, that resolve having passed the last Legislature in March, the Seminary would have altogether two years and three months in which to raise this money; and it does seem to me as though if the friends of the institution energized themselves as hard among the alumni as they have energized over here during this session of the Legislature to raise the money, they could succeed in doing that if the proposition was a good one. Should this bill be indefinitely postponed it would still leave the old resolve under which the seminary could receive this money if it raised this part of the money which they refer to between now and July first. Therefore, Mr. Speaker, I hope the motion to indefinitely postpone will prevail and leave the matter just as the last Legislature left it.

The question being on the indefinite postponement of the resolve, a division was had and the motion prevailed by a vote of 70 to 50.

So the resolve was indefinitely postponed.

An Act relating to sentence in criminal cases.

The pending question being concurrence with the Senate in the indefinite postponement of the bill,

The House voted to concur with the Senate in its action.

An Act relating to the sale of the State property at Belgrade.

Mr. AUSTIN of Phillips: Mr. Speaker, this bill was passed to be engrossed in the House and in the Senate it was amended. I think I am right in my conclusion that this Senate Amendment A attached to the bill by the Senate provides that the income from the sale of this land at the Belgrade Fish Hatchery shall be paid into the treasury of the State into the common funds of the State rather than that part of the funds which is credited to the fish and game department. In regard to this matter I will say that the fish and game committee gave two or three different hearings upon this matter and had conference with the game and fish commissioners, and after mature con-

sideration it was unanimously voted by the committee that we should recommend this act. Now, as I understand the matter, the fish hatchery property at Belgrade was purchased by the funds of the fish and game department and not from the money from the State treasury. At the present time there is a farm there, comprising more land than the fish and game commissioners consider it is profitable to carry on. They ask for the right to sell off that property at Belgrade a part of that farm and retain the hatchery and the buildings connected with the hatchery. They claim the farm is not carried on at a profit. The claim is made that this land can be sold for \$1500 or \$2000 and they ask that this money shall go into the funds of the fish and game department. That department wants to spend that money for the building of a cottage at the Monmouth hatchery, where one man can live during the hatching season and do the work that two men have to do today. Now, if that is true, that would save the services of one man for a year, it seems to me and it also seems to the committee that this was a good business proposition for the State, doing away with one man's salary for a whole year. I hope the House will adhere to its original action in the matter in passing the Bill as originally presented from the committee.

Mr. WILLIAMSON of Augusta: Mr. Speaker, I have some knowledge in regard to this matter. All these hatcheries are situated in Kennebec county, and it seems to me, that the action of the Inland Fish and Game Commission upon this matter is good business policy. This hatchery at Belgrade was purchased by funds which were paid in on account of the discontinuance of the hatchery at Winthrop, which was part of the equipment of the department of Inland Fisheries and Game. It seems to me that the amendment by which it shall be turned into the general funds of the State is not good business. I hope the bill as presented by the committee will be adopted.

The question being on the adoption of Senate Amendment A in concurrence,

The Amendment was lost.

The House voted to insist upon its action and call for a committee of conference.

The Speaker appointed as such committee on conference on the part of the House,

Messrs. Austin of Phillips, Williamson of Augusta and Clark of Portland.

An Act relating to the common school fund.

Mr. Dow of Plymouth moved that the Bill be substituted for the report, "ought not to pass."

Mr. DOW: Mr. Speaker. I will say in explanation of my course in regard to this matter that this Bill was introduced very early in the session. It has been commonly referred to as the Grange Bill. There was a hearing, and after the hearing another Bill was presented known as the Milliken Bill. The committee reported the Milliken Bill and this one was kept back and reported "ought not to pass." Neither I nor the friends of this Bill took any action in relation to the matter because it was assumed that the report of the committee on Education would have great weight in the decision of this matter. After the House in its wisdom a few days ago decided, ignoring the committee on Education, and voting by a small majority "ought not to pass," of course this Bill then comes to the front. This Bill applies to the distribution of only part of the common school fund.

The friends of this bill object to that distribution and advocate the distribution in the same manner as it has been distributed as far back as the oldest inhabitant can remember. This bill which distributes according to the number of scholars in the same way as we always have done, does away with the objections that were made to the other bill. There are no stars and initials in front of the names of some of the towns, indicating that they might receive more or less. This bill distributes the school money to the proper number of scholars in the State, giving each and every scholar the same amount. I think the school department of the State is opposed to this method of distributing school money according to the valuation, and favor the distribution according to the average attendance and distribution according to the number of scholars. If the opinion of that department has any weight I think it should have something to say in regard to this matter. All we are objecting to is to that part of the distribution of the school

money which was developed and fostered in the last Legislature. We ask that you adopt this method of distribution.

Mr. PATTANGALL: Mr. Speaker, some questions have arisen in regard to the common school tax. As the House may be aware the bill passed two years ago has been before the court of this State for a hearing as to the constitutionality of a portion of that law. I understand that possibly in a few hours there may be some likelihood of that opinion being made public before this session of the Legislature adjourns, in which case it would not only be unnecessary but absolutely unavoidable that there should be some conference in regard to such changes as would have to be made. It seems to me if that is the case, and I feel pretty sure it is, that the only fair thing would be to allow all these matters to be laid on the table until the afternoon session or the session tomorrow when a conference can be had and we can then find out what the result will be. I think it might be well to have the matter laid over until this afternoon.

Mr. DOW: Mr. Speaker, I will say it was not my purpose or wish to take this bill from the table at this time. I wish to have it upon the table until after the committee on conference which was appointed to confer with the Senate in relation to the Milliken bill can report. This matter was taken from the table automatically and not from any action of mine, but I should be very glad to have it lie upon the table to await further developments.

The motion was agreed to.

An Act additional to Chapter 144 of the Revised Statutes, relating to the reception by the insane hospitals of persons desiring to submit themselves to treatment.

This bill, having been passed to be enacted in both branches of the Legislature, came from the Governor with the following communication:

"STATE OF MAINE.

"Executive Department.

"To the Honorable House of Representatives:

"I have examined House Bill, No. 501, entitled "An Act additional to Chapter 144 of the Revised Statutes," and respectfully return the same herewith without my approval. This act would in effect make private hospitals of the Maine Insane hospital and Eastern Maine Insane hospital, public institutions already over-crowded with unfortunate wards of the State. These institutions are maintained for the benefit of the insane, not as homes for inebriates or persons addicted to the use of drugs. The passage of this act would open the doors of these asylums to a class of persons who would otherwise be treated in private sanatoriums or be imprisoned in our jails and would inevitably lead to an enormous expenditure of money in the way of additional buildings and equipment. The State of Maine cannot afford to embark upon such a policy as the passage of this act would compel. I therefore respectfully decline to sign this act.

"FREDERICK W. PLAISTED."

"March 29, 1911.

The SPEAKER: Is it the pleasure of the House that this bill shall become a law, notwithstanding the objection of the Governor? The vote will be taken by the yeas and nays. All those voting yes would vote against the Governor's veto. Those voting no would vote in favor of the Governor's veto. The Clerk will call the roll.

YEA:—Benn, Littlefield of Bluehill, Otis—3.

NAY:—Allen of Jonesboro, Ames, Anderson, Andrews, Austin, Bearce, Berry, Bisbee, Bogue, Boman, Bowker, Briggs, Brown, Burkett, Buzzell, Campbell, Chase, Clark, Clearwater, Colby, Conners, Couture, Cowan, Cronin, Cyr, Davies, Davis, Deering of Portland, Deering of Waldoboro, Descoteaux, Dow, Doyle, Dresser, Drummond, Dufour, Dunn, Dutton, Emerson, Farnham, Fenderson, Files, Frank, Gamache, Goodwin, Gross, Harmon, Hastings, Hedman, Heffron, Hersey, Hodgkins, Hodgman, Johnson, Jordan, Kelleher, Kingsbury, Knight, Lambert, Lawry, LeBel, Libby, Littlefield of Wells, Mace, Macomber, Mallet, Manner, Marriner, McAllister, McBride, McCurdy, Merrifield, Merrill, Miller of Hartland, Mitchell, Monroe, Morse of Belfast, Mower, Murphy, Noyes, Packard, Pattangall, Patten, Perkins of Kennebunk, Perkins of Mechanic Falls, Pinkham, Plummer, Pollard, Porter of Mapleton, Porter of Pembroke, Powers, Putnam, Quimby, Robinson of Lagrange, Robinson of Peru,

Ross, Russell, Scates, Shea, Skehan, Sleeper, Small, Smith, Active I. Snow, Alvan Snow, Soule, Stetson, Stinson, Strickland, Thompson of Presque Isle, Thompson of Skowhegan, Trafton, Trask, Trim, Trimble, Tucker, Waldron, Weston, Weymouth, Wheeler, Whitney, Wilcox, Wilkins, Williamson, Wilson, Woodside—125.

ABSENT:—Allen of Columbia Falls, Averill, Copeland, Emery, Greenwood, Hartwell, Hogan, Kelley, Kennard, McCann, McCready, Morse of Waterford, Newcomb, Pelletier, Percy, Peters, Phillips, Pike, Sawyer, Snow of Bucksport, Turner—21.

So the veto of the Governor was sustained.

An Act to legalize game farming and fish farming in the State of Maine.

This bill was passed to be enacted in both branches of the Legislature, and comes from the Governor with the following communication:

"STATE OF MAINE.

"EXECUTIVE DEPARTMENT.

"To the Honorable House of Representatives:

"I have examined House Bill No. 629, entitled 'An Act to legalize game farming and fish farming in the State of Maine,' and respectfully return the same herewith without my approval.

"This act would create, under certain conditions to be prescribed by the commissioners of inland fisheries and game, private game preserves, unlimited in extent. The long settled policy of this State is to preserve its fish and game for the benefit of all its people. The ownership of our fish and game has been by our courts declared to be in the public. It would be unwise in the extreme to change this policy or to enact a law in contravention of the wise decisions of our courts.

"Should this act become law, nothing would prevent the leasing of vast tracts of forest lands by clubs or corporations controlled by wealthy men—residents who would have no interest in the welfare of our State. These lands could be enclosed and the public excluded therefrom so that the hunting grounds of Maine, instead of being the great asset which they now are, would become nothing but private game preserves, maintained for the

benefit of the favored few. It would be difficult to conceive of legislation more obnoxious than this and less in accord with the spirit of our institutions.

"I therefore respectfully decline to sign this act

" FREDERICK W. PLAISTED.
"March 29, 1911."

The SPEAKER: Is it the pleasure of the House that this bill shall become a law, notwithstanding the objection of the Governor? This vote will be taken by the yeas and nays. All those voting yes would vote against the Governor's veto. Those voting no will vote in favor of the Governor's veto. The Clerk will call the roll.

YEA:—Austin, Bearce, Benn, Berry, Bisbec, Briggs, Brown, Clearwater, Davis, Drummond, Dufour, Hedman, McBride, Peters, Active I. Snow, Wheeler, Whitney—17.

NAY:—Allen of Jonesboro, Ames, Anderson, Andrews, Bogue, Boman, Bowker, Burkett, Buzzell, Chase, Clark, Colby, Connors, Copeland, Couture, Cowan, Cronin, Cyr, Davies, Deering of Waldoboro, Descoteaux, Dow, Doyle, Dresser, Dunn, Dutton, Emerson, Farnham, Frank, Gamache, Goodwin, Gross, Harmon, Hastings, Heffron, Hersey, Hodgkins, Hodgman, Johnson, Jordan, Kelley, Kelleher, Kennard, Kingsbury, Knight, Lambert, Lawry, LeBel, Libby, Littlefield of Bluehill, Littlefield of Wells, Mace, Macomber, Mallet, Manter, Marriner, McAllister, McCurdy, Merrifield, Merrill, Miller of Hartland, Mitchell, Monroe, Morse of Belfast, Mower, Noyes, Otis, Packard, Pattangall, Patten, Perkins of Kennebunk, Perkins of Mechanic Falls, Pinkham, Plummer, Pollard, Porter of Mapleton, Porter of Pembroke, Powers, Putnam, Quimby, Robinson of Lagrange, Robinson of Peru, Ross, Russell, Scates, Shea, Skehan, Sleeper, Small, Smith, Alvah Snow, Soule, Stetson, Stinson, Strickland, Thompson of Presque Isle, Thompson of Skowhegan, Trafton, Trask, Trim, Tucker, Waldron, Weston, Weymouth, Wilcox, Wilkins, Williamson, Wilson, Woodside—109.

ABSENT:—Allen of Columbia Falls, Averill, Campbell, Deering of Portland, Emery, Fenderson, Files, Greenwood, Hartwell, Hogan, McCann, McCready, Morse of Waterford, Murphy, Newcomb, Pelletier, Percy, Phillips, Pike, Sawyer, Snow of Bucksport Trimble, Turner—23.

So the veto of the Governor was sustained.

On motion of Mr. Mallett of Freeport the House took a recess until 2.30 o'clock this afternoon.

AFTERNOON SESSION.

Finally Passed.

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

Resolve in favor of the acceptance of gifts from Ex-Governor Frederic Robie.

Resolve in favor of Wilton Academy.

Resolve in favor of the clerk and stenographer to the committee on inland fisheries and game.

Resolve authorizing the Governor to appoint a commission to investigate the investments for savings banks.

Passed to Be Enacted.

An Act to prohibit the use of gang hooks so-called when fishing in the inland waters of the State.

An Act to amend Chapter 131 of the Private and Special Laws of 1858 as amended by Chapter 53 of the Private and Special Laws of 1887 relating to the Preachers Aid Society of the Methodist Episcopal church.

An Act to regulate the hunting and killing of gray squirrels.

An Act to amend Chapter 80 of the Revised Statutes of 1903 as amended by Chapter 117 of the Private and Special Laws of 1905 relating to the expenses of the county commissioners of Cumberland county.

An Act to incorporate the Island Light & Water Company.

An Act to consolidate the management of the State juvenile institutions.

An Act to incorporate the Upper St. John Log Driving Company.

An Act relating to the packing of food.

An Act imposing an annual license fee upon foreign corporations, and repealing Chapter 113 of the Public Laws of 1909.

An Act to regulate the sale and purchase of trout, land-locked salmon, togue, white perch and bass.

An Act relating to the compensation of the clerk, deputy and assistant clerks of Cumberland county.

An Act establishing a close time on lobsters in the waters of Winter harbor, Hancock county.

An Act to incorporate the Swans Island Water Company.

An Act to close Square pond to sewage.

An Act to amend Section 1 of Chapter 84 of the Revised Statutes relating to order of notice by the supreme judicial court.

An Act to extend the rights and powers and privileges of the Barrows Fall Light & Power Company.

An Act amendatory of Chapter 3 of the Private and Special Laws of 1887, entitled "An Act to supply the people of Presque Isle with pure water."

An Act to amend Section 1 of Chapter 412 of the Private and Special Laws of 1907 as amended by Section 1 of Chapter 121 of the Private and Special Laws of 1909, regulating fishing in Swift river and its tributaries in the county of Oxford and in the county of Franklin.

An Act to amend An Act relating to the police court of the city of Rockland.

An Act to amend Section 4 of Chapter 102 of the Public Laws of 1905 relating to the Penobscot tribe of Indians.

On motion of Mr. Mace of Great Pond,

Ordered, the Senate concurring, that 5000 extra copies of the House Record of March 29, 1911, be printed.

An Act additional to Chapter 144 of the Revised Statutes.

Mr. Allen of Jonesboro offered Amendment A to correct the title, which was adopted, and the bill was then passed to be engrossed as amended.

An Act to amend Section 113 of the Public Laws of 1909. (Tabled on motion of Mr. Williamson of Augusta.)

An Act to incorporate the Pepperell Trust Company.

Mr. Davis of Guilford moved that the bill be indefinitely postponed.

Mr. Goodwin of Biddeford offered Amendment A to strike out all after the enacting clause and insert a new section extending the charter for two years.

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

The motion was agreed to.

An Act relating to the compensation of the justices of the supreme judicial court. (Tabled on motion of Mr. Peters.)

An Act relating to the Cumberland county judge of probate.

On motion of Mr. Mallett of Freeport this bill was indefinitely postponed.

An Act nominating candidates by primary elections. (Tabled and assigned for tomorrow on motion of Mr. Davies.)

Reports of Committees.

Mr. Foss from the committee on Appropriations and Financial Affairs reported ought to pass on Resolve to appropriate a sum of money to pay clerical services of committee on Telegraphs and Telephones.

The Resolve received its two readings and was passed to be engrossed under a suspension of the rules.

Mr. Allen from the same committee reported ought to pass on Resolve in favor of the stenographer to the committee on Agriculture.

The Resolve received its two readings and was passed to be engrossed under suspension of the rules.

The following Resolves were passed to be engrossed under suspension of the rules:

Resolve in favor of the clerk, stenographer and messenger to the committee on Appropriations and Financial Affairs.

Resolve providing for grading and improving the State Capitol grounds. (Tabled pending its second reading on motion of Mr. Clearwater of Hallowell.)

Resolve on the payroll of the Senate.

On motion of Mr. Wilson of Auburn, Bill, An Act relating to State aid in improving highways was taken from the table, and on further motion by the same gentleman the Bill was again tabled pending the acceptance of either report and specially assigned for tomorrow.

On motion of Mr. Williamson of Augusta, Bill, An Act to amend Section 34 of Chapter 4 of the Revised Statutes of 1903 of Maine was taken from the table.

Mr. Williamson then offered House Amendment A, by adding to the title the words "relative to wards of cities."

The Amendment was adopted and the Bill received its two readings, and on further motion by the same gentleman the Bill received its third reading and was passed to be engrossed under a suspension of the rules.

An Act relating to the taxation of steam railroads.

The pending question is its passage to be enacted.

The SPEAKER: This Bill contains an emergency clause and in order to be enacted must receive 101 votes.

A division was had and 105 voting in favor of the passage,

The bill was passed to be enacted.

An Act relating to the equalization of school privileges.

Mr. JORDAN of Portland: Mr. Speaker, I understand this Bill is one of several which the committee of Conference is now considering, and with that understanding I move that it be again tabled temporarily.

The motion was agreed to.

An Act relating to compensation of justices of the Supreme Judicial and Superior courts.

The pending question is the acceptance of the report of the committee.

Mr. Pattangall of Waterville moved that the majority report be accepted.

Mr. Peters of Ellsworth offered House Amendment A, to amend by striking out the words "ninety days" in the fourth line of Section 1 and inserting in place thereof the words "one year"; by striking out the words "ninety days" in the 19th line of said Section and inserting in place thereof the words "one year"; by striking out the words "ninety days" in the fourth and fifth lines of Section 2 and inserting in place thereof the words "one year."

The amendment was adopted and the Bill received its two readings.

On further motion by Mr. Peters the rules were suspended, the Bill received its third reading and was passed to be engrossed as amended.

An Act to provide a close time on wood ducks.

This Bill was tabled pending its passage to be engrossed.

On motion of Mr. Bogue of East Machias the Bill was then passed to be engrossed.

On motion of Mr. Allen of Jonesboro, Bill, An Act to amend Section 21 of Chapter 17 of the Revised Statutes of 1903, relating to the registration of dentists was taken from the table, and on further motion by the same gentleman the Bill was indefinitely postponed.

On motion of Mr. Doyle of Millinocket, An Act to amend Section 50 of Chapter 51

of the Revised Statutes was taken from the table.

Mr. Williamson of Augusta offered House Amendment A, by adding to the title the words "relative to the duties of the railroad commissioners."

The Amendment was adopted and the Bill received its second reading.

On further motion of Mr. Doyle, the rules were suspended, the Bill received its third reading and was passed to be engrossed as amended.

On motion of Mr. Williamson of Augusta, Bill, An Act for the better protection of the lobster fisheries was taken from the table.

Mr. Mitchell of Kittery offered House Amendment A to amend by adding after the word "be" in the second line the words "fined not less than fifty dollars or."

The votes were reconsidered whereby this bill was passed to be engrossed and whereby it received its third reading.

Mr. Chase of York moved that the bill be indefinitely postponed.

The motion was agreed to.

An Act to amend the charter of the Mexico Water Company.

This bill was tabled pending acceptance of the report.

Mr. DAVIES of Yarmouth: Mr. Speaker, my interest in this bill grows out of the fact that I was a member of the committee before which it was heard. My mind goes back to the fact that in 1907 and in 1909 representatives from the town of Mexico came here before the same committee for the purpose of trying to establish in that town a water district. I was impressed with the fact that the people of the town of Mexico needed a water district to supply them with pure water. I was impressed with the fact that the conditions had not changed in 1909, and at this session of the Legislature they come with much the same proposition, and it seems to me that the burden is upon this Legislature to give to the inhabitants of that village a better water system than they have and such a water system as is proposed under the conditions of this bill.

The report of the committee was accepted.

The bill then received its two readings.

Mr. Bisbee of Rumford moved that the bill be tabled pending its third reading and be assigned for tomorrow.

Mr. DAVIES: May I inquire of the gentleman if there is some opposition to the bill on his part?

Mr. BISBEE: There is, yes.

Mr. DAVIES: It seems to me, Mr. Speaker, that this is a matter which might be disposed of at this time if the gentleman from Rumford is willing and I accordingly move that the bill receive its third reading.

Mr. BISBEE: Mr. Speaker, this bill was introduced in this House and sent to a committee about two months ago. It has been in that committee room without any report having been made until some time last week, Thursday, I think. In the meantime there has been a meeting held of the citizens of Rumford, and they have voted to unite with the town of Mexico and form a water district. The Rumford Falls Light and Water Company, which company has the reputation of having the poorest water in the State of Maine, have a right in their charter which was granted to them two years ago to go to Swift river in the towns of Mexico, Roxbury and Byron for a water supply in order to get a gravity system which of course is the best system. They have to go about 15 miles up in the town of Byron. This permission was granted to them by the Legislature of two years ago, but they have been experimenting in the meantime trying to get a better water supply. It will cost them about \$100,000 to go there. The Mexico Water Company already have a good supply of spring water which I think they claim is very good and sufficient in amount. Now the only reason which I have for opposing the passage of this bill is that the Rumford Water Company already have the right in their charter to go to Swift river to get a good supply of water; and if the water district of Mexico and Rumford is not formed, the Rumford Falls Light & Water Company have got to go somewhere to get some water. I will make a motion

that this matter be referred to the next Legislature, at which time if the Rumford Falls Light & Water Company have not gone to the source of supply we shall be glad that the Mexico people shall have it at that time.

The motion was agreed to.

Resolve in favor of the postmaster of the Senate.

This resolve was tabled pending acceptance of the report.

Mr. CHASE of York: Mr. Speaker, I understand that this is a small bill that the postmaster of the Senate should be paid in this way: The mail matter has been put up and not sufficient postage has been put on, and heretofore I understand it has been the custom for the postmaster to look out for that and pay the bills and be reimbursed by some resolve of this kind. I believe there was a resolve put in in favor of the postmaster of the House, and also the mail carrier, but it has got lost and it has not been reported from the committee. That was for a bill of \$47.16. The mail carrier, I understand, has had occasion several times in order to get the mail up here to hire a team, and he has also carried mail down which did not have sufficient postage on it and he has paid it out of his own pocket on advice that these things had always been reimbursed by the Legislature. I simply wish to call the matter to the attention of the House. It seems to me it is nothing more than fair that they should be paid.

Mr. WILLIAMSON of Augusta: Mr. Speaker, as I understand it, this has arisen as the gentleman from York has suggested, in a good many instances by members not putting on postage enough and when the postmaster got down to the postoffice here in Augusta he would have to pay or else have the mail hung up there. He has taken it upon himself to pay whatever was required. I think it has been the custom in former Legislatures, and while it is not perhaps a good one, I think he did it in good faith. I believe the resolve in favor of the postmaster of the House was reported, and for some reason it was lost, and I ask

unanimous consent to introduce a new resolve

The rules were suspended and Mr. Williamson introduced resolve in favor of the postmaster of the House.

On motion by Mr. Williamson the resolve received its two readings and was passed to be engrossed under a suspension of the rules.

Resolve carrying on the State Survey Commission.

Mr. WILLIAMSON of Augusta: Mr. Speaker, that matter should lie upon the table until tomorrow for this reason. The bill consolidating the two commissions will probably be through both branches of the Legislature and be signed by the Governor at that time, and then this resolve should, I apprehend, be indefinitely postponed, because the commission to which it applies will not exist. I therefore move that the resolve be tabled until tomorrow.

The motion was agreed to.

An Act to create the public utilities commission of Maine and define its duties.

In the House this bill was referred to the next Legislature. It comes back from the Senate, passed in that branch.

Mr. Williamson of Augusta moved that the House recede and concur with the Senate.

Mr. PATTANGALL of Waterville: Mr. Speaker, I suppose it would be entirely out of place to do anything that would cause a long discussion on a matter which we discussed so thoroughly the other day. I do not want to start anything of that kind. It would seem rather strange to me if after three days the House by that vote of more than two to one decided to refer the matter to the next Legislature should change its mind and decide to adopt the bill. If there has been any such change of feeling on the part of the members of this House of course it will find expression in their vote. I think it would be a fair statement that nobody in the House—if anybody, at least a very small number, have given any attention to this bill since they acted upon it. I may say that I have not read it since it was suggested then that it needed

some amendment. I do not believe the members of the House as a general rule had given any attention to that bill since it was referred to the next Legislature here by a vote of, if I recall the vote correctly, something like 80 to 37. Unless something new has come up I should suppose the House would consider the action which it took the other day, after a long discussion and a careful deliberation, final. I hope the motion of the gentleman from Augusta will not prevail, unless some strong reason can be shown the House why we should change.

Mr. Wilson of Auburn moved that the motion of the gentleman from Augusta be laid upon the table until tomorrow morning.

The motion was lost.

The question being on the motion that the House recede and concur with the Senate,

The motion was lost.

Mr. Pattangall of Waterville moved that the House adhere to its action.

Mr. WILLIAMSON: Mr. Speaker, it seems to me that as the Senate has passed this matter that we ought not to take action which would deny a committee of conference upon it. This is a matter of great public importance, and it seems to me that we should consider it with a view to appointing a committee of conference and taking the matter up with the Senate, and I therefore move that we insist and ask for a committee of conference, which motion I understand takes precedence of the motion of the gentleman from Waterville.

Mr. PATTANGALL: This House has acted upon this matter and acted by a decided majority. I get a good, nice, wholesome beating here every once in a while on a bill, and when I do I rest. I am satisfied. (Laughter.) I don't hunt around for an opportunity to get another one on the same matter. This House is thinning out pretty rapidly and men have been to me today who have been in constant attendance during the session and they tell me they cannot be here tomorrow. Now this is an important matter and it is true that the Senate went the other way, but then the Senate always has gone the other way for the last four or five days, and that is nothing extraordinary. It was not a matter of de-

liberation on the part of the Senate. It is just a habit which the Senate has got into. It seems to me we have a good full attendance here today and I think we ought to close this matter up and have it done with. To all intents and purposes we did close it up two or three days ago. I hope the motion of the gentleman from Augusta will not prevail, and that will leave room for my motion to adhere.

The SPEAKER: The motion that we insist has precedence.

Mr. PETERS of Ellsworth: Mr. Speaker, I don't know as the House fully understands the distinction between those two motions. I want to see if I understand it correctly. The motion of the gentleman from Augusta to insist and ask for a committee of conference has precedence over the motion of the gentleman from Waterville?

The SPEAKER: Yes.

Mr. PETERS: And if that motion has a passage is will lay the matter open for a conference and for further discussion. For that reason I shall vote against the motion of the gentleman from Augusta, with a view of being able to vote later for the motion to adhere, and end the matter here and now. (Applause.)

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

The motion was lost.

The question being on the motion that the House adhere,

The motion was agreed to.

Mr. PATTANGALL: Mr. Speaker, on that motion I voted no, and I move that we now reconsider the vote whereby we voted to adhere to our former action, and now, gentlemen, is the great opportunity of your life to out-vote me.

The motion was lost.

On motion of Mr. Williamson of Augusta, bill, An Act relating to law student who is obliged to labor during his term of study, was taken from the table.

Mr. DUNN of Brewer: Mr. Speaker, I hope I won't make any statement during this discussion that will be so personal that it may not be understood. I desire to state as briefly as possible the reason for the introduction of this bill. In order to do so it won't be necessary for me to go back to the time of Abraham Lincoln

for a precedent. I simply go back to about the year 1902. Previous to the year 1902, or about that date, there were no law students in the State of Maine. There were sixteen counties in the State of Maine, each a little sovereignty of its own, though each had its examining board. A law was passed whereby the rule was changed and the centralization of the board of the 16 counties was united into one, and we felt that it was a hardship on account of that law, and for that reason some of the people have suffered under it and they have urged me to see that a bill was introduced. I had no interest in it myself, and I leave it for the House to decide upon its merits.

Mr. PETERS of Ellsworth: Mr. Speaker, I desire to say just a word upon this matter, as I happened to be one of the committee which made the unanimous report that the bill ought not to pass. Prior to 1902, as the gentleman from Brewer says, the system of examination for membership to the bar rested entirely upon such requirements as the committee in each county sought to set up. Of course there were as many sets of requirements as there were counties in the State. At that time or soon afterwards it was determined by the Legislature to make one standard for ability for admission to the bar, and a law was passed which law has received the severe censure of the gentleman from Brewer, unjustly so as I believe, and unjustly so as I think you will believe if you should read the law. I have a copy of it here, and as it is brief and clear I will read it.

"Section 24. Every person who shall be of full age, a resident and a citizen of the United States and of good moral character, may be admitted to practice as an attorney and counsellor at law in all the courts of record of this State on motion made in open court, but the applicant shall first produce the certificate hereinafter provided for from the board of examiners, that he possesses sufficient learning in the law, and moral character and ability to enable him to properly practice as an attorney and counselor at law in the courts

of this State. No person shall be entitled to practice as an attorney and counselor at law in this State until he shall be licensed so to do by said courts. No person shall be denied admission or license to practice as an attorney at law on account of sex."

Section 26. The residences and names of the applicants shall be made to appear to said board and satisfactory evidence shall also be produced by said applicants of their good moral character and of their having pursued the study of the law in the office of some attorney or in some recognized law school or university for at least three years prior to such examination; and a fee to be fixed by said board of not more than \$20 shall accompany the application. The applicant shall be required to submit to a written examination which shall be prepared by said board, also to an oral examination by the board, if deemed necessary, and shall be required to answer correctly a minimum of 70 per cent. of the question given him to entitle him to the certificate of the board. The board shall, however, have power to establish such higher grades of standing as to them may seem proper."

In other words, there are these requisites and these alone for admission to the bar in this State, and they prevail the same all over the State. They are that a man shall be 21 years of age, he shall be a citizen of the United States, he shall be of good moral character, he shall have studied for at least three years either in an office or in a law school, he shall pass an examination and get a rank of at least 70 per cent. I do not find in that statute any discrimination against anybody. In fact, I believe there is a provision that women may be admitted to the bar if they can fulfill these requirements. I think there is a misunderstanding on the part of the gentleman from Brewer if he thinks there is the least discrimination against a person on account of his being a laboring man or a non-laboring man. In fact, almost everybody who gets admitted to the bar is a laboring man. I think I am a laboring man now, and I do not think there has been any discrimination. The re-

marks of the gentleman are perhaps directed to the personnel of the board, but I do not think after you have seen and read the names of the members of the board of examiners, men who are well known, men of such high character and ability as lawyers in this State, that the mere mention of their names is sufficient to dispel any possible accusation on their part or anything like unfairness, as intimated by the gentleman from Brewer. In the year 1910 the board consisted of the following gentlemen: John B. Madigan, John Wilson, Charles F. Johnson, E. E. Herrick and C. W. Peabody. I have here the list of names of the members for the years 1909, 1908 and 1907, and the same general character and high standing of the board runs right back to the time of its organization. I think that will be sufficient to authorize and to require on our part a vote to sustain the unanimous report of the committee that this amendment of the law ought not to pass, and I hope that it will not and that the report will be accepted.

Mr. DUNN: Mr. Speaker, I desire to ask the gentleman from Ellsworth if there is not a section in that law which reads that the committee may use at their own discretion any such higher rank as to them may seem proper?

Mr. PETERS: I read that section, Mr. Speaker.

Mr. DUNN: I desire to say here that it seems a strange performance that you have a recognized law school in this State and that we, the people of Maine, are paying to support it, and that the students who put in their three years' time in that school, taking three examinations a year, pass with credit to themselves and carry away their degree of Bachelor of Laws and who have never been objected to in any way, snape or form, and appear before that board and fail to pass the 70 per cent. limit, who go back for lack of funds and are obliged to labor, and come back for the second examination and are told flat-footedly and frankly that they are not eligible for examination, that is the point I make. I do not make any point that a man should be admitted anyhow. I claim that he should come up to the standard, but I

claim it don't make any difference where he studies or how he studies, any man 21 years of age should have the privilege of taking that test and should not be refused. That is the point I make. And you don't doubt but what they do induce a man to try the examinations who has graduated from your colleges. I can give some names of men whom they have turned down and to whom they have refused the examination. That is the point. I am not complaining myself, gentlemen, although I have been one of the victims.

Mr. PETERS: There would, of course, be no object in having an examining board if it were not necessary at some time to turn down persons, and the fact that some persons have been refused admission is no argument necessarily against the propriety of the law. The law provides, as I read it, and I tried to read it distinctly, that the minimum—the applicant must be required to answer correctly a minimum of 70 per cent. of the questions asked him to entitle him to a certificate. The board shall, however, have power to establish such higher grades of standing as they may deem necessary. That does not mean that they can establish a higher grade for one person. If they establish a higher grade than 70 per cent. it applies to everybody and all over the State until that minimum is changed by the board. I am not aware that it has ever been changed. In fact, since the beginning of this session I had the pleasure of traveling on the train with one of the members of the board who was spending his valuable time practically about this business, and he told me that their minimum was 70 per cent., so I believe it has never been changed from the beginning.

As to the desirability of changing the law so that a person graduating from a law school can be admitted without examination, I do not believe in the propriety of that. I believe if we have this standing that we should apply it whether the applicant is a graduate or not, that they should all be required to pass this examination required by this statute. We all know that it is sometimes pretty easy to get a diploma. There are not now, but there

may be law schools established where diplomas will be given for less work than at present, and it is to obviate such practice as that, and to keep up the high standard of the profession that I think it would be unwise for us to contemplate any change in the law.

Mr. PATANGALL: I think the committee were actuated in making that report, that this be referred to the next Legislature, by the fact that the matter came in so late that no hearing could be ordered. As I recall it, the bill came before the committee after the time when the time for general hearings had been ordered, and was reported right back, that it be referred to the next Legislature. I am not very familiar with the details of the law governing the board of examination. I came into the bar before the present system was adopted. I should not care to report favorably upon the bill introduced by the gentleman from Brewer because, as I remember it, it was that a graduate of the law school could be admitted without examination, provided he had taken the three years course and secured a diploma. That would not appeal to me very much as a lawyer. I have every respect for the present examining board. I do think this matter ought to go to the next Legislature though, because I am very sincere in believing that the present law justified the practice of the present board, and I have no doubt it does, would stand some modification, and that the modification would be in the nature of an improvement. I am not going to delay the House with an argument upon the proposition. If I were trying to improve the situation I should not adopt the bill which the gentleman from Brewer suggests, but rather the law which is in vogue in the state of Massachusetts under which a person may take an examination for the bar providing they have a good moral character and are 21 years of age, without any regard to how long they have studied law.

Men have been refused examination and refused admittance. That should be in the discretion of the board to refuse the examination because it is not shown to the board that the applicant had devoted three years exclusively to

the study of the law. I think that is the point which the gentleman from Brewer wanted to get at; they had to devote three years exclusively to the study of the law and not do anything else. I do not like that arrangement. If the statute warrants it, and I assume it does, then I think the statute ought to be changed. I think that is what the gentleman from Brewer is trying to get at. I hope the report of the committee will prevail and that the matter may come into the next Legislature.

Mr. DUNN: Mr. Speaker, the gentleman from Waterville has exactly stated the case. I shall be perfectly satisfied to have the bill go to the next Legislature. Furthermore, I desire to say that the bill was not instigated by me, but I being one of the men who had been one of the victims of the law, they kept pressing me to put the bill in, and it did get in but too late. I regret very much that it did, but I shall be perfectly satisfied to have the bill go to the next Legislature and be amended exactly in accordance with what the gentleman from Waterville has said.

The question being on the motion to refer the bill to the next Legislature, The motion was agreed to.

An Act to regulate the number of and also the number of pounds of landlocked salmon, trout, togue and white perch that may be taken or had in possession in one day by one person.

The pending question is the adoption of the amendment offered by Mr. Austin of Phillips.

The amendment was adopted and the bill received its two readings, and on further motion of Mr. Austin the bill received its third reading and was passed to be engrossed.

On motion of Mr. Chase of York, the rules were suspended and that gentleman introduced resolve in favor of H. M. Edwards, and on further motion by the same gentleman the resolve received its two readings and was passed to be engrossed.

An Act additional to Chapter 17 of the Revised Statutes.

This bill was passed to be enacted in the House and came from the Senate amended by Senate Amendment A.

The votes were reconsidered whereby this bill was passed to be enacted, passed to be engrossed and whereby it received its third reading, Senate Amendment A was adopted, and the bill then received its third reading and was passed to be engrossed as amended in concurrence.

Passed to be Enacted.

An Act to regulate ice fishing in Androscoggin county.

An Act to incorporate the Farmington and Augusta Railway Company.

An Act to incorporate the David Improvement Company.

An Act to establish the Yorkshire Municipal court.

An Act to amend Chapter 256 of the Public Laws of 1909, relating to trustee process.

An Act amendatory of and additional to Chapter 48 of the Revised Statutes, relating to annual examinations of savings banks and trust companies and verification of savings deposits.

An Act to amend Section 13 of the Public Laws of 1907, as amended by Chapter 69 of the Public Laws of 1909, relating to contracts for building highways.

An Act to amend Chapter 28 of the Revised Statutes, as amended by Chapter 194 of the Public Laws of 1909, in relation to doors swinging outward, fire escapes, or egresses from factories, workshops, tenement houses, halls, factory inspection and so forth.

An Act relating to insurance on public buildings and other State property.

An Act to amend Chapter 2 Section 33, of the Revised Statutes, relating to persons before whom the oaths required by the constitution to qualify civil officers may be taken and subscribed.

An Act to incorporate the Maine Institute of Music and Liberal and Fine Arts.

An Act to permit Plantation 14 of assume the maintenance of its roads and bridges.

Finally Passed.

Resolve in favor of the Eastern State Normal School.

An Act to incorporate the Anson Water Company.

In the House this Bill was received and under a suspension of the rules was passed to be engrossed, comes from the Senate amended by Senate Amendment A.

The votes were reconsidered whereby the Bill was passed to be engrossed and whereby it received its third reading, Senate Amendment A was adopted, and the Bill then received its third reading and was passed to be engrossed as amended in concurrence.

On motion of Mr. Williamson of Augusta, Bill, An Act relating to the termination of contracts for sale or transfer of real estate was taken from the table, and on further motion by the same gentleman the Bill was passed to be engrossed.

An Act relating to the taxation of incomes by the State.

Mr. Mace of Great Pond offered House Amendment A, in Section 4, line 25, to amend by striking out the word "one" and substituting therefor the word "two"; in Section 5, line 11, strike out the word "or" and substitute therefor the word "of"; also in the same line inserting after the word "persons" the words "assess the tax thereon"; also in line 20 add the following: "said board shall assess the tax thereon as provided in paragraph B of Section 2"; in line 25 by striking out the word "complication," and substituting therefor the word "computation."

The Amendment was adopted.

Mr. Deering of Portland moved that the Bill be indefinitely postponed.

A division being had the motion was lost by a vote of 35 to 57.

The Bill then received its third reading and was passed to be engrossed as amended.

Senate Bills on First Reading.

Resolve to appropriate a sum of money to pay clerical expenses of the committee on Telegraphs and Telephones.

The rules were suspended, the Resolve received its two readings and was passed to be engrossed.

Resolve in favor of Louise E. Gately for stenographic services to the committee on Agriculture.

The rules were suspended, the Resolve received its two reading and was passed to be engrossed.

An Act to regulate the number of

pounds of landlocked salmon, trout, togue and white perch which may be taken by one person. (Indefinitely postponed on motion of Mr. Austin of Phillips as House Bill No. 758 covers the same ground.)

On motion of Mr. Clearwater of Lowell, resolve relating to the improvement of the State Capitol grounds, was taken from the table, and on further motion by Mr. Clearwater the House concurred with the Senate in its action in indefinitely postponing the resolve.

On motion of Mr. Plummer of Lisbon Falls, Resolve in favor of reciprocity with Canada, was taken from the table.

The question being on the motion to reconsider the vote whereby the resolve was indefinitely postponed.

Mr. HERSEY: Mr. Speaker, I rise to a parliamentary inquiry. The gentleman from Lisbon Falls moved to lay the motion to reconsider on the table and no time was assigned for the consideration of that motion, and it has laid there ever since. Now by Rule 40 of this House an assignment of time must be made at that time or else the matter is not properly before the House. It has gone to the Senate and the Senate has acted upon it. It has no business here at this time.

The SPEAKER: The Chair rules that the matter is not now properly before the House and cannot be considered.

On motion of Mr. Williamson the House took a recess until 5 o'clock.

After Recess.

On motion of Mr. Fenderson of Limerick, bill relating to the Biddeford municipal court, was taken from the table.

On motion of Mr. Fenderson the House voted to recede from its action whereby the report of the committee was accepted.

Mr. Fenderson moved to concur with the Senate in adopting the minority report, "ought not to pass."

Mr. Weymouth of Saco moved that the House insist and ask for a committee of conference.

Mr. Fenderson moved to lay the bill on the table.

A division was had and the motion was agreed to by a vote of 39 to 33.

Mr. Kelleher from the committee on appropriations and financial affairs, reported "ought not to pass" on resolve in favor of the clerk of the House.

On motion of Mr. Williamson of Augusta the report was tabled pending its acceptance.

On motion of Mr. Williamson the vote was reconsidered whereby the House passed to be engrossed bill relating to the taxation of incomes by the State.

Mr. Williamson offered an amendment by adding Section 10, "Corporations organized under the laws of this State shall not be taxable under the provisions of this act."

The amendment was lost.

Mr. Hersey moved that the bill be indefinitely postponed.

Mr. HERSEY: Mr. Speaker, here is a bill before the House for the taxation of incomes by the State, presented to th's House by my friends, Mr. Sewall of Bath, who, I understand, is the author of the bill, which is not written by a lawyer, a bill which I am unable to understand at the present time. I do not believe a person in this House does understand it. We have not had time to consider it. There has been no public hearing, no committee has considered this bill except the committee on taxation and they have simply reported it at the request of Mr. Sewall, as I understand it. It has not been before the people. In the closing hours of the Legislature you are asked to pass a bill that may need a hundred amendments. I have already stated that in my opinion such a bill is unconstitutional. I think we ought to take time to consider such a measure, and I say that our duty is that the bill should be indefinitely postponed.

Mr. PATTANGALL: Mr. Speaker, if the motion had been made and carried yesterday the gentleman could have added another item to the list of the things we did not do, that we have not passed,

an income tax bill. Here is a piece of constructive legislation and the gentleman does not want it passed, in order, I suppose, that later on he can say that it is another thing we did not do. I think the amendment was offered in good faith. The House has voted on that. The same motion which the gentleman makes was made the other day by the gentleman from Portland, Mr. Deering. It seems to me the only thing the House could do in decent consistency would be to vote down the motion of the gentleman from Houlton and let this bill go along, where it can be taken up by the co-ordinate branch of the Legislature. I hope the motion of the gentleman will not prevail.

Mr. HERSEY: If this motion has been voted on before I will withdraw mine.

Mr. DEERING of Portland: I did make that motion.

Mr. HERSEY: Then I will withdraw my motion.

The bill was then passed to be engrossed.

The following resolutions were introduced by Representative Goodwin of Biddeford and adopted by the House:—

"Whereas the House has been apprised of the death of the Hon. Henry Peabody, one of the associate justices of the supreme judicial court of this State, which sad event occurred in the city of Portland this afternoon, and

"Whereas, Mr. Justice Peabody has long been recognized as a learned and impartial judge and has shed lustre upon the high and honorable bench of which he was a member,

"Therefore, resolved that the House has learned with profound sorrow of the passing of Mr. Justice Peabody, and

"Be is further resolved that this resolution be spread upon the records of the House and that a copy be forwarded to the family of the deceased."

Mr. Pattangall moved that the House adjourn until tomorrow out of respect to the memory of Justice Peabody.

The motion was agreed to.