

# MAINE STATE LEGISLATURE

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Legislative Record

Seventy-Fifth Legislature

SPECIAL SESSION

STATE OF MAINE

1912

**HOUSE.**

Friday, March 22, 1912.

Prayer by Rev. Mr. Cochran of Hallowell.

Journal of yesterday read and approved.

The **SPEAKER**: The first matter under consideration, this morning, is House Document No. 1, a Resolve amending Section 15 of Article 9 of the constitution, relating to a bond issue for State roads. What is the pleasure of the House with reference to the resolve?

Mr. **STRICKLAND** of Bangor: Mr. Speaker, I move that the House resolve itself with a committee of the whole for the consideration of House Bill No. 1.

The motion was agreed to.

The **SPEAKER**: The Chair appoints as the presiding officer of the committee of the whole the gentleman from Bangor, Mr. Strickland, who will now take the Speaker's place.

**In Convention of the Whole.**

Mr. Strickland of Bangor in the Chair.

The **CHAIRMAN**: Is it the pleasure of the committee that the clerk of the House serve as secretary of the committee?

The motion was agreed to.

The **CHAIRMAN**: The matter under consideration before the committee is House Document No. 1, "A resolve amending Section 15 of Article 9 of the Constitution relating to a bond issue for State roads." Is the committee ready for discussion?

Mr. **SCATES** of Westbrook: Mr. Chairman and gentlemen of the committee: Here is a matter upon which, as I understand it, we are all agreed; and if that is the fact there is not much use in taking up the time of this committee in discussing the proposition. It is a very simple and plain proposition, simply proposing an amendment to the Constitution whereby the people of the State may amend the Constitution in order to allow the State to loan its credit for road purposes; and, as I understand it, the Democrats of this House, the Republicans of this House, the men from the

cities and the men from the rural communities are all practically in favor of this proposition. We all want good roads, and ultimately of course will come up the matter of legislative action at the next session of the Legislature or at some time in the future. This is simply permissive, and until we can get this there will be nothing done of a practical nature or an extensive improvement of the roads of this State.

It is a humiliating fact, but nevertheless an unquestionable fact, that our good old State of Maine is behind every other state among the Eastern states on this matter of good roads; and it is a fact that no other state among the Eastern states will be so much benefited from some system of good roads as would the State of Maine. Now, gentlemen, I do not want to discuss the proposition at all because, as I understand it, we are all agreed upon it, and if that is so then there is no use in my taking up the time of this House in any discussion of the matter.

The **CHAIRMAN**: Is there anything further to be said upon the matter?

Mr. **HERSEY** of Houlton: Mr. Chairman, I wish to offer an amendment to House Bill No. 1, "strike out in the eighth and ninth lines the word 'at any one time,'" so that said section as amended shall read as follows: "Except that the Legislature may authorize the issuing of bonds not exceeding two million dollars in amount payable within 41 years at a rate of interest not exceeding four per cent. a year, payable semi-annually, which bonds or their proceeds shall be devoted solely to the building and maintaining of State highways."

The **CHAIRMAN**: In other words, that that may be the total issuance of all bonds for State road work, never to exceed \$2,000,000?

Mr. **HERSEY**: Not unless we have other authority. Let me state my position. I think, as a lawyer, left as it is, any Legislature might issue,—might vote upon and issue under that authority repeatedly. I do not think it is the intention, and it ought not to be the intention of the authors of

this act, or this bill or resolve, that that authority should be given. I think it should be limited to one bond issue at the present time, and if the future should necessitate another issue there might be another authority given.

The CHAIRMAN: The committee has heard the remarks of the gentleman from Houlton in regard to an amendment. Is there anything further to be said upon that subject?

Mr. HERSEY: Mr. Chairman, in order to make myself plain, I would suggest that if a \$2,000,000 issue is not enough to do the work we should make it more, but do not repeat.

Mr. AMES of Norridgewock: Mr. Chairman, I would like to ask if that means that there shall not be outstanding any more than \$2,000,000 at any one time, but that it should be maintained at \$2,000,000 after payments were made.

The CHAIRMAN: Will the gentleman from Houlton please explain the matter?

Mr. HERSEY: Mr. Chairman, I don't understand it so. I think what we raise—we are authorized to raise a certain amount by constitutional amendment for the building of good roads, and I do not think that we ought to give that authority to every Legislature that might meet in regular or special sessions and issue \$2,000,000 or more of bonds on the top of what we already have.

Mr. SCATES of Westbrook: Mr. Chairman, I don't think the gentleman from Houlton comprehended really the question of the gentleman from Norridgewock. As I understood it, his question was this: Supposing there should be \$2,000,000 of bonds issued, and supposing that that \$2,000,000 by some means or other should be paid in 10 years, entirely liquidated, could the State then thereafter make another bond issue of \$2,000,000 to meet the needs of the State under this act or this resolve as drawn, or, after that \$2,000,000 was once issued and paid whether any more bonds could be issued. That is the question as I understand it.

Mr. AMES: Or even a less sum, but not to exceed \$2,000,000.

Mr. HERSEY: My opinion is, Mr. Chairman, if I may answer the gentleman from Westbrook, that this resolve is for a single bond issue and stops there. I think that the bill as it is now unamended means that you may keep up issuing bonds at every session of the Legislature, whether general or special.

Mr. SCATES: And if bonds are issued and paid, then the State never could issue any more bonds?

Mr. HERSEY: Not under this authority, not unless we should have that authority right along.

The CHAIRMAN: As I understand the gentleman from Houlton now, he did not mean that the State might not at some future time issue more bonds.

Mr. HERSEY: I do not mean to issue any more under this bill.

The CHAIRMAN: Under this resolve or under this amendment to the Constitution.

Mr. HERSEY: Yes.

Mr. AUSTIN of Phillips: Mr. Chairman, it seems to me it is a pure misunderstanding as I look at it and there is necessary to be made some amendment to the wording of the resolve. It seems to me on account of the wording of the present resolve the matter is open to the same criticism that has been made by the gentleman from Houlton; that is, that an amendment to the constitution passed in these words, as I look at it, would allow the issuing of two million dollars at any special session or at any session of the Legislature in the future. On the other hand, the gentleman from Westbrook I think had the understanding that the wording conveyed a mistake, that at no time during the forty-one years should the bonded indebtedness of the State for the purpose of building good roads exceed two million dollars. As I understood the matter when it was put up the first time by those interested in good roads the intention was this: That it was simply to raise the borrowing capacity of the State for this specific purpose, that is, for the purpose of building roads, to the amount of two million dollars, just the same as by the Constitution the borrowing capacity of the State is limited to three hundred thousand dollars now,

which is inadequate for the public needs of a modern state of this size.

Now, Mr. Chairman, I cannot commit myself for the other members of the minority party because I do not think it has been a matter of consultation by that party, but I believe the minority party is to a man in favor of legislation of this kind; but, as I say, while not being able to commit the minority party, it seems to me they would favor the idea at set forth by the gentleman from Norridgewock and the gentleman from Westbrook, that the bonded indebtedness which is to be taken care of by the automobile proceeds, and which is to be used for the improvement of our permanent highways, shall at no time in the future until the Constitution may be subsequently amended, exceed the amount of two million dollars. It seems to me there will have to be some further amendments made to the amendment offered by the gentleman from Houlton in order to bring that about. I have not drawn any amendment because this matter came up quite unexpectedly; it seems to me, however, that we ought to get together and agree on an amendment which will allow the borrowing capacity of the State to be increased to that extent to the amount of two million dollars or whatever amount we may agree it shall be; not that the State may issue two million dollars or less at any one time or that our bonded indebtedness may be taken up and perhaps in thirty-five years from now be only five hundred thousand dollars. Perhaps we may need our two million dollars more as much thirty-five or forty years from now as we do now. If that is the case I think we all agree it is a straight business proposition, and what we want is to bring about a wording of this proposed amendment so that it will be clear to the layman as well as to the professional man that we mean that the borrowing capacity of the State shall be limited to the sum of two million dollars or whatever sum we see fit to make it during the forty-one coming years.

Mr. PETERS of Ellsworth: Mr. Chairman, I don't think we disagree about the matter, and I suggest to the gentleman from Houlton (Mr. Hersey) that we leave the section exactly as it was and add these words, which if it meets with

the views of the various gentlemen might take the place of the amendment already offered:

"Provided, however, that bonds issued under the authority of this section shall never exceed two million dollars in the aggregate." That will leave the authority of the State free to issue bonds not exceeding two million dollars at any time, but never in the aggregate to exceed two million dollars.

Mr. HERSEY: Mr. Chairman, my understanding, as far as I have discussed the matter, is that the State is to have authority to issue two million dollars in bonds for the purpose of good roads; and the State is to have forty-one years in which to pay what? That two million dollars. If we keep issuing bonds for two million dollars at every session of the Legislature of course we would increase our indebtedness. Now, it seems to me we have forty-one years in which to pay that indebtedness and only one bond issue, otherwise it seems to me that we cannot keep our borrowing capacity at the extent of two million dollars for good roads, otherwise forty-one years won't pay the debt. I think the forty-one years in there means that we have forty-one years in which to pay any indebtedness on the two million dollars raised on new bonds to take care of the new bonds. I will withdraw my amendment, Mr. Chairman, and further on during the course of the matter we can probably get together and agree on something that will make it plain so that we will all understand it alike.

The CHAIRMAN: The gentleman from Houlton withdraws his amendment.

Mr. PETERS: Mr. Chairman, I will offer an amendment which may possibly meet the situation.

Mr. SCATES of Westbrook: Mr. Chairman, I would like to state just one matter further. This was brought to my mind by the remarks of the gentleman from Houlton. Of course in fact the State must pay those bonds within forty-one years; they may pay them sooner. The whole proposition which has been up to the people of the State is this: That this automobile money shall be used for the interest on those bonds. Without any question of doubt the receipts from the automobiles this year

will amount to approximately \$115,000 or \$120,000, as near as the secretary of State can estimate it. That tax will increase each year and the amount of the increase will depend in a great measure on the condition of the roads. Now, \$115,000 will pay the interest on two million dollars at 4 per cent. and redeem the principal in 28 years, that is according to the figures which have been made out, \$120,000 a year will pay the interest on two million dollars, and if the bonds are serial as they should be, it will pay the entire principal in 28 years. I simply want to make that fact plain.

Mr. BISBEE of Rumford: Mr. Chairman, I would like to ask the gentleman from Westbrook, through the Chair—I don't know, and I have not heard much about this, but in the bill it only specifies raising two million dollars, and I would like to ask the gentleman how this money is to be expended, and where it is to be expended, and under whose direction?

Mr. SCATES: In reply to that I will say that the gentleman from Rumford Falls will have to ask somebody wiser than I am. I don't know what the next Legislature will do. This is simply permissive; I suppose it depends somewhat on who comes here next session.

The CHAIRMAN: The question is on the adoption of the amendment offered by the gentleman from Ellsworth, to amend House Resolve No. 1, by adding after the twelfth line the words "Provided, however, that bonds issued and outstanding under the authority of this section shall never in the aggregate exceed two million dollars."

Mr. WEYMOUTH of Saco: Mr. Chairman, I believe that proposition is in line with the general understanding that this proposition was to be put up and for that reason I second the amendment.

Mr. TRAFTON of Fort Fairfield: Mr. Chairman, I think we are all agreed upon what we want but I am afraid this amendment will not quite fix it as we want it yet. I myself do not clearly understand it. Will the Chairman please read the amendment once more.

(Amendment read by the Chairman.)

Mr. TRAFTON: Now, it seems to me, Mr. Chairman, that with that proviso in there it would not have the effect of lim-

iting the total amount of bonds that were ever to be raised. My idea is to fix it so that we cannot have at any one time outstanding more than two million dollars. We might have a resolve for two million dollars passed here next year and then in twenty years or at some future time when that debt was paid we could have another bond issue if we needed it. As I understand it, we want to make an amendment here which will allow an issue of two million dollars of bonds and then when that is paid or partially paid, if necessary, have other issues of bonds. That is the way I understand it.

Mr. PETERS: I would like to ask the gentleman in the matter of his supposed case, the State issued two million dollars one year and then paid that, and in a few years issued more, whether there would be at any one time outstanding and unpaid more than two million dollars?

Mr. TRAFTON: I think not,—issued and outstanding. I may be mistaken in my understanding of the language.

Mr. PETERS: The amendment simply provides that bonds issued under the authority of this section and outstanding,—that all bonds issued and outstanding under the authority of this section shall never in the aggregate exceed two million dollars; that is, outstanding bonds under this section shall never be more, unpaid and outstanding, than two million dollars. That is what it is intended to mean and if it is not clear it is a misfortune in the language.

Mr. AMES of Norridgewock: I would like to ask the gentleman from Ellsworth if strictly speaking the accrued interest on that would not run it below or increase it above that amount.

Mr. PETERS: I don't think so.

Mr. AMES: That was the only question that came to my mind, at the end of three months there would be some interest to make it exceed the two million dollars.

Mr. DAVIES of Yarmouth: Mr. Chairman, perhaps there is some little misunderstanding as to the words "is-

sued and outstanding." Could the word "issued" there be eliminated so that it might be a little plainer? Perhaps not, but it seemed to me that possibly that was a superfluous word. This is a very important matter and it is a matter that should receive the candid consideration of all the members of the committee, and as it is a proposed constitutional amendment it should be gone over very thoroughly in order to eliminate every unnecessary word that may be there that we get precisely what we mean, and I merely offer this suggestion along that line.

Mr. PETERS: It might be that that would simplify it, that it may be simplified by the elimination of that word, but the idea I have had in mind was that the word "issued" applied to the origin of the bond. That is, we are trying to describe what bonds shall never in the aggregate exceed two million dollars. They are the bonds which are issued, authorized and grow out of this resolve; and then the other element is that those bonds so issued shall never in their outstanding aggregate amount exceed two million dollars. Now it may be that the word "issued" could be eliminated without any loss of clearness, but I rather have the other impression. It might be well to discuss the matter, but my impression is the other way, that it ought to be there as showing the origin of the bond.

Mr. SNOW of Brunswick: Mr. Chairman, I would like to say just a word. I do not see that this Legislature has any more power than any other Legislature and I don't see that this fight or this talk we are having over this matter amount to much because, supposing, for instance, we should pass this bill, if the Legislature should see fit to set that bill aside next winter and the people uphold that method they could do it, so what does that amount to?

Mr. HERSEY: Mr. Chairman, I wish to say that the amendment offered by the gentleman from Ellsworth meets my views in the matter, and I simply wish to say that in no view of the case could we ever get more than the two million dollars indebtedness under this amendment, and I think that is accom-

plished by his amendments and I heartily agree with it.

Mr. PETERS: Mr. Chairman, I would like to ask the gentleman from Yarmouth (Mr. Davies) if he thinks the word "issued" can possibly bring in anything into the consideration that ought not to be there? Of course this is quite an important matter and bondmen bidding on these bonds will study every letter of this resolve, and if it means anything other than we think it means we ought to know it now; and I will ask the gentleman whether or not he thinks the word "issued" detracts any from the clearness of the amendment.

Mr. DAVIES: I am not sure that it does, Mr. Chairman. The point, however, occurred to me in line with what has been suggested, that if there was any criticism to be made that this was the proper time and the proper place to make it. My remarks were only in the line of being perfectly sure that the Constitutional amendment or the proposed Constitutional amendment and the amendment offered by the gentleman from Ellsworth were perfectly clear and plain to the members of the House. I did not have the amendment before me.

Mr. TRAFTON of Fort Fairfield: Mr. Chairman, in reading over Section 15 of Article 9 of the Constitution of Maine another question comes to my mind, whether or not that would not limit the original purposes of this section.

Mr. DAVIES: Will the gentleman please read the section?

Mr. TRAFTON: Section 15 provides as follows: "The State is authorized to issue bonds payable within twenty-one years, at a rate of interest not exceeding six per cent a year, payable semi-annually, which bonds or their proceeds shall be devoted solely towards the reimbursement of the expenditures incurred by the cities, towns, and plantations of the State for war purposes during the Rebellion, upon the following basis." Then follows the basis of payment. I am afraid we are getting somewhat mixed here.

Mr. AUSTIN of Phillips: Mr. Chairman, I move that a committee consisting of the gentleman from Fort Fairfield, Mr. Trafton, the gentleman from Westbrook, Mr. Scates, and the gentle-

man from Ellsworth, Mr. Peters, withdraw and submit to this committee any amendment which they may think proper to cover the ambiguity of the language in this section; and I further move that the committee now take a recess for fifteen minutes.

The motion was agreed to.

#### After Recess.

Mr. TRAFTON of Fort Fairfield: Mr. Chairman, the sub-committee begs leave to report the following amendment to House Resolve No. 1: To House Document No. 1, that there be substituted for the first page thereof the following:

#### "STATE OF MAINE.

"A Resolve amending Article IX of the Constitution.

"Resolved, two-thirds of the Legislature concurring, that the following amendments to the Constitution of the State be proposed:

"Section 17. The Legislature may authorize the issuing of bonds not exceeding two million dollars in amount at any one time, payable within forty-one years, at a rate of interest not exceeding four per centum per annum, payable semi-annually, which bonds or their proceeds shall be devoted solely to the building and maintaining of State highways; provided, however, that bonds issued and outstanding under the authority of this section shall never, in the aggregate, exceed two million dollars.

"Section 14 or said Article 9 is amended by adding after the word 'except,' in the fifth line thereof, the following words: 'For the purposes of building and maintaining of State highways,' so that said Section 14, as amended, shall read as follows:

"Sec. 14. The credit of the State shall not be directly or indirectly loaned in any case. The Legislature shall not create any debt or debts, liability or liabilities, on behalf of the State, which shall singly or in the aggregate, with previous debts and liabilities hereafter incurred at any one time, exceed three hundred thousand dollars, except for the purpose of building and maintaining of State highways, to suppress insurrection, to repel invasion, or for purposes of war; but this amendment shall not be construed to refer to any money that has

been, or may be deposited with this State by the government of the United States, or to any fund which the State shall hold in trust for any Indian tribe.' "

The CHAIRMAN: Will the gentleman from Fort Fairfield explain to the members of the committee more in detail just what this means so that we may get it better fixed than perhaps by reading the amendment.

Mr. TRAFTON: Mr. Chairman, the amendment which we propose so far as the main question is concerned, is simply the amendment which was proposed here on the floor of the House by the gentleman from Ellsworth, except that we have put in as a separate section to that Article nine of the Constitution, the other amendment which we proposed to section fourteen is simply for the purpose of making it uniform, that is, so that this purpose of building State highways may come within the excepted cases for which an additional bond issue may be made. As section fourteen stands now, the State debt is limited to \$300,000, except in certain cases, and we have added the building of State highways to those excepted cases, and that is all.

Mr. Deering of Portland moved that the report of the sub-committee be accepted.

The motion was agreed to.

The CHAIRMAN: Is it the pleasure of the committee that the report on the bill, ought to pass as amended, be accepted? Is there anything to be said upon that subject? The committee having voted to accept the report of the sub-committee, it follows that they have adopted the amendment.

Mr. PLUMMER of Lisbon: Mr. Chairman, I have no amendment prepared here but it occurs to me that if money is to be borrowed it should be altogether for the building and not for the maintaining of State highways.

The CHAIRMAN: If the committee has accepted this amendment I do not know as any remarks can be made upon it at this time, if it is so understood that they have so accepted.

Mr. PLUMMER: What do I understand to be the situation?

The CHAIRMAN: I understand the gentleman from Portland, (Mr. Deer-



ing) moves that the committee accept the amendment.

Mr. PLUMMER: Is that motion open to discussion?

The CHAIRMAN: The House so voted.

Mr. PLUMMER: I move that we reconsider the vote whereby we voted to accept the report of the committee, if that is the situation, that it cannot be amended now.

The question being on the acceptance of the amendment reported by the sub-committee.

Mr. PLUMMER: Mr. Chairman, it strikes me that the words "and maintaining" wherever they occur in the draft should be struck out; and I move that these words be struck out wherever they occur. The maintaining of roads by the State should be done from the current revenue; it should not be done, as it seems to me, by the issuing of bonds. The bonds are for the building of the roads and when they are once built they should be maintained from the current revenues.

Mr. SCATES: Mr. Chairman: It does not seem advisable to limit this thing right down to such a narrow compass. You must give your Legislature a certain amount of latitude, and of course what goes into the Constitution cannot be changed; the whole idea of the act is for the construction of roads, and it seems important and it did to the sub-committee that that word "maintaining" be left there simply as a safeguard. Now, what happens? Under our present law as it is, today, in the State of Maine, the State in connection with the town will go to work and spend a lot of money for construction. I know of one town that built a large portion of good highways. Of course that has not commenced to go to pieces,—and they came up to the highway commissioners and wanted to know if some of their State aid fund could not be used to protect that road and to preserve that road. What did the highway commissioner tell them? That road had cost more than \$8000 a mile, and he was obliged to tell them under our present law not one dollar of money of which the State furnished the smallest part could go to preserve

and protect a road of which the State had built about one-half. Now, that don't seem to be right, but that is the condition we have been up against now under our present law. It is not the intention to have any of that money go for maintenance, and still under certain circumstances it might be advisable; we hope it never will be, but if you eliminate that word "maintaining" there can never a dollar be used for that purpose. Now don't let's put ourselves in that position, and I hope the amendment of the gentleman from Lisbon will not prevail.

Mr. PLUMMER: Mr. Chairman: The object of this amendment, as I understand it, is to give us a chance to get some good roads. If the money from these bonds can at any time in the future be used to keep the roads up that we have already got we cannot get any more, provided, at that time they see fit to do it,—provided the Legislature or the people see fit to utilize the money for that purpose at that time. It seems to me the condition is practically this: If the town builds a schoolhouse it may properly issue bonds for the construction of that schoolhouse because the schoolhouse is going to last a good while; but it would be absurd to issue bonds of any kind of outstanding obligations to keep that schoolhouse painted and in repair; that should be provided from the repair fund raised at the annual meeting. The situation is the same, it seems to me, with regard to this road proposition. If it be true, as I have no doubt it is, as stated by the gentleman from Westbrook, that we cannot use the State money now to keep State roads in repair then the law manifestly needs changing; and if we cannot do it now let us do it as soon as we can, if we ever come here again. This provides that a bond issue should not be used to pay current expenses.

Mr. AUSTIN of Phillips: Mr. Chairman, I rise to a point of order. I think we are proceeding still further under a misapprehension. The motion, as I understood it, of the gentleman from Lisbon was to reconsider the vote whereby we accepted the report

of the committee. As I understand it, by inadvertence the Chairman did not put the vote, the motion as made by the gentleman from Lisbon to reconsider the vote, but did re-put the motion to accept the amendment as submitted by the committee. Now my point is this: That the motion as submitted by the gentleman from Lisbon to reconsider the vote whereby we accepted the report of the committee has not been put to this House, and until that motion is put it strikes me this is out of order.

The CHAIRMAN: The point of order is well taken. The Chair was under the impression that it did put that motion to reconsider. The Chair takes this opportunity to state to the committee what occurred, as several members of the committee have come in since the committee came to order. The sub-committee reported an amendment to House Document No. 1, and upon motion that amendment was adopted. The gentleman from Lisbon afterwards moved a reconsideration and the question now is the reconsideration of the adoption of the amendment. Those in favor of reconsideration of the adoption of the amendment will say aye, those opposed, no.

The motion was lost.

The CHAIRMAN: The matter is refused a reconsideration, and the amendment is adopted by the committee. The question now comes upon the bill as amended, or further discussion.

Mr. PETERS: Mr. Chairman, I move that the bill be reported as amended, ought to pass.

Mr. DAVIS of Guilford: Mr. Chairman, I think about one-third of the members of the committee were out at the time that was reported, and will the Chair kindly read the report of the committee.

The Clerk read the report of the committee.

Mr. OTIS of Rockland: Mr. Chairman: I rise to make a parliamentary inquiry. I wish to know if any amendments are now in order or whether they will be in order after the committee shall have reported the

bill, or whether they will be in order in the House?

The CHAIRMAN: The committee has voted to report the bill to the House as amended. As I understand it, that does not prohibit any amendments in the House during the passage of the bill, but the committee has already voted to report the bill as amended.

Mr. OTIS: I ask if an amendment is in order now.

The CHAIRMAN: Not at the present time because the committee has already voted to report to the House, ought to pass; on motion of the gentleman from Ellsworth it has been moved that the committee rise and report to the House on the bill, and that the bill as amended ought to pass.

Mr. OTIS: They will do so, but they have not done so yet, have they?

Mr. PETERS: I think the Chair is under a misapprehension. I moved that the bill as amended be reported by the committee of the whole, ought to pass; discussion arose on the other side of the hall and I think that prevented the Chairman from putting the motion to the House. At that time a gentleman asked for a re-reading of the whole amendment and I failed to put the actual motion to the House.

The CHAIRMAN: Then I will say to the gentleman from Rockland that I think the better procedure under the situation would be that any more amendments might be or had better be offered during the passage of the bill through the House.

Mr. OTIS: Do I understand the Chair rules that amendments are not now in order?

Mr. PETERS: Mr. Chairman, as I understand the situation, the question now pending is on the motion to report the bill, ought to pass. If any gentleman has a further amendment which he desires to have adopted of course that motion should be denied, voted down. Of course there is no reason why the gentleman in the passage of the bill through the House cannot propose any amendment he desires, but it would be simpler if it could be all considered here at the

same time; and if the gentleman has an amendment which he desires to have considered I would cheerfully withdraw my motion that the bill ought to pass as amended in order to give the gentleman an opportunity to offer any amendments so that they may be considered now without any delay; and if the gentleman says he has a motion to amend I will withdraw my motion that the bill ought to pass.

Mr. OTIS: I have no amendment to offer, but Mr. Plummer moved to reconsider for the purpose of offering an amendment and the House did not reconsider, and it appeared to me that an amendment would be in order at this time if he wished to offer it. That was the point I was making.

Mr. PETERS: I misunderstood the gentleman from Rockland. If he has no amendment I will now insist on my motion that the bill be reported, ought to pass.

The CHAIRMAN: The Chair will rule that no amendment can be made.

Mr. PLUMMER: When can we offer these amendments?

The CHAIRMAN: The question is on the motion of the gentleman from Ellsworth that the bill ought to pass.

The motion was seconded by Mr. Celby of Bingham.

The question being on the motion of Mr. Peters of Ellsworth that the committee of the whole rise and report to the House, ought to pass, as amended on House Document No. 1.

The motion was agreed to.

The CHAIRMAN: And will the committee suggest some member to report the bill to the House?

On motion by Mr. Newbert, the chairman of the committee was delegated to report the bill, ought to pass, to the House.

The purpose for which the committee was formed having been accomplished the duties of the committee were ended.

#### In the House.

The Speaker resumed the chair.

Mr. STRICKLAND of Bangor: Mr. Speaker, the committee of the whole House having had under consideration House Document No. 1, have at-

tended to their duties and beg leave to report that the same ought to pass as amended.

The SPEAKER: Gentlemen, you have heard the report of the committee. This bill is reported back to the House and the House takes notice of the report of the committee, and is it the pleasure of the House that the report of the committee be accepted. As many as are in favor thereof will say aye; those opposed will say no.

The report was accepted.

On motion by Mr. Strickland, the rules were suspended and the resolve adopted its first reading.

Pending the second reading of the resolve.

Mr. PLUMMER of Lisbon: Mr. Speaker, I am aware of the fate which awaits this amendment which I am about to offer, but, nevertheless, in order that it may be voted upon on its merits purely, I move that the words, wherever they occur in the amendment or in the resolve as reported from the committee "and maintaining" or "and maintenance," whichever it may be, be stricken from the resolve. I made all the talk I have to make on the bill previously.

The question being on the motion of Mr. Plummer to amend by striking out the words "and maintaining,"

The motion was lost.

On motion by Mr. Peters of Ellsworth the resolve received its second reading and was passed to be engrossed.

On motion by Mr. Scates of Westbrook a recess was taken until 2.30 o'clock in the afternoon.

#### Afternoon Session.

The SPEAKER: The first matter for consideration is House Bill No. 2, An Act to provide for the use of uniform ballot boxes and for the preservation of ballots cast at elections.

Mr. NEWBERT of Augusta: Mr. Speaker, I move that the House go into committee of the whole for the consideration of House Bill No. 2.

The motion was agreed to.

The SPEAKER: The Chair appoints as the presiding officer of the committee

of the whole the gentleman from Ellsworth, Mr. Peters, who will now take the place of the Speaker.

#### In Committee of the Whole.

Mr. Peters of Ellsworth in the Chair.

The CHAIRMAN: Unless objection is raised, the consideration of this bill will be section by section.

Mr. NEWBERT of Augusta: Mr. Chairman and gentlemen of the committee, I presume there is very little difference of opinion in this committee relating to this bill, and I do not believe that much discussion will be necessary. It is not a radical bill. It is designed to improve the methods of making election returns and especially to safeguard and preserve the ballots after they have been once cast. I do not believe, nor do any of us, that there are many men in the State of Maine who handle our election machinery who are dishonest in intention or purpose. I think there have been a great many mistakes made, and if this bill will help a little to correct these mistakes I think it will be a good thing for our laws. I wish to call the attention of the committee to this matter, not by way of criticism of the election laws, but I put it in as a fact. We will take the city of Gardiner. After the September election of 1910 our neighboring city, composed of good people and, I believe, honest officials, and in that city the city clerk makes his return and it is signed by the aldermen, and the city returned 591 votes for Bert M. Fernald, Governor, and 611 votes for Frederick W. Plaisted for Governor, giving Frederick W. Plaisted a majority of 20 or 22 votes, and not until a few weeks ago was it understood that there was an error in this case, an error of about 100 votes in the returns; and as Governor Plaisted said to me, his father was elected by only 69 majority in Maine, and had this election been close it might have been a very difficult matter to find out where the difficulty was. The clerk and aldermen returned a total vote in Gardiner of 1223, and by some means or other in the month of February last the question was brought up and a certified copy of the record was obtained from the city clerk showing a total vote there of 1323 instead of 1223, and that Bert M. Fernald had 591 votes and Frederick W.

Plaisted had 711 instead of 611. Now, this Legislature canvassed those returns and made a tabulation and there were 100 citizens of the city of Gardiner who were disfranchised by an error committed in open city meeting.

I speak from experience, having been elected city clerk in the city of Augusta. I believe the uniform ballot box provided by this bill will be a most excellent thing. In this city we have done something I think unlike any other town or city in Maine. We have for many years had ballot boxes which the city clerk sends out in the morning on election day by the city marshal to our eight wards, and these boxes are under lock and key. In each box are placed all the articles necessary for the ward room to use during the day, comprising everything from pens, sealing wax and twine to official ballots. All the returns properly sealed come back to the city clerk of Augusta after the election is over, and the ballots have been counted, and this year I had ward room seals made, and these packages have all come back to me in splendid condition, so that when we have had a recount here we have had no serious mistakes. Personally, I believe the bill is a good one.

Mr. SCATES of Westbrook: Do I understand the chairman it is the desire to act upon each section separately as to its adoption, and then adopt it as a whole?

The CHAIRMAN: The Chair said it would assume, in the absence of any other motion, that the bill would be considered section by section. It is not necessary to follow that procedure if the committee desires to proceed otherwise.

Mr. SCATES: If it is the desire of the committee, I move that we adopt section one of the bill as printed.

The motion was agreed to, and section one was adopted by the committee.

The CHAIRMAN: The next matter for consideration by the committee will be section two of the bill.

Mr. Newbert of Augusta moved that section two of the bill as printed be adopted.

The motion was agreed to and section two of the bill as printed was adopted by the committee.

On motion by Mr. Scates of West-

brook Section Three of the bill as printed was adopted by the committee.

On motion by Mr. Strickland of Bangor, Section Four of the bill as printed was adopted by the committee.

Mr. HERSEY of Houlton: Mr. Chairman, I have no objections to Section Four, of the bill with the exception of that part of it, which may allude to Section Six. I like the provision there about the ballots that have been cast to be sealed up and marked, but I do not approve of the ballots being sent to the secretary of State. Further on I shall offer an amendment to Section Four, possibly striking out anything that may seem to allude to the ballots being sent to the secretary of State. There is a part of that section now, beginning with line 40, which says, "the ballots and check lists returned to the city clerk after any city election and all other ballots returned to him which he is not required to forward to the secretary of State according to the provisions of Section Six of this act, shall be preserved by him as a public record for six months," which infers that according to Section Six the ballots shall be returned—some ballots shall be returned to the secretary of State, and if that part should be eliminated I would make no objection to its adoption at the present time; but it does not seem to me it should be done without some understanding. I wish to state to the committee that to my mind there is a serious objection to the adoption of Section Six, in so far as it applies to the sending of all ballots within 24 hours to the secretary of State. The section is somewhat complicated but it means substantially this, that within 24 hours after the close of the polls the ballots shall be sealed, put into the express office prepaid and sent to the secretary of State at Augusta, and that he shall be the custodian of the ballots of every election in every town, plantation and city in the State of Maine. It further provides in Section Eight, Mr. Chairman, that after obtaining the custody of all the ballots used at the last election that any candidate or other interested person may inspect all these ballots

so returned in the presence of the secretary of State or in the presence of the clerk in his office whom he may designate for that purpose, and after they have been inspected they will again be sealed up and marked that they were inspected at a certain time, and still be in the custody of the secretary of State; and if any other person for a long period of time wants to inspect them under those conditions they may come from all over the State and inspect them in the presence of the secretary of State or in the presence of the clerk in his office.

The practical question, Mr. Chairman, is this: Shall the people of Maine who have counted the ballots in open town meeting, who have had the ballots inspected by their municipal officers and their town clerks and the record made up accordingly, shall they then surrender that evidence that proves their record to be correct? Shall they surrender that record of what they have done into the hands of any one man or his clerk? Do the people of Maine want that done, or would they rather have the ballots remain in the care and custody of their own municipal officers or their town clerks and in the custody of their own towns. I can easily see, Mr. Chairman, that after ballots have been returned to the office of the secretary of State and after these several inspections have taken place there may be a question arise between the secretary of State or his clerk in his office as to whether the ballots are the same as they were when they were inspected in the town or in the plantation. And in case there ever should come a conflict I fear the people of the State of Maine would not be satisfied to be bound by the statement of the secretary of State or his clerk when opposed to that of their town officials. There has been a time in the history of this State, not a great many years ago, when the Capitol attempted to count a Legislature not elected by the people, and attempted to do so by a change of the returns in the office of the secretary of State; and the time may come, Mr. Chairman, when even the State of Maine, no matter under whichever political party it may be, may not have in the

secretary of State's office a man, like Caesar's wife, above suspicion; there may come a time when the clerk in the secretary of State's office here in the Capitol may not be the best court of last resort to sit and settle this question between the people and the politicians here in the Capitol as to who is elected or who is not when the ballots have been counted. I don't think the Democratic party wants to go on record as taking from the people of Maine the authority for their own local self-government and put it into the hands of any politicians here at the Capitol, no matter what party they belong to. When you take the ballots of the State of Maine in every town, city and plantation and place them here in the custody and in the charge of one man and his servants and allow the inspection under the circumstances set forth here you have destroyed the confidence of the people in the servant if you would approve such a bill as this.

I do not wish to accuse anybody of trying to change our election laws for political purposes, but you never could get the people to believe if you should pass this law but what it is done for the purpose of taking from them their rights. As for these little errors which creep into the town clerks' reports, like some we had at the last election, it is not the fault of the law; those are little errors which almost anyone might make. I have no objection to your ballot boxes being changed and made uniform, but where the municipal officers of the towns, cities and plantations have counted the ballots, when they have inspected them and when they have made up their record they shall retain them in their hands as proof of what they have done, and they should not be turned over to anybody else; and if there are any amendments made to this law allowing those ballots to be inspected by the proper authorities and on proper occasions afterwards, I agree to that and you will agree to that; but the final keeping of those ballots, it seems to me, must be in the hands of the people themselves through their properly constituted officials at home. I say, Mr. Chairman, that it seems to

me that it is our duty to see that that section and those parts of the section that say the ballots from home shall come up here to the Capitol to be put into the hands and custody of one man is wrong.

Mr. QUIMBY of Turner: Mr. Chairman, I would like to say just a word upon that point. I noticed at the last election when these official ballots came from Augusta to our town—I don't know how it is with others, but you can answer for yourselves—the official ballots were not counted correctly when they were sent, and that bothered us a good deal, last fall, and this winter I found the same thing. The first bunch I opened contained one too many; the ones I opened, last fall, contained three ballots too many, and it seems to me as though there should be more care used. If the count is wrong here I don't want them to have our official count from Turner; if they are not going to count it correctly I should prefer to have them remain there with our clerk.

Mr. Hersey moved that Section 4 of the bill be laid upon the table.

The motion was agreed to.

The CHAIRMAN: The next subject for consideration is Section 5.

Mr. Hersey moved that Section 5 of the bill be laid upon the table.

The motion was agreed to.

Mr. HERSEY: Mr. Chairman, I move that the further consideration of this bill be laid upon the table until the session, tomorrow morning, in order that we may have opportunity to make up the proper amendments.

The CHAIRMAN: Does the gentleman from Houlton consider whether that would have any effect in postponing the time of adjournment? This bill has not gone to the Senate. Could the gentleman so formulate his motion that it could be considered, this evening.

Mr. HERSEY: I will withdraw my motion and make it this evening, if we are going to hold an evening session.

Mr. SCATES of Westbrook: I would like to ask if there are any sections of the bill that any other gentleman here objects to?

The CHAIRMAN: The committee hears the question of the gentleman from Westbrook. The Chair assumes that the gentlemen who have objections will be prepared at the earliest possible moment to remedy the objectionable features by the introductions of amendments.

Mr. HERSEY: I move that the further consideration of this bill be postponed to the next session of the committee.

Mr. NEWBERT: Mr. Chairman, I don't know what the plans are for adjournment. It seems to me it would be a mistake to defeat the plans for an early adjournment. We are here this afternoon and we have nothing further to do, and we can't even take up rum yet. We ought to be able to go through this bill and amend it as may be necessary. I personally do not believe those sections should be put on the table. I doubt whether we have a right to table matters in committee of the whole. I raise that point of order.

The CHAIRMAN: The gentleman from Augusta raises the point of order that we do not have the right to table matters. The Chair rules that the committee has the right to table a pending matter.

Mr. NEWBERT: I do not care for the parliamentary aspect of it, but I think this committee of the whole is new to all of us; I do not care for the technical part of it at all, but I believe it is stated in Reed's Rules the various things we cannot do here and among them is to lay the subject on the table. I take that to mean any part of it.

The CHAIRMAN: The Chair cannot understand how a parliamentary body would proceed logically without the power to lay upon the table any matter under discussion.

Mr. NEWBERT: For the information of the committee I will read that part of it for whatever it may be worth; "Among the things that cannot be done, no limit can be placed on debate unless by the House itself; debate cannot be adjourned; a motion to postpone either indefinitely or to a day certain is not in order; nor can the previous question be called or the subject laid on the table or the yeas and nays be called; the only way in which debate can be limited is by

way of order of the assembly." I don't care to question the right of the committee to do this, only I did not like to have the matter delayed.

The CHAIRMAN: The Chair would suggest that it is now only three o'clock in the afternoon and there is a lot of time between now and six o'clock, and a way out of this difficulty might be reached if a recess were taken and the gentlemen interested in the various sections having objections be allowed in that time to prepare amendments; and if at the end of the recess they were not ready I presume the committee would take a further recess.

Mr. HERSEY: Mr. Chairman, I want to assure the gentleman from Augusta that it is not my intention as one member of this body to delay an early adjournment. If I had my way we would not be here at all, and I am ready to go home in five minutes if we can do so. I will say to him that I withdraw my motion, if possible, to let it go over to the evening session, if we can have a recess where we may be able to sit down and draw our amendments to this bill which has been brought in here this morning for the first time; we may be able to arrive at a mutual understanding that will enable us to get rid of this matter this afternoon. I think the gentleman from Augusta may see that there is or should be very serious objections to this bill standing as it is. I will withdraw my motion to lay upon the table.

On motion of Mr. Austin of Phillips a recess was taken until 3.45 o'clock P. M.

#### After Recess.

The CHAIRMAN: The pending question is the adoption of section four. What is the pleasure of the committee?

Mr. Hersey offered the following amendment: "Amend House Bill No. 2, section four, by striking out lines 42 and 43; also amend said bill by striking out all of section six; also amend said bill by striking out in section seven all of lines six and seven and all of line eight to the word 'and'; also amend said bill by striking out all of section eight of said bill and inserting in place thereof the following: 'Section eight. Any candidate or other person authorized by him in writing may inspect the ballots in the possession of the town or city clerks

under reasonable regulation or restriction after due notice to the adverse party or parties; after each inspection the packages shall be again sealed and the fact and date of inspection noted on the package'; also amend by striking out all of section ten of said bill; also amend by striking out all of section eleven after the word 'constitution' in the ninth line thereof."

The question being on the adoption of the amendment,

Mr. HERSEY of Houlton: Mr. Chairman, I wish again to call the attention of the committee to my amendment. I have tried in the very short time I have had to put it in some kind of shape that it might get the matter before you in the way in which I think it ought to be. This bill under ordinary conditions should have been sent to a committee that should have had time to consider it and have given public hearings, and have made a draft of that bill in such shape as to embody the wisdom of that public hearing, and in that time you could have heard from the people. Here is a long bill, a great many sections, thrown in here, this morning, for the first time in print, and we are expected under the stress of this special session to enact a law for the regulation of elections that shall meet the views of a constituency with whom we have not had the privilege of consulting; and we as representatives sitting here, today, must take the responsibility, if we can, as we see it of protecting the rights of the common people at home.

Now, Mr. Chairman, as I said before, I am one of those who believe in placing around our elections every possible safeguard. In the matter of Sections One, Two and Three in regard to the conduct of elections, I heartily agree with those sections. Any amendments to this bill that make the ballot box more sacred and that make it more difficult to commit a fraud upon the voters, and that preserves and protects the ballot must meet with the hearty approval of us all; and after the ballots have been cast and after they have been counted I heartily approve of the provision of Section 25 as to the sealing up of those ballots and the

preservation of those ballots. The only matter to which I object is contained in lines 42 and 43 of Section Four, on page five of the bill, which are struck out by my amendment.

Now, coming down to Section Six, I ask that that be struck out for the reason I believe the people at home do not want it there, do not want such a law. It provides in substance that within 24 hours after the ballots have been cast they shall be sealed up and sent by express to the secretary of State from every city, from every town, from every plantation, from every voting place, and all the ballots used in a state or national election shall find their way thereby into the custody of the secretary of State. I do not think the people at home want the ballots that have been inspected by their municipal officers, inspected by their city officials, inspected by their town clerks from which the record is made—I do not think the people want those ballots to leave home and go to the Capital and be out into the hands and custody of a single man or his servant. I ask that Section Eight be struck out which provides that after these ballots get into the hands and possession of the secretary of State that any person interested or any candidate may inspect those ballots in the presence of the secretary of State or in the presence of the deputy secretary or in the presence of a clerk in the office, and after that inspection takes place being sealed up and marked, and then the next day or the next hour another inspection may take place for somebody else; and then if a question at home comes up as to whether or not the record is correct, whether or not there is a difference between the ballots and the record, and whether or not the ballots are the same as those which were passed in the election, and whether or not they have been changed, you have on the one side the officers at home and you have on the other side the secretary of State or his clerk. I say it should remain as it is now; the officials at home, the town clerks and the municipal and town officers who made the inspection of the ballots and who made up the record should have the proof of that



record by the ballots themselves and have the ballots in their own possession, and they never should be surrendered.

Now Mr. Chairman, my amendment means nothing more than to strike out of this bill those provisions which provide that the custodian of the ballots of the people shall be the secretary of State, his clerk or his deputy, and leave it in the hands of the people themselves through their servants at home to say that the ballots that they cast shall be in the hands and in the custody and in the case of their own servants at home whom they have elected for that purpose. And as I suggested to you before recess, when some of you were absent, the people of Maine I believe have more confidence and more faith in the men they elect to represent them in the municipal offices, city officials and town clerks—they have more confidence in those men than they have in any one single man in the State of Maine, even if he is the secretary of State or if he is a clerk in the office of the secretary of State. I call your attention to the fact that when a deputy secretary of State having charge of the records of the State and the returns of the State changed them and admitted that he did it for political purposes—I say that the people never would be satisfied to have the ballots that they have cast which prove the record that they make set aside by any secretary of State or any deputy that may be elected by this administration or any other administration that may take its place, be it Republican or be it Democratic. The people at home have an idea that at the Capital there are congregated at times a great many politicians and that there are a great many political schemes enacted at the Capital, and sometimes they believe there is an attempt to steal the elections away from the people, and they would rather have the ballots at home even if their town clerks do occasionally make a mistake in their figures, not intentionally or dishonestly in making up the returns. I have allowed in this bill all those provisions and added to them that any party or candidate through its attorney or his agent can have an inspec-

tion of the ballots and have them at the town clerk's office by notifying the adverse party. What more can you ask? What more can you want? But you cannot make the people believe in this section that takes away from them their ballots, takes away from them that which is their evidence in the case and puts them in the hands of somebody up here at the Capitol and gives them into the care and custody and keeping of some clerk.

Mr. NEWBERT of Augusta: Mr. Chairman and gentlemen of the committee, I said at the beginning this afternoon that this is a good bill, and I still believe it to be a good bill. I do not believe this committee sitting here is willing to delegate power to the gentleman from Houlton to draft a bill which he wants put through here in three-quarters of an hour. His amendments if passed by this committee simply take the bowels out of that bill which was drawn after the most careful deliberation and after codifying all the election laws and by no less a man than the Hon. John A. Morrill of Auburn, at the personal request of the Governor of this State. This bill was drafted on account of conditions brought to the attention of the public after the election of last September in which the county in which Brother Hersey lives had some part, as you will remember. The main purpose of this bill is to protect the integrity of the ballots cast by all the citizens of this State. There is no question here of taking away the right of self government from a town; this does not concern your municipal elections, your town elections or your city elections; this relates to the election of State officials, election of electors for the offices of President and Vice President of the United States.

These ballots are issued from the State House and this bill provides that they shall be returned to the State House for custody and for preservation, for protection against fires. In going over our State we will find many methods of keeping ballots after they have been counted. They have been known to be found in bureau drawers, in women's hat boxes, in pantry cupboards and other places around the house where the wife and daughter of the clerk had more charge of the ballots than the clerk him-

self. This is a matter of common knowledge. Now I do not believe, gentlemen of the committee, that the State of Maine will have a dishonest secretary of State once in a hundred years, nor have a dishonest deputy, nor a dishonest clerk once in a century. We have a trust somebody in this world of ours; we are all human; we must trust somebody. Today we trust five or six hundred city, town and plantation clerks. I submit, can we not trust a man elected by the Legislature of Maine is the high office of secretary of State? These ballots come to him sealed, and he nor any one in his employ can touch those ballots only for inspection purposes. Now any interested party may come to my office and demand to inspect the ballots of me as city clerk, and I submit them to him; I have done it for years. The secretary of State can only do that.

There was in this House a short time ago a man whose integrity cannot be questioned, whose judgment is excellent and whose legal learning is well known. He was city clerk of Augusta a great many years before I took the office. I refer to a man who was a member of the Maine Legislature in 1909, Hon. Lewis A. Burleigh of Augusta; and this morning in his paper, the Kennebec Journal, is an editorial on this same bill. I think I know who wrote it and I am not sure but what he wrote it, and he commends the measure highly; he commends it highly as a piece of needed and necessary legislation, and he commends this idea of sending all the ballots to the State House. He has only one criticism to make, and that is instead of sending them within 24 hours there should be a longer period provided for so that local men could examine the ballots if necessary, and he suggests a period of fourteen days before they are shipped to the State House. That is the only criticism that Lewis A. Burleigh, for ten or fourteen years clerk of this city, suggests. This whole thing, gentlemen, makes for convenience in inspecting the ballots. Supposing you had a close contest in a congressional district. It is a great undertaking and a large expense for candidates to go all through the district examining packages of ballots in the hands of various town, city and plantation clerks. I remember a time in this coun-

ty, in 1906, when we had a close vote for senator and three men with the other candidates went over this county at great expense and almost infinite toil in the hot days of September looking over those ballots; and I remember the candidate for county commissioner went into a room in a neighboring city below us here and found there interested candidates on the other side not only inspecting ballots that the clerk handed out, but pawing over the ballots, and they were on the table and they were on chairs and they were on the floor. You never could get that condition of things under this inspection provided here in this bill in the presence of the secretary of State. I hope, gentlemen of the committee, that these amendments offered by the gentleman from Houlton will be voted down because they take the very spirit out of this bill. I say to you that it should be preserved in its original form and adopted without material change. (Applause.)

The question being on the adoption of the amendment offered by Mr. Hersey of Houlton,

The amendment was not adopted.

The question being on the adoption of section four of the bill as printed,

Mr. Newbert of Augusta moved that section four of the bill as printed be adopted.

The motion was agreed to.

The question being on the adoption of section five of the bill as printed,

Mr. Strickland of Bangor moved that section five of the bill as printed be adopted.

The motion was agreed to.

The question being on the adoption of section six of the bill as printed,

Mr. Scates of Westbrook moved that the section be adopted, as printed.

The motion was agreed to.

Mr. SCATES of Westbrook: Mr. Chairman, I suppose under the rule here or under the vote we have to take these matters up section by section. That was the vote as I understood it, was it not?

The CHAIRMAN: That was not the vote but that was an assumption by the Chair that unless objection were raised that would be the procedure. The Chair sees no objection and un-

less objection is made the Chair sees no reason why the motion cannot be entertained to adopt or reject the remaining sections.

Mr. SCATES: If there is no objection I will move that the remaining sections in the bill as printed be adopted.

The motion was agreed to and the remaining sections of the bill were adopted.

Mr. NEWBERT: Mr. Chairman, I move that the committee now rise and that the Chairman report to the House this House Bill No. 2 with the recommendation that it ought to pass.

The motion was agreed to.

The purposes for which the committee was formed having been accomplished, the duties of the committee were ended.

#### In the House.

The Speaker resumed the chair.

Mr. PETERS of Ellsworth: Mr. Speaker, the committee of the whole House asks leave to report that it has had under consideration House Bill No 2, "An Act to provide for the use of uniform ballot boxes and for the preservation of ballots cast at elections," and that the same ought to pass.

The report was accepted.

On motion by Mr. Peters the rules were suspended and the bill received its two readings at the present time; on further motion by Mr. Strickland of Bangor the rules were suspended and the bill received its third reading and was passed to be engrossed.

Mr. SLEEPER of South Berwick: Mr. Speaker, the committee on apportionment which was appointed to re-district the state into congressional districts begs leave to report bill "An Act to apportion Representatives to Congress," and I move that the bill have its two several readings at the present time.

The motion was agreed to.

On further motion by the same gentleman the rules were suspended and the bill received its third reading and was passed to be engrossed.

The SPEAKER: It seems that there

is but one matter remaining now for consideration unless amendments come back from the Senate on matters which we have already passed, and that is the bill providing an amendment to the Constitution relating to sale and manufacture of intoxicating liquors. With reference to this bill shall we proceed at once with the discussion or wait until the evening session?

Mr. AMES of Norridgewock: Mr. Speaker, I move that we proceed with the business of the House.

Mr. NEWBERT of Augusta: Mr. Speaker, the only question arises, it seems to me, is whether or not we are all tired and with only one measure remaining whether or not we cannot settle that this evening.

Mr. AMES: There might be unforeseen difficulties arise and we may want to get home.

Mr. PETERS of Ellsworth: I assume, Mr. Speaker, that we have got to remain in session anyhow to receive these matters from the Senate, and there would be no real advance made by cutting the matter in two and having part of it before recess and part of it after. I hope the gentleman will withdraw his order so that we can consider the matter in its entirety at the evening session.

Mr. AMES: I will withdraw the motion. I would a good deal rather stand some debate than to stay here.

Mr. QUIMBY of Turner: Mr. Speaker, I would be in favor of proceeding with the business now. I think we have heard enough about this liquor law already so that it hadn't ought to take very much wind to put it through. (Laughter.)

Mr. DAVIES of Yarmouth: It seems to me, Mr. Speaker, that the matter can very safely and properly go over until this evening. The gentleman from Augusta, Mr. Newbert, undoubtedly wishes to address the House in some way, and he has had rather a hard afternoon thus far and I think it would be courtesy for us to adjourn or take a recess until this evening at some hour which may be decided upon by the House.

Mr. NEWBERT: I should say the gentleman from Augusta has no disposition to discuss this matter unless Brother Davies should get into the fight.

Mr. DAVIES: I doubt very much if there would be any danger of that. I have discussed it already so much that I should be almost willing to rest it upon the previous discussion without taking the time of the House.

Mr. NEWBERT: Mr. Speaker, I do not believe we shall gain anything by sitting now. I think we can do it all after supper when we have rested; I do not think we can gain anything by sitting here now with a headache and going along with the matter.

Mr. AMES: I withdraw my motion.

Mr. Davies moved that the House adjourn or take a recess.

The SPEAKER: To what hour?

Mr. DAVIES: To 7.30 o'clock, and I make a motion that the House take a recess until 7.30, this evening.

A viva voce vote being doubted a division was had and the motion was agreed to by a vote of 84 to 26.

#### Evening Session.

The SPEAKER: The resolve which was given its two several readings and passed to be engrossed, relating to an amendment to Article nine of the Constitution relative to bond issue for State highways, comes back from the Senate after its first reading with an amendment as follows: "Amend House Document No. 1 by adding to section 17 the following words: "The expenditure of said money to be divided equitably among the several counties of the State." Is it the pleasure of the House to reconsider the vote whereby this resolve was passed to be engrossed in the House?"

The motion was agreed to.

On motion of Mr. Scates of Westbrook the House concurred with the Senate in the adoption of the amendment, and on further motion by the same gentleman the resolve was passed to be engrossed as amended in concurrence.

On motion by Mr. Strickland of Bangor, Ordered, that the messengers, folders, postmaster, mail carrier, pages and door-keepers of the House receive the same

compensation as members at this special session.

On motion by Mr. Peters of Ellsworth, Ordered, That the compensation of the official reporter of the House for the present session be \$225.

On motion by Mr. Scates of Westbrook, Ordered, That the clerk and assistant clerk of the House and the stenographer to the presiding and recording officers of the House shall receive the same compensation in proportion as that received at the last regular session.

#### Amendment to Prohibitory Law.

The SPEAKER: The next matter under consideration for the House is, Resolve providing for an amendment to the Constitution relating to the sale and manufacture of intoxicating liquors. This bill was passed with an amendment in the Senate, and the clerk will please read the resolve and the amendment.

The clerk then read the resolve and the amendment.

The SPEAKER: Gentlemen, this matter is ready for discussion by this body, and what is the pleasure of the House with reference to going into committee of the whole?

Mr. NEWBERT of Augusta: Mr. Speaker, I move that the House now go into committee of the whole for consideration of this resolve.

The motion was agreed to.

The Speaker appointed as chairman of the committee of the whole the gentleman from Westbrook, Mr. Scates.

#### In Committee of the Whole.

Mr. Scates of Westbrook in the Chair.

The CHAIRMAN: We have under consideration this proposed amendment to the Constitution. What is the pleasure of the House?

Mr. DAVIES of Yarmouth: Mr. Speaker, I move that it be indefinitely postponed.

Mr. QUIMBY of Turner: I second the motion.

The CHAIRMAN: Evidently no one wants to speak upon the matter. It is moved and seconded that the resolve be indefinitely postponed.

Mr. NEWBERT of Augusta: Mr. Chairman and gentlemen of the committee: I certainly have no set speech to inflict upon you tonight, and I almost feel like apologizing for taking any time of

the committee; and yet it is my recollection that on this question in its various phases our Maine Legislatures for many years have had something approximating a field day. I have heard some echoes rolling down the corridor from the Upper Chamber today, and so have you. Possibly, in order to keep up the reputation of the Legislature of Maine, we ought at this time to talk a little about rum.

Mr. Chairman, I was a member of the 73rd Legislature, and the Portland members said that I talked too much; I agreed at the time that I did, but I remember that I had charge on the floor—and they made me take charge of three liquor measures, namely, Resubmission, the Repeal of the Sturgis Law and an Investigation of the State Liquor Agencies; and with my friend, the gentleman from Yarmouth (Mr. Davies), assisted by his able temperance colleagues including the then Speaker, the able temperance advocate, the Hon. Don Powers of Houlton. We were pushed all the time that winter and there were miles of stuff went into the records, and yet nothing of very much importance transpired.

We are facing, gentlemen of the committee, a very important question; I know of no greater in our State; I know of no one question which concerns so many people; I know of no question so vitally related to our life as a state than this great question so often debated of prohibition; it is a political question—a political question of great seriousness and magnitude; it has been used for years ever since I was a boy as a football in politics. You and I have seen grow up under it in this State a generation of political hypocrites as well as a generation of prohibition drunkards. We have seen the game played all these years. I have always lived in Maine with the exception of a few years spent in Indiana and Massachusetts; I was born here and I am 50 years of age; my memory is good, and for 25 years at least I have known many of the leading men of Maine, men who used to lead the then dominant party of Maine, and as I look back over all those years I cannot wish to speak ill of those men, but it becomes a habit that on

the political side of this great question of prohibition these men have never stood on sincere ground—

Mr. QUIMBY of Turner: Yes.

Mr. NEWBERT: Never. They would drink lemonade at the Sunday school picnic and drink another person's whiskey in the Augusta House when they assembled here as representatives and senators. I said at one time in a public speech that I always voted as I drank. I never drank. I did at one time in a little church in this city try to get friends of mine to vote as they drank, and some didn't like it. I remember how certain men in all these years have gotten themselves onto a pedestal and the draperies around them somehow, and they have seemed to be better than their fellows. When I think of them and when I think of their public utterances and think of their platform declarations I am reminded of a little incident in connection with two men from Indianapolis who went to the White House to see President Harrison. They wanted some appointment for a friend, and they said to the President that they would like it and he told them they could not have it. Then they said to him, "By God! who made you President?" The President rose and buttoned his coat about him and he said: "Almighty God made me President." Then those men went out on the street and they saw Bob Ingersoll and they said to him, "What do you suppose the President just said?" And he said, "I don't know," and they said, "The President said that God Almighty made him President; and with a twinkle in his eye, Bob Ingersoll said: "Gentlemen, that was the meanest thing I ever heard about God." (Laughter.)

Gentlemen, we tried to settle this question last September in this State and it was not settled; it never can be settled until it is settled right, and until it is settled by the people of Maine in our country towns and in our cities voting again, if necessary, after a fuller investigation and after more explanation of the whole situation has gone abroad. We tried to settle this question, and we all know the result; and no man, today, in the State of

Maine is satisfied with the result. The "yes" vote carried eight of the 16 counties of the State; it carried all the cities in Maine but one; it cut down the vote of 1884, about 44,000, almost to nothing, showing the great change of sentiment in this old State of Maine since 1884.

This question has become a great economic and a great moral question as well as a political question. In politics the one dominant party of Maine has been feeding the people a certain kind of food altogether too long; they have been feeding them medicine prohibition that was not meant from the heart, and the masses of the people according to the September vote are breaking away from your old standard and your old running cry no longer holds. I see the cities breaking up and you see the cities breaking up, and when the counties are divided on the prohibition vote of last September I think of the old doctor who was deaf but who thought he could hear; traveling along past a country farm house one day the old farmer came out and halted him in the rain and wind and he said to the doctor, "the old woman is sick again, and what shall I give her," and the old doctor thought he said "the old mare," and the doctor says, "give her a quart and a half of salts," and he went on. In the course of a few days afterwards he came back and he saw the old man in the yard and he says, "how is the old mare?" and the farmer says, "the old mare is all right, but the old woman is dead." The doctor says, "didn't the medicine work on the old mare?" "Oh," he says, "the medicine was fine; it worked well; it operated a few times." (Laughter.)

In trying to thrust prohibition down the throats of the people of Maine I think we have come to something like political revolution in this State; and parties are lining up along certain new lines and it is becoming an economic and a moral question intimately associated with the life of our people, touching your life and touching mine, touching our homes, affecting our cities and villages and reaching the country places—a great economic and a great moral issue interwoven with

the very fibre of our Maine life. You may dodge it, gentlemen, but you have got to face it—a great economic and a great moral question. There is nothing more abhorrent to a sober-minded citizen of Maine that this long-continued nullification of the Maine law. We have become so used to it that it is difficult sometimes to get any spirit into a discussion of it, this long-continued nullification of our organic and statutory law in Maine. I can think of nothing so hurtful to a life, nothing so injurious to the youth of Maine than to have them grow up under the influence of this open nullification of our Constitutional and our statutory law. You and I,—we were brought up on nullification; we have always had it. They tell us there is rum being sold, today, in the State of Maine and a great deal of it; no places selling other than those where it was formerly sold. It is a great problem for our counties and it is a great problem for our cities, this nullification of our Maine law; so I say it has become a great economic and a great moral problem. We have tried many things in recent years, we have had officers whose special duty it was to follow up investigations. Do the people want to enforce prohibition? They had a chance to have it enforced under the Sturgis law and did they like it? Didn't the very existence of the Sturgis law and the presence of the Sturgis commissioners and deputies practically cause a revolution in the political life of Maine? All classes seemed to rebel. They did not want enforcement; and I have often said if I believed in prohibition I should have believed in the Sturgis law. But because having believed in prohibition, I, as one among many citizens in this State, fought the Sturgis law to a standstill; and, as the Governor said the other day, what shall we have? It must be nullification or it must be another Sturgis law. Do we want either? Must we be forced to take either, nullification or the old order of things on the one hand or another Sturgis commission on the other hand? I am glad that the people of the city of Augusta allowed me to come and hold down little Joe Williamson's

chair for a few days. (Laughter.) It was not because I could talk upon this question wholly, but that I could be here in this House and consider with you this question shaped now as I have hoped for 15 years that it could be shaped. This is nothing new to me, gentlemen. For 15 years I have believed in local option in Maine and I never believed I would live to see the day when a Maine House and Senate would have submitted to it a resolve like this. The line is drawn now; there is no make-believe here; the line is sharply drawn and I believe the people of Maine are going to line up on one side or the other, and so far as support of parties go I believe we are coming to a new line of cleavage. This great question of local option we have now to face in the State of Maine. This bill is a local option bill; it is framed right; it has truth and sincerity and honesty behind it. It is going to the people, and if not from this Legislature it is going to the people nevertheless. Men will go into all the places in Maine and tell the people the truth about this matter.

This matter of local option, what is it? It helps us to solve the problem in our Maine cities and it assures the country towns of prohibition on the liquor traffic which the country towns never had the pleasure to enjoy before. If 51 per cent. of the legal voters in a country town want this law as the cities may have it, then I say they have a right to it, and you will agree with me they have a right to it, and yet no Legislature can force this thing onto you, gentlemen, in a country town. It shall be up to your people to express themselves. It is my prophecy if this bill should pass and if the people should approve of it and if it could be enacted into law and become a part of the Constitution, it is my opinion soberly stated that Maine would see more actual dry prohibition than we have ever known in the State of Maine for the period of 50 years. I believe it will work that way. We have the problem in our cities, we have to confront it, we who live in cities. This little city of Augusta has the problem all along its line on the liquor traffic which some of you fellows at

home in the quiet country village or countryside have got to face. We ask you not to support the Democratic party, we ask your support, you minority members of this House—we ask you not to support the Democratic party but to help the people of the Maine cities to solve this economic and moral problem; we ask you not to support us but to support what is best for the State of Maine.

Now, gentlemen, I think you will agree with me that the people who go to bed tonight in Unity Plantation go to bed under different conditions than confront the people of Lewiston. You cannot think of Lewiston, that manufacturing city and that industrial center, that cosmopolitan town—you cannot think of Lewiston tonight under any kind of conditions as prohibition can do it. They say there are 200 rum shops in the city of Lewiston. I don't know whether there are or not; I wouldn't be surprised if there were. I have here a volume which tells more truth about Maine than you can find in the Bible about the history and the creation of the world, a book covering the liquor business in Maine under date of 1893, with such men as Carroll D. Wright, Seth Low, President Eliot of Harvard, and other great educators and philanthropists on the committee of fifty. These men issued a set of books and this one concerns results discovered in Maine at first hand. Men came to Hallowell, to Gardiner, to Augusta, to Waterville and to Rockland, and they went to Farmington and Houlton and all over our State, and they found in 1893 that in the city of Lewiston there were 200 places; they found that Augusta had 62 open places where the traffic was public. We haven't got that today in Augusta, I am happy to say. Those men told the truth, and they say in these pages just the amount of temperance sentiment they found in the old Augusta House in the old days when legislators gathered there. They seemed to find out a great many things about us.

I hold no brief, gentlemen, for the liquor interests of this country; the Democratic party in Maine today holds no brief for the liquor interests of this country, all critics to the contrary notwithstanding. I give way tonight to no man among you here in my regard for

the good of the old State of Maine; I give way to no man on this floor in my belief in clean cities and clean towns; I believe in law and I believe in order. I believe in the sober man and I believe in the well directed youth of our State. I have boys of my own; I have girls of my own; I have a home of my own, and yet men have said to me within a week, "Would you dare to raise a boy in Maine under license?" Good God! gentlemen, I ask you, how do they raise boys in Massachusetts? How do they make laws in Massachusetts? Are we wiser or are we better? Do we know more in the State of Maine than all the rest of New England? Every New England state at one time was prohibition territory, and they have all taken it from their statute books and from their Constitutions where they had it, and today Maine stands alone. Are we wiser and are we better? Do we better safeguard the youth of our State than do they in the neighboring states of New Hampshire and Vermont?

I wish this resolve might have its passage in this House on this floor; not that the Democratic party in Maine might boast, not that it might be strengthened, not that it might gain one vote among the people, but for the good of the old State of Maine, that the people especially in our cities might be helped to solve this problem which is so near to us and which has troubled so much the best people in our midst. (Long-continued applause.)

Mr. HERSEY of Houlton: Mr. Chairman and Gentlemen of the Committee: I have been a member of the Maine Legislature at two regular sessions and at this session, and among the most pleasant recollections of life will be the associations and friendships I have formed with the members of the Maine Legislatures in those two sessions. I call you that have been with me to witness that in all I have said and done I have been frank and fair. I have believed in acting that the Democrats and the Republicans are not so much different in the mass; they have both been led by politicians, bound to the chariot wheel of the party; and when you get down to the men who do the work of the Legislature you will find that most of them are big-hearted, good

fellows. I have plead with you from time to time on certain measures where I knew as a lawyer that I was addressing a jury with their minds made up. I have had men come to me and say: "Why do you speak upon a certain question? You take it too seriously when you can't expect to win." Someone said to me, today: "Are you going to say anything, tonight, upon this matter, when your people have caucused against the measure,—when the Democratic members have been instructed by their party that they must vote one way? What do you expect to accomplish?" And then I thought, what a strange situation! Here is the Legislature of Maine in special session. Four great measures presented here, this morning, to be closed, tonight. After a weary day you are called here in the night to say that the people of our State, last September, did or did not settle this very question. And, gentlemen, I have been puzzled,—puzzled while sitting here during this day with the logic that has been presented here. The Speaker, who has just taken his seat said that this question was settled, last September, the same question that you are trying to settle, tonight; that you have once had re-submission on the same thing and now that you want another. I don't understand his logic. Either that did not settle this question and this is a new one or else this is the same old question. Which is it?

Now, gentlemen, it seems to me, as it seems perhaps to the gentleman from Augusta, who has just spoken, that this is the most important question ever before this State; and I deem it my duty as a humble representative of the minority party of this State to give you some reasons why we as a party should oppose any further re-submission of this question at this time.

Mr. Chairman, the Legislature is called the general court of the people. We are here supposed to represent the people of the State of Maine. Now, let me ask, who are the people of Maine? Surely, not the law-breakers of Maine. I don't represent the law-breakers of Maine and I hope



you don't. The people of the State of Maine are those who are engaged, tonight, and have been engaged, today, in an honest calling and in obtaining an honest living by legitimate means, the people of Maine are not those who are obtaining wealth or gain by an illegitimate traffic in the vices of the people. Abraham Lincoln said of these people: "You can fool all of the people some of the time, and you can fool some of the people all the time, but you cannot fool all the people all the time." And I ask this question at the outset: Do the law-abiding people of Maine, regardless of party, of creed or of religion—do the law-abiding people of Maine want at this time another resubmission, the same in substance but only different in form,—which says that you are to give to the cities license and to the towns local option? I cannot understand the logic of the gentleman from Augusta, for one moment he says that the vote of last September meant license in the cities of Maine and that they wanted it; and that the vote for prohibition in the country towns meant that they did not want prohibition but that they wanted local option. That is the logic of the gentleman from Augusta. But I want to say, Mr. Chairman, that this illogical matter that you put up before the people of Maine, today, I characterize it as a mess of political pottage that we are asked to eat by certain politicians and thereby sell our birthright. I want to say that that mess of pottage was never invented and made and presented by the hand of any Rachel; thank God. No woman ever invented such a mess as that. It was brewed by the unlawful saloon of Maine; it was garnished by the gambling hells and it is decorated by the red of the house of shame, in Maine, today. And, Mr. Chairman, I say this is presented to us by certain politicians who say "Sell your birthright to us," but it seems to me even the political blind can easily detect the voice of Jacob while feeling the hands of Esau.

Gentlemen, don't you answer me by saying that my words tonight are those of idle intemperate speech. I will produce to you before I am through incon-

trovertible evidence that what I say to you is the truth; and it must triumph. The gentleman from Augusta has said here that no question was settled until it was settled right, and I will take his text, though not standing in the position in which he stands, in the Holy place—standing in this place I preach from that a sermor Listen to the facts, gentlemen. When the Legislature of Maine, of which the gentleman from Augusta was a member in 1905, met in this capitol there was nullification in the State of Maine, in portions of the State; there were Republican sheriffs and county attorneys then as now, but they were cowards in the presence of the saloon. But, gentlemen, a man took the oath of office down yonder at the desk in this Capitol, a man who became the idol of the people of Maine because he was a man, a brave man and an honest man, William T. Cobb; and he will always be the popular idol of the people of Maine because he dared to do his duty and faithfully perform it. I tell you, gentlemen, the people hate a coward and a trimmer. And William T. Cobb said in his message to the nullifiers in the State of Maine this, and I want to read it to you:

"If the people of Maine ever abandon or materially change the prohibitory law, and it will be done only after they have seen it enforced honestly and uniformly and in the same reasonable and persistent manner that other laws are enforced, and after they have become convinced that such an enforcement has actually failed to accomplish the desired end. Enforcement may cause the law to be changed, but non-enforcement never."

And under the inspiration of such a man there commenced in that Legislature an honest attempt to destroy nullification in Maine. Mr. Chairman, as an attempt to do that there was enacted in this Capitol what is known as the Sturgis law; and I want to say what you know to be true, that there never was a more honest attempt to enforce the law than there was in the enactment of the Sturgis law. I say to you that the author of that law was honest in speech and sincere. The friends of the Sturgis law have always been honest and sincere. It was a mistake on the part of the Republican party to enact it; what ought to have been done, and we see it now,

was to have said as the Democratic party have since that time said, that the law should be enforced through the regular officers of the State, and not through any commission. If that had been done, and if no Sturgis law had been enacted, and if the regular officers of the State had been forced to do their duty, no Democratic administration would be in the Capitol of Maine tonight, and you know it.

What is the result? The result was just what you would expect to happen. The people of the State will stand by their sheriffs and county attorneys that they have elected. Away up in my county, in a town there settled by the Puritans of western Maine years and years ago, the old pioneer stock, honest, God-fearing, hard working old farmers, law-abiding—they elected a sheriff, their sheriff, the high sheriff of their county whom they all love to speak about; and he went up into the lumber woods to arrest an outlaw. He brought down the outlaw down to this town and in a moment of treachery the outlaw killed the sheriff. Those old farmers went out there and took that man and hung him to the nearest tree and went back to their farms and went on with their work as if nothing had happened. They loved the sheriff and they would stand by him and would lay down their lives for the regular sheriff, but those same old farmers up there would join together to mob a Sturgis deputy that came into Aroostook. And that is the result which happens when you turn away from the path of duty and attempt to have somebody else take your responsibility; and if the Democratic party today has made a mistake it is turning away from the performance of faithful duty and trying to hold prestige and place and power under nullification.

What was the result? Why, the result of the Sturgis law was to drive the Republican party from power in the State of Maine; and it was a natural result; and the Democratic party saw it, the Democratic politicians saw it, and they saw their opportunity and in the platform of 1908 the Democratic party said this:

"We demand the honest, thorough and impartial enforcement of all laws by our courts and our duly elected officers; we

demand that every law on the statute books shall be sincerely enforced or repealed." That sounds good, doesn't it, gentlemen? It sounded good to the people of Maine, and everywhere in that campaign on the public platform by the Democratic orators they were putting forth that plank to gain votes, and made the people, the common people of Maine, the law-abiding people of Maine believe that nullification would end by the advent in power of the Democratic party. The people believed it, and the result of the election showed it, and you thought you had accomplished so much in that way you would follow it up. Just as Lincoln said, "you can deceive all the people part of the time." So you followed that up with your last platform which said this: "Enforce the law or laws by the regular constituted officers." And the people liked that, and they believed you and they believed you were going to do it and that you were going to enforce the laws of this State by your regular officers; and they voted for you; and that was not all. Your candidate for Governor in the last election, the present Executive, went all over the State of Maine and on every platform—he might not have said much about a "covered bridge," or used those words, I don't know whether he did or not, but he used words that meant the same thing. I heard him speak in my own town, and you, gentlemen, heard him speak in your towns; you heard him speak and you saw him stand before the people as he can stand, and tell them how as sheriff of Kennebec county he enforced the law and how, as Executive and as Governor, he would enforce the law of the State; and the people of my county cheered him to the echo and voted for him. They believed he would do it, and they believed he meant what he said, and then he followed that with his letter of acceptance. Here is his letter of acceptance, in which he says, "I believe in the enforcement of the laws," and the people elected him because they believed in it. Well, he was elected. I was here as representative and heard his message; many of you heard his message here. Lest you forget it, I want to read to you

from his message. Here it is:

"Leaving aside the question of whether the present law affords the best regulation of the liquor traffic, a question over which there is an honest difference of opinion, there can be no question that it is the duty of every official to enforce the prohibitory law so long as it remains on the statute books. For years we have been passing laws to please certain classes and failing to enforce them to please others." Strong, brave words, and we cheered him, and the people believed in him. Well, Mr. Chairman, as soon as he was inaugurated the first thing the Legislature did was to repeal the Sturgis law, and nobody cared. Out it went. That meant nothing to us, because the Democratic party had said in their platform that they believed in enforcing the laws of this State through the regular officers, and they had nothing to do with the Sturgis deputies. What happened next? Why, you repealed the law giving the Governor authority to remove a county attorney who had been unfaithful in the enforcement of laws. You took away from the Governor the only authority he had to do anything, and then the people began to sit up and take notice. Then came resubmission—resubmission of the Maine law. You were beginning to deceive some of the people some of the time now. Resubmission! Why, it was debated here on the floor of this House a year ago, and it was said everywhere in the Democratic press and by the Democratic politicians that all it meant was to take the prohibitory amendment from the Constitution and put it into the statutes, and that it did not mean license and it did not mean local option. Then when they got it out of the Constitution they could do what they pleased with it. But they said a police regulation should not be in the Constitution and should come out; and in the election that followed, the election of last summer, I say to you what you know and what I know to be true, that there were hundreds and thousands of Republican and Democratic voters in the State of Maine who voted to take that amendment out of the Constitution who would cut off their right

hand before they would vote for license. But, gentlemen, it was a part of the program that you could deceive all of the people some of the time.

General Grant said that the way to repeal a good law was not to enforce it, and the way to repeal a bad law was to enforce it, and the Democratic party must have remembered that epigram of General Grant, for immediately as soon as the Legislature adjourned and they had repealed the Sturgis law and had removed the power from the Governor to remove county attorneys and commenced the campaign to take it out of the Constitution, that very moment they commenced nullification in Maine. There was not the slightest attempt to enforce the law, not even a bluff at it in the State of Maine by Democratic county attorneys and sheriffs, except in one instance; over in Somerset county the sheriff remembered his oath of office and attempted to carry it out faithfully, Sheriff Mooers, and he captured the biggest rum seller and outlaw in Somerset county and got him convicted. The court gave him a jail sentence, and then the Governor and Council pardoned him to show that it was treason for a Democratic sheriff to try to enforce the Maine law.

Then commenced a campaign, Mr. Chairman—I want to call your attention to that for a moment—a campaign to take the amendment out of the Constitution, and the Democratic press everywhere in the State of Maine put forth this statement to the people that it did not mean license, it did not mean local option, that the police law should not be in the Constitution—take it out and leave it in the statutes. It was put forth that resubmission was a non-partisan measure; they said it is not a Republican matter, it was not a Democratic matter, but it was non-partisan; give us a chance to vote upon it and we will have a non-partisan vote. In that campaign the Republican machine never did a single bit of work; it was not a party matter with them; the party did nothing. Was that true of the Democratic machine and the Democratic party? Let us see. Everywhere that the Democratic press and the Democratic politicians presented this matter to the voters they said that it was a Democratic measure and that the repeal of the law meant the success of

the Democratic party, and they went everywhere and appealed to the Democrats to stand by the party and vote against the law. Even Senator Johnson in Congress insisted that no Democratic statesman or Democratic orator should be sent into Maine because it would be injuring the party in the State of Maine. On election day you and I saw the strange spectacle of a Democratic machine and Democratic politicians at work at the ballot boxes with plenty of money delivering your floating vote, but the result of that battle is passed and is now a matter of history. Much against his will the Governor had to report to his Council the result, and in doing so he said for the Maine law:

"It cannot be, and never has been, successfully enforced in the cities. It is useless to expect enforcement in the cities now after the people in them have so emphatically declared against prohibition. No law can be enforced in communities in which two men out of every three are opposed to the law."

And then he had himself interviewed by the Boston Post on November 12, and at that time said: "An honest enforcement of the State-wide prohibition amendment, as it now stands, is impossible."

"Why, the whole country knows of the open selling of liquor in Maine and the State has had to stand as the butt of the jokes because of the remarkable freedom with which visitors to our cities and towns are able to procure whiskey and even beer.

"As it is now the open barroom in both city and town is a disgrace and a mockery to our zealotry for the law."

And Senator Gardner also had himself interviewed by the Boston Globe on February 18th last, and he said:

"We know that liquor is being sold, and we realize that we are not only law breakers but hypocrites. Worse still, the children and the young people of the State understand all the conditions. The influence on them, in my opinion, is the saddest feature in a deplorable situation."

That is what they said. And then Mida's Criterion, the liquor journal of the nation, the journal organized and operated by the brewers of the United States, speaking of the Maine election,

right after the election on November 16th said:

"It is not to be supposed that the opponents of prohibition will rest content with a yoke which they have come so near casting off, especially when they have on their side the Governor and the Legislature. Means will be found to clip the claws of the obnoxious statute and still further discredit it with the public. Some way will be found to legitimize the traffic in the leading cities and towns."

They say that means will be found to clip the claws of the obnoxious statute and still further discredit it with the public. Yes, every act of nullification of your officials in the statute of Maine in Democratic cities, Democratic county attorneys and Democratic sheriffs—every act during that campaign of nullification was done for the purpose of discrediting the Maine law and bringing it into contempt with the people; and it is useless to come into this Legislature and say that the Maine law is at fault because the unfaithful official has not enforced it; because of nullification they say you should crucify the law; and nullification was used during the election to make the people of the cities repeal the law because they could see around them the awful conditions of nullification and near democratic politicians say, "this you must suffer; this you must have for all time to come unless you vote for license."

Yes, the Governor said he believed in the enforcement of law, and then goes in Democratic caucus this spring in Waterville and Augusta and says the law cannot be enforced; and he comes here in his message and says it cannot be enforced. Where did he learn it? Where did the Governor of Maine learn that the law could not be enforced? Certainly not through any experiment he has made, not through any observation he has had from any of your Democratic officials in the State of Maine except in Somerset county. The law is not self acting; it won't enforce itself. I stood the other day in the presence of one of those great power house electric machines, a wonderful machine it was, the product of the inventor's mind, modern, up-to-date, perfect in all its parts, almost a living thing, all that it

needed was a man to make it bring forth wealth for the state and prosperity. It seems to me, gentlemen, that the Maine law is the finished product of sixty years of the brightest minds in the State of Maine; it is a wonderful law. The sale of a single glass of liquor makes the man selling it a common seller, liable to indictment as a common seller or keeping a drinking house and tipping shop. You can take your search and seizure process and find what he has; you can convict your man of keeping a drinking house and tipping shop and have him taken to prison. Here is the mill which would grind the liquor traffic to powder; here is the court in equity in Maine which may reach out its great strong arm and by writ of injunction stop the sale of liquor in Maine.

I want to tell you, gentlemen, what you already know, that this talk that the law cannot be enforced is one of the most cowardly lies that ever was spoken. You think I am harsh. Well, I am not quoting my own authority about the matter. I know something about your problem in regard to the cities. You say you cannot enforce the law in the cities of Maine. They are not much different from the country towns. I know and you know and we all recognize that congregated and collected together in the cities of Maine, in the large cities, are all the undesirable elements, all the criminal classes who seek to live on the vicés of their fellows. We all understand that in the cities there are collected together men who in their dreams have no country and in their hearts no flag; and yet you know and I know that in the cities are also collected the brains, the culture, the education, the great business men of the State; men perhaps, who drink as they drink in the country, but men who believe in the enforcement of law; men who are against nullification; men who do not believe the saloon is any benefit to the State, and men who are against the nullification of the Maine law, but men who love the Maine law and who want to see it enforced; men who will stand by faithful officials who will enforce the Maine law in the cities. Talk about your not being

able to enforce the law in the cities of Maine! Combine the Maine cities together and they will not outnumber the population of one city, St. Louis. St. Louis was wide open two years ago and they said they could not enforce the law in St. Louis; the Democratic district attorney there said that he could enforce the law in St. Louis, a city with over 600,000 inhabitants, and he did it; and he became so popular after he did it that they made him not only the mayor of the city but they made him Governor of Missouri, and he is a prominent candidate for President of the United States in the Democratic party. If you want a man to become popular in the State of Maine just let him be a sheriff or a county attorney and do his duty. Over in Somerset county Sheriff Mooers is on the ballot of both parties at the primaries. I have been talking about Governor Folk, who enforced the law in Missouri. He says:

"The law is merely a weapon in the hands of officials, for, without officials, laws would be as useless as cannon in war without men. Good government depends more upon the men behind the law than on the law itself. No official has the right to violate the oath that he takes to enforce the laws simply because some people do not want the law enforced. He cannot excuse non-enforcement on the ground that public sentiment is against the law. He does not swear to support public sentiment; he does take an oath to support the law. Public sentiment is a difficult thing to get at. Law-abiding people are quiet, while the lawless are so vociferous as to deceive some as to their number. The only correct way to determine public sentiment is by the expression of the people's will through the law-making body. If an official cannot obey the mandate of the law, he should resign and give way to some one else who can. What seems public sentiment may be and often is the clamor of the lawless who have a selfish interest in violating law. There is no greater evil among us than the easy nullification of laws by executive officials who have sworn to enforce them. It is not for an executive offi-

cial to say whether a law is good or bad, but to enforce it as it is. He should not ask is it popular? or is it good politics? but is it right? In the end, if he remains steadfast, the right will win. The trouble has been that a privileged class has violated the law with impunity and escaped its consequences."

Am I speaking plain enough? I say, Mr. Chairman, the time has come when some political party in the State of Maine must stand for the supremacy of the laws of the state; some party must stand for the honor of the State of Maine. The time has gone, and the gentleman from Augusta recognized it when he said tonight that the time had gone, when there can be a division of the liquor vote of the State of Maine. He said the lines are drawn. I thank God they are. There can be no two rum parties in the State of Maine today. I am not speaking for the Republican party. I don't know what they will do, but I will tell you this, that some political party in this coming election must stand for the supremacy, for the dignity, for the majesty and for the sacredness of law; and the party that does that will gather around them and into their ranks the best citizenship of the State of Maine, regardless of politics or regardless of religion, and that party will win.

Mr. Chairman, I thought when the Governor of this state stood in your place the other day and said in his special message to this Legislature that the laws of this state could not be enforced, and that there was nullification in the State of Maine, and the remedy for it, he says, is what? Compromise. Compromise with the law breakers was his remedy; and then I thought of that great and sainted Lincoln, when nullification reared its horrid front and a rebellion of many states threatened the life of the nation and the Constitution of the land. What did Lincoln say? Compromise with them? No. Contrast that message of our Governor with these words from Lincoln. Listen to what Lincoln says. You have listened to the Governor now listen to what Lincoln says:

"Let reverence for the laws be taught in schools, in seminaries and in col-

leges; let it be written in primers, spelling books, and almanacs; let it be preached in legislative halls, and enforced in courts of justice, and in short let it become the political religion of the nation, and let the old and the young, the rich and the poor, the grave and the gay of all sexes, and tongues, and colors, and conditions, sacrifice unceasingly upon its altars."

Am I harsh? If you think I am, I want you to listen to something further. I have great respect for the leader of the Democratic party in the Senate of the United States, Mr. Oscar W. Underwood of Alabama. Now, you Democrats, take notice that Oscar W. Underwood the other day in New York on the public platform said this:

"Should I stop to criticize our government I would say that the people suffer far more from the failure to enforce the laws on the statute books than they do from the lack of proper legislation. How many remedial laws are to be found on the statute books that, if fairly enforced, would remedy the evils we complain against? But it is so much easier to cry out for new legislation than to insist that our neighbor shall go to jail for violating the law we already have.

"If there are evils in our government as it exists today it is not its organic form. It is due to the failure of those in office to honestly, fairly, and justly perform the duties imposed upon them. The remedy is plain and the way is clear. The people should drive from the places of power and responsibility the unfaithful servant and elect those who will be faithful and true to the trust imposed upon them."

Don't answer me that the Republican party of the past has been guilty here and there of nullification of the law; that is not any answer for your duty and mine at the present hour. Your duty and my duty is to stand by the political party today that will stand by the laws of the State of Maine.

Mr. Chairman, just one word more and I am done.

Rome once had a most wonderful system of human law. Its laws against crime have been the models of all countries to the present time; and yet there came a time in Roman history when

these laws were in the hands of unfaithful officials, who allowed them to be openly and shamelessly violated, and Rome became famous as a city of lawlessness, where its vices were placed on sale in the open mart, and Rome fell.

"And where the temples of the Caesars stood,  
The lean wolf unmolested made her lair."

Greece attained the highest pinnacle in the history of nations as the mother of arts and sciences. Its culture has never been approached by any nation in history. But there came a time when her laws, too, were disregarded, and the lawless classes were in place and power. Demosthenes, in speaking of the fall of Greece, said: "What is it that has ruined Greece? Envy, when a man gets a bribe; laughter, if he confesses it; mercy to the convicted; hatred of those who denounce the crime."

It is as true today as ever in history and Holy Writ that "Righteousness exalteth a nation;" it is as true of the state as of the individual that "The Wages of sin is death."

"Lord, God of Hosts, be with us yet,  
Lest we forget; lest we forget."

(Applause.)

Mr. WHEELER of South Paris: Mr. Chairman and gentlemen of this committee, I rise in my place as I have risen before in my brief experience as a member of this House for the sole purpose of discussing in a fair-minded manner certain features of the question before the bar of this House which relate to special privileges advanced by those who represent the city population as set over against the rights and privileges possessed by those people whom I represent in my own constituency and as a class.

I had not intended to participate in this discussion because I did not apprehend that at this late period in the history of this question the discussion would run into channels into which it was dragged by the first speaker. The issue before the bar of this House has been hidden and befogged. The question now—and gentlemen of both parties in the calm candor of their own minds agree with me—the issue is not prohibition, license, temperance and intemperance, but it is this: Is there a demand on the part of the sovereign people of the State of

Maine at the present time, after a free and impartial expression of their opinion in September, 1911, that they should so soon again be put to the expense and the interruption of their business and the distraction of their peace of mind to again go through the campaign which has at the end of it only a "yes" and a "no," to be set aside at the will of politicians in the dominant party, be they yours or be they mine, gentlemen. I do not rise for the purpose of criticising the highest Executive of the State of Maine. I hold it to be the duty of every citizen to be above party lines, and as a citizen seeking only the best interest of his commonwealth to support the Governor of his State so long as he is right and so long as he is sincere, because we know in this House that influences are tossed against the Chief Executive at all times, and more often and more emphatically in a question of this kind.

It was the prerogative of the Chief Executive of the State of Maine to call this Legislature in extra session, and it is not our province at the present time to criticise that action; although, as a Republican, I reserve the right to address my constituents upon that point should the Chief Executive of the State of Maine again ask for the franchises of these people. But now, standing at my desk as a member of this body, I consider it is my duty and the duty of every man if he discusses this question at all, to address himself solely to the question; and therefore I insist that members of both parties give a fair and impartial verdict upon the question we are facing, and not upon the question that has passed by. I said in the beginning that this involved questions of special privileges advanced by those who represented the city population, and it appeals to me thus and I discuss it with frankness and candor. I have been accused of being provincial in my view of this question and other questions, and my answer to that is this, that the term "provincial" indicates a narrow-minded view on any given proposition; and I go further and say—and you will agree with me nonestly and secretly within yourselves, that it is possible for a man to have a provincial view of this question, even if he live in the metropolis of the United States. And I urge you further, members of my own

party and members of the dominant party, that the best interests of the State of Maine will be best promoted when you exercise self-control and offer to the people of the State of Maine who dwell in the country a fair deal, the right to have this question determined after it has been discussed by us as well as by the members of the city constituencies, because it affects us and what affects the well being of the cities affects the well being of the country and our welfare and your welfare.

Simply because a small fraction over a majority in the few cities in the State of Maine have indicated a preference for certain doctrines upon this question you should not plunge us again into this awful struggle and the expense of another plebiscite. You should admit that the question belongs to us and it belongs to you, precisely the same as the question of good roads belongs to us as it belongs to you. And I am reminded to leave with you this suggestion which I take, as you know, from a prominent Democratic member of this House; and in this respect I discuss the political phase of it and then I have finished. The dominant party is in power in this House not by virtue of votes which belong to you; you are here with the assistance of Republican votes also in addition to your own. You have elected a Governor in this State and the dominant power in both branches of the Legislature with the assistance of Republican voters, and where did they dwell? You had in the beginning the power in the cities; you have possessed it and you hold it, and I admit you are likely to hold it, but your success was due to the assistance that was rendered to you by Republicans who claimed to be fair minded and liberal and who did not have the provincial view which you say we now possess. They voted with you upon resubmission and to improve the conditions. And now for my quotation from the prominent Democrat: You cannot elect another Governor of the State of Maine, you cannot elect a majority in this House or at the other end of the corridor without those same Republican votes. When you stand upon the floor of this House and insist that the representatives of the majority in the cities de-

mand this thing and go before the people again, you make a mistake; the people of the country who assisted you before will not assist you again upon that proposition.

I leave it with you not because I expect to influence a single Democrat vote now, but because I insist emphatically, Mr. Chairman and gentlemen of the committee, that it is the duty of every man here regardless of politics, to go home into the community from which he comes and where he has an influence—else he would not be here—to return to your homes and let your influence be for what is right and square regardless of the party whip; so that your friends and neighbors may get from you a fair discussion of this question to the end that Democratic leaders and Republican leaders both may allow this question to rest, and allow us as citizens of this State to consider those other important issues which cry out for the attention of thinking men within the borders of the State of Maine.

This is my plea. I do not attempt to represent the Republican party here, tonight, although I am happy and strong in the belief that the Republican party now is united as you have not seen it united for a period of over two years; and I say to you that the country vote which you want has a right to be considered and has a right to leave this question for the present time; and if ever the demand occurs again for resubmission, as it might in the progress of time, I say to you that I myself might occupy a different position than I have occupied hitherto for one reason. I believe that the people of the State of Maine when they get ready to have this question resubmitted again, and when this alleged demand for license shall come to exist—for it does not exist now—but I say, when this alleged demand for license comes to exist, the people of the State of Maine will put the Republican party in power, Chief Executive, House of Representatives and Senate; and the first demand for a license law, if it ever comes, shall be enacted by the Republican party, by the friends of temperance and be put in force by the friends of temperance rather than



through any outside influence from outside the State of Maine acting upon a platform of either party. I thank you, gentlemen. (Applause.)

Mr. PETERS of Ellsworth: Mr. Chairman, at the outset I want to make myself as popular as possible by saying that I shall not deliver knowingly a temperance speech nor a long speech; but I desire to say a few words in behalf of 60,750 men who voted "No" at the last election, although I do not myself agree with all of their views. For about 30 years, Mr. Chairman, there has been a very short, simple, plain provision on the Constitution in substance saying that the manufacture and sale of intoxicating liquors shall be forever prohibited throughout the State of Maine. Now, I am one of those who believe that that is not a proper provision to have in that place; I am a disbeliever in constitutional prohibition. I hold the same views now that I held a year ago and two years ago, and all the time since I became old enough to think about such things. I believe that a provision of that kind in that place is not harmonious with the objects, purposes and scope of the instrument, and I believe it to be detrimental to the best interests of the State, and increasingly so. I regret that the people of the State of Maine, the voters of the State of Maine did not take the view that I take, but they did not. They had out before then six months ago a proposition which in my mind was so simple and plain that the argument that they could not have understood it, or that they were deceived, or did not fully comprehend the scope of it is puerile.

This provision being in the constitution, Mr. Chairman, and being very brief and in the most general and simple language, prohibiting forever the sale of liquor in this State, a proposition was put up to the voters of the State as to whether or not it should be repealed. All they had to do of course was to vote "Yes" or "No." I cannot believe that our constituency is so lacking in intelligence and thought and ability to consider an ordinary question as not to have fully understood the scope and pur-

poses of the amendment submitted to them. Now we find ourselves here again meeting another proposition. On the face of it it does not appear perhaps to be the same one. I have read it in the brief time we have had to consider the matter, and as I read it there is a good deal of surplus language contained in it. Recognizing the fact that the people have voted to retain the amendment which prohibits the sale of liquor, which amendment was the only obstacle of course to this Legislature, or any other Legislature passing a license law without being coupled with local option, the framers of this statute or this resolve have said that the amendment in certain cases shall not apply. In order to make the matter a little simpler to a mind earnestly endeavoring to get at the real meat of this question, I will read what I believe to be a correct version of the proposed amendment, stripping it of its useless words. It is this: "This section shall not apply to cities nor to towns, 51 per cent. of whose legal voters so determined by written notice to the Legislature, and in any case license or other regulatory laws shall be subject to local option." It is not a well framed result which would be left in the Constitution; if this resolve should be passed by the people it would not read in a way to make the framer of this plan proud of his work in my judgment. In substance, the Constitution read by a man from another state and not familiar with the history and the detailed work which we have been going through, a man would take up our constitution and he would find a certain section which says that the manufacture and sale of liquor shall be forever prohibited throughout the State except in the cities and towns. He would be likely to say: "Please tell me what there is left where this Constitution is going to apply," and I would say to him, "On the wild lands and plantations." That would be a rather absurd result. You say that this provides that certain kinds of laws may be passed by the Legislature if this amendment passes, because it says: "This section shall not apply to cities in which the manu-

facture, sale and keeping for sale of intoxicating liquors may be permitted under such regulations as the Legislature shall provide." Why, gentlemen, that is absurd. If the part of the section which reads: "This section shall not apply to cities" is passed it will remove constitutional prohibition from the Legislature. So I say that while this is supposed to be a different proposition it is practically the same proposition that was put up to the people six months ago, because of course the object attempted to be achieved by the Legislature has always been a license law with local option, and no sane Legislature permitted to do so by the Constitution would ever pass anything but a license law coupled with local option. As I look at it, this is a distinction without a difference.

If our old friend John Bunyan, who wrote "Pilgrim's Progress" were alive I think he would put this in an allegorical sort of a way, and I think after having in view the history of these matters and this legislation or proposed legislation he would say that there was a long road leading to a beautiful city filled with plate glass and called probably The City of High License and Local Option, and along this road he would say pilgrims were in the habit of passing. But this road was the only road to this city and it wound through a ravine in which had been built a rock barrier or wall put there by the owner of the country; and at the rock barrier were always stationed three guardians—I think the name of one of them was "Ira,"—I don't remember for sure,—and these pilgrims came along about every two years and got as far as the rock barrier, and every time they held an interview with the guardians who told them that their orders were that they should not even approach the owner of the country concerning the matter of removing the rock barrier unless two out of the three agreed, and as two out of the three never agreed, the pilgrims had to go back into the country from which they came. But one year they came along,—and it was not very long ago,—and they found three new guardians at the gate, at

the barrier, which barrier prohibited progress of course any further along the road; and the pilgrims who came clever than the previous band which along that year were rather more had progressed thus far on the road, and they came along and found these three guardians, and they were met by the same old story, and the pilgrims said: "How long has this rock been here?" and the leader of the guardians said it had been there about 30 years; and they said: "Suppose you go up and ask the owner of the country if he won't permit it to be removed." Well they said, it takes two of us to agree to that, and we will talk it over," and one of them was going up and one absolutely refused and said he would not under any circumstances go; the other said: "It has been a long time since the owner of the country had this thing put up to him before, and there has been a lot of agitation and talk about it and maybe he has changed his mind, and two of us will go up and ask him about it," which they did. And they went over and asked the owner of the country and in a short time they came back with the word that he would take the matter under consideration but said he could not do it. The pilgrims retired behind a tree and got out paper and pencil and commenced writing. Very shortly they came back and they said: "Look here, we have another proposition." "Well," the guardian says, "let's have it." Then they said: "This is it. We recognize the fact that the owner of this country says this barrier cannot be removed, but supposing you go back to him and put our proposition up to him, and see if he won't allow us to tunnel under the wall. He is going to talk it over again," and they said, "look here, if we should go back with that proposition he would say, 'go hence; remove yourselves; I have just decided that question, because the only reason for the wall being here is to prevent progress from this point on.'"

It seems to me, gentlemen, that is the condition of this question as it is presented to us at the present time, and that the fatal weakness of the

proposition which is before us now is that the question has just been decided. Now they say it has been decided by so small a majority that it is only reasonable that we talk it over again and ask the people to vote on it again; but, Mr. Chairman, if re-submission or re-resubmission, or whatever it is called now, were passed, tonight or tomorrow or a week from Tuesday, by a majority of one, would you and my friends or associates say that the vote was so close that you should think we ought to vote again. If the majority had been the other way last fall, and if 700 more people had voted "Yes" than "No," would you be here, today, gentlemen, asking us to put this matter back to the people on the ground that the majority was so small to take this out of the Constitution that they ought to have another chance to vote on it? Do you actually think you would be doing that? If you can answer that question in the affirmative and really vote as you answer that question, there will be no further trouble, tonight.

This matter of a majority, the right to govern by majority was something that our ancestors, the Anglo-Saxons struggled for 500 years, just for the privilege of governing themselves and deciding by a majority what shall or shall not be done. The supreme court of the United States decides the most momentous questions that are raised in the world by a majority of one, but they are just as binding. It seems to me that the real trouble here is that this is not satisfactory to the Democrats; they are willing that the matter should be decided so long as it is decided their way. They are like the man who didn't care anything about what color the schoolhouse was painted so long as it was painted red. It seems to me I have heard in times past that the Democratic party was anxious to hear the voice of the people. The Republican party of which I am a member has been taunted and goaded with the suggestion that they did not dare to put this proposition up to the people and take their judgment upon it. If I haven't been dreaming, the Democrats in season and out of season in

platforms have been howling that they wanted to get the voice of the people, that they must have the voice of the people on this question, and that they were being deprived of the right because the Republican party prevented them from listening to the voice of the people. It rather seems to me, now that that anxiety has been gratified, their attitude is rather peculiar. The voice of the people has been heard and it has apparently delivered that decision. It seems to me that the Democratic party is not logical in bringing this matter before us at this time. Here we are the same Legislature which put this matter to the people only six or seven months ago. Certainly the Democratic party in regard to this voice of the people must be deaf; they must have their deaf ear toward the voice of the people; their good ear I think must be toward the voice of my friend, Mr. Pattangall I have heard it suggested here, tonight, that this question never will be decided until it is decided right. Who is going to say when it is decided right? Is it going to be left to my friend, the gentleman from Augusta to say when it is decided right? He cannot expect to take the place of the voters of this State in their decision as to what is right. Who gave the gentleman from Augusta the right to say that it has not been decided right now? It may not have been decided in accordance with his view and the views of many other people here, my own included. But I do not say for that reason that I may not be wrong. I do not set myself up above the verdict of the people on a constitutional matter of this kind when they have the right to decide it themselves.

It is advanced further as an argument in behalf of those who have urged another submission of the matter to the people that the cities want this matter and want the privilege of having license alone with local option enacted, and that the town do not, and that therefore there should be some arrangement whereby the cities can have what they want and the towns can have what they apparently want. That argument is invalid. It was perfectly apparent that if the voters last fall had

voted to take the provision from the Constitution that they then through the Legislature could have enacted laws giving cities the right to sell liquor and prohibiting the towns from doing the same, or making any other regulatory provision which they might through their representatives have passed. The people of this State fully understood that. They didn't have to vote last fall on the question and then be brought up here now to be told that if they had voted so and so certain things should have happened; they knew that perfectly well themselves. They know more than you give them credit for, gentlemen of the opposition, and they took this matter under consideration when they cast their ballots last fall; and so far as it has come to my attention there has been no change in their views. If they do change their views they have a right to send back others in our places who will vote in accordance with their instructions. This matter of the application of the prohibitory law is, after all, a matter of units. It has heretofore been the policy of this State to make the whole State a unit. In some countries and in some localities the county is made the unit; in others the towns and cities, and in other cases the wards of the city. Heretofore the State has been the unit here, and that has not been without some reason. Good men and intelligent men differ on the advisability of that policy, of course; but I can see that there is some reason in it and behind it. The towns have an interest in the laws that operate in the cities, and the cities have a right to have a part in the laws governing the towns, because the cities are nothing more than a concentration of towns. The cities of this State could not live and thrive without the country all around them; nor can the country thrive to any considerable extent without the cities as a market and a means of exchange of course, although I think the country might survive longer than the cities.

There is only one way in which the Constitution of our State can be amended and that is by the vote of the people. I am opposed, as I have said, to this particular provision which is the subject of discussion, but I am more in favor of constitutional government, a gov-

ernment by law and by majority than I am that this provision of the Constitution should or should not prevail. It is more important; it is better; it is safer for all of us that we accept the constitutional method of amending the Constitution than that we prevail along other lines. It will not be safe to in any way by an apparent subterfuge attempt to deceive the voters of Maine. I don't claim it has been the idea of the framers of this bill to deceive the people of Maine, but this statute which it has proposed here may very easily have that effect. It apparently attempts to do things which would be done simpler and better by a repeal of the law which was put up to them last fall; and in the long run any attempt by us or any other people to by any subterfuge deceive the voters of Maine into an action which they might regret and which is against their ideas of right and proper in the long run will react against the propounder. I have nothing to apologize for. I am going to vote against submitting this matter again to the people. I do so for the reasons I have given and I feel perfectly confident that my reasons will justify themselves to an intelligent mind. (Applause.)

Mr. MOREY of Lewiston: Mr. Chairman and gentlemen of the committee, I had not thought to say a word upon the pending question, and during the regular session of this Legislature, last winter, and at this session I have not spoken upon any question which has been brought before the House. We are now in committee of the whole, and had it not been for the words of the gentleman from Houlton (Mr. Hersey) for whom I have the highest personal regard, I would not at this time have said a word upon the pending question; but beside arguing the case, as it seemed to me, he attacked men of the party to which I belong, whom I know to be honest men, and he made insinuations that struck at their honor; and I cannot let the situation pass without saying a word in reply. He has charged that the party of which he is an honored member was responsible for a piece of legislation that was used and intended as an enforcement, and outside of that piece of legislation I do not understand him to say

that there has been a continued attempt to enforce the law to which he is so attached.

Gentlemen, I remember the day of the passage of the so-called Sturgis bill. I was a member of the Legislature. I was one of those who voted "No" when it was sought to be passed; and when that piece of legislation was enacted it gave a new and a peculiar right to the people, to officials of the State of Maine who were appointed under it, and under that right they went into the homes of people and they went with pickaxes and crowbars, and in an instance to my personal knowledge tore and wrecked a dwelling and found nothing. The case was carried into court and came to the law court, the verdict of a jury set aside that found for the defence; but the law court through its chief justice, wrote an opinion, scathing in terms, and the result was that an amount aggregating some thousand dollars was paid by the officials guilty of the act and reimbursed by the State without authority of law.

Now, then, do I understand from the gentleman who has spoken so ably and presented his case so well that he again would enforce that kind of legislation upon the people of the State of Maine? Is it true that the State of Maine does not have within its borders and in its different counties people to enforce the law? A difficult situation arises here, and I was reminded through the efforts of the learned gentleman from Houlton, who sought to place the responsibility upon the cities of the State entirely, that they were the places where the law was not enforced in the State of Maine. According to the record of the gentleman from Augusta (Mr. Newbert) it appears that in 1893 there were 200 places in the city of Lewiston, according to the statistics that were furnished—in 1893, 20 years ago, I believe, if my memory serves me right, that there were some 89 licenses, tax license—I know when I was county attorney a few years ago that was about the number. You understand, gentlemen of the committee, that is a manufacturing city, and we are proud of it; some 12 or 14 different nationalities

live there together, with a population of 26,300 and a population of 80,000 in the county; and the gentleman also said that the law had the search and seizure process, the single sale and the bill in equity and that all that could be used in an effort to crush out the sale of intoxicating liquors. For how many years have those laws been upon the statute books of this State? And yet, with all those weapons, in the county of Aroostook in which the sheriff is not a Democrat, in which the county attorney is not a Democrat, 51 United States licenses existed, last summer, and in the village of Houlton with its population of 4800 there were 16. Now, gentlemen, the proportion of 16 to 80 and the proportion of 4800 to 26,300 seems to me to be about equal. (Applause.)

Yes, it is true we live in the cities. Take your agricultural communities throughout the State—I can name and so can you the different counties—the evil is wide-spread. The gentleman from Houlton and the fine young member from South Paris (Mr. Wheeler) whom I know and for whom I also have a high personal regard, as well as the judge from Ellsworth (Mr. Peters)—I know those gentlemen to be men who are absolute teetotalers. I myself, as far as that is concerned, never yet have drunk intoxicating liquor, but I want to say that there is an honest difference of opinion in these matters. It has been charged that there has been nothing since the election or at that time to warrant again sending the matter to the people of this State. Why, gentlemen, when the matter was submitted and the results came in it showed clearly that every city in the State of Maine, with the exception of one, went strongly this way, voted "Yes," and the country towns voted "No." What, then, would be more natural conclusion, or what other conclusion can be drawn by a reasonable man except that the people of Maine in the country towns did not want saloons in their places, and that the cities of the State wanted some local option regulation.

There could be no other fair inference drawn from the vote.

Now then, the bill in question provides not as the question that was submitted in September, that the clause should be stricken from the Constitution; the bill provides safety and a safeguard for the country towns if they desire to avail themselves of it. It says the percentage must be 51 per cent. of the people of the towns desiring it. They must go to the Legislature, and the Legislature will grant them if they think it is proper the right, and to the towns that thus obtain the right that they thereafter may vote on the matter as to whether they can have it or not. The cities would be granted a local option. Now, is that a fair view of the situation?

Here we are in a country in which there are 48 states, and as I recollect there are but six states in our Union that have a prohibitory law, so-called; all the other states do not. There is not a country in the world but that regulates the liquor traffic. Our own country, the United States, permits its sale and grants a tax license therefor. Only six of our states retain the law; some have tried it for years and have abandoned it. Is it in view of the changed conditions that we find in the United States, the abandonment of the plan that existed for so many years in this State—is it a fact that in adopting a different policy we are out of line with other people? How can you regulate the traffic? If we could draw a line around the State and keep from coming within its borders intoxicating liquors, why gentlemen, that would be the best thing for mankind if you could do it. The highest courts of our country, our Supreme Court at Washington and the court of our own State, following the decision of the Supreme Court at Washington, admits to come within the borders of the State through the Interstate Commerce Law intoxicating liquors of any kind from other states, and they cannot be interfered with and they cannot be seized until they are delivered to the consignee.

I might answer the distinguished gentleman from Houlton that in the times that he refers to, when the Sturgis Law was in operation, and it is to that that he pins his faith in the enforcement line, that at that time the

officers could seize at the station liquors that come into our State. Our court had not then decided it, and it was in the case of the Tarbox Express Company to answer to the State of Maine where our courts overturned their own decision made but a year or two previously, and followed the decision of the United States' Court and held that the liquors could come in and could be delivered to the consignees at their own homes. The officers then had to abandon the course which they had followed, they had no right to seize at the station. Now with that decision of our court and the decision of the United States' Court liquors in any quantity can come in here. What is going to be the result? Is it better to regulate, or is it not? It cannot be kept out, that is admitted. All of us know that liquor cannot be kept out from the State; it has as much right to come in here as flour or grain or groceries imported from another state, the same legal and lawful right to be here. Now then, with that condition existing, with the fact that when you try by special legislation as, for instance, by the Sturgis law, to force the people by means of a law which they repudiate, can the sale of liquor be suppressed in that way.

Now, gentlemen, I am going to say this: After that law was first established—because it seems to be admitted that there must be some drastic legislation of that kind to get the best results from an enforcement standpoint—that there were but a few counties that this law operated in, it was more than two years after the establishment of this commission before they finally went to the cities; they came frequently to the cities in the county of Androscoggin. When did they go to the city of Portland? When did they go to Rumford? When did they go to Bath? Later on, was it, after they went to Rockland. Was it a law that applied to the State entirely? There was a law on the statute books, but as a method of enforcement was it directed alike throughout the State? Men in the different parts of the State know about it; and so we come at this time to the practical method of dealing with it. I am sorry that the gentleman made such reference to the Governor of the State,

such reference to United States Senators whom I believe thoroughly to be honest men. We may not all view the problem alike; we see the results all around us; we see them in every city, in every county, and in the larger places in every county the conditions are proportionately bad. Now what can be done? The people of the State, it is true, had an election this last fall, and they voted in the negative; to meet the results of that election a new bill was framed to be again submitted to the people, and it is simply a question addressing itself to the good honest judgment of the Legislature. It is a question of what is best to do with the situation in our State, when we see the other states which have gone back on the theory of prohibition. We cannot disguise these things. In some of the counties of the State jail sentences were given for violation of the prohibitory law; in other counties of the State by the same justice fines were taken. You cannot get an enforcement under the present system that shall be equitable and universal; maybe you couldn't anyway. But when the President of these United States of America, who belongs to the same party to which my distinguished brother belongs, has said that it was useless to attempt to enforce law toward which the public sentiment did not exist, when you have to admit that the public sentiment of the State of Maine is not in the general sense in favor of it, when you see cases tried before juries the evidence in which would be sufficient in any kind of a case to secure a conviction for murder on the same facts, if they applied to murder, and then frequently have the jury come in with a verdict of not guilty, who knows better than those who have attended the courts and witnessed the trial—who knows better than those in authority who have had to deal with the matter? This is a practical question, it is a question that must be dealt with in such a way as, if possible, to secure the results that will place the enforcement of the law in such light that the people will more readily obey, that officers can enforce and that juries will convict.

Is there a country in the world in which the traffic is not regulated? Not a civilized nation on the globe. This

matter has been tried in our State for 50 years. I trust that the same fair and candid discussion will prevail, that because we differ in the matter of the application of remedies to existing conditions that charges will not be made against the men high in official life, honorable men, men who are honest, men who are prominent in State affairs, and I sincerely wish that in espousing the cause to which I know the gentleman is so firmly attached, that he had left unsaid those words which struck at the honor of the men against whom he made the remarks. I trust that each member of the House will vote when the question comes before us as he sees his clear duty, as will be best for the settled policy of the State, as will seem to him when he is done and goes from the work of this special session to be in accordance with his ideas of justice and of right; and I ask each member in this House, regardless of his political affiliation, to bring to this question the high-minded purposes and decide what he thinks is best, what he thinks is correct in regard to the proposition that is now before us. (Long-continued applause.)

Mr. PETERS: Mr. Chairman, I wish to say just one word and I beg the pardon of the House in advance for it. I think the arguments of the gentlemen, our honored Speaker, are admirable. They reinforce me in my belief that the Constitution should be changed in this respect; but these arguments were the same that were addressed to the people, last fall, with many others. They did not appear to be strong enough to cause a different result. What I want to know is this: What has arisen since last fall which will justify the same Legislature in submitting the same question to the same people? Wasn't it perfectly well known to us that the sentiment in the cities was in favor of some change very strongly, and didn't we perfectly well know in the towns that the sentiment was the other way? Did it take a vote of the people and an analysis of that vote to give us that information? We knew that perfectly well before. Didn't we know then as well as now, and didn't the people of the State themselves know that the passage of the resolve amending the

Constitution to enable the Legislature to pass a high license and local option law,—didn't they then know as they always have known that that was the real purpose of amending the Constitution? I stand here, gentlemen, ready to be enlightened upon those questions.

Mr. CLEARWATER of Hallowell: Mr. Chairman and gentlemen of the committee, with all that has been said, today, in the Senate and, tonight, in this House upon this question it would almost seem as though everything of importance and everything having a real or influential bearing upon the matter had been said, and I shall make no attempt to carry the argument further to any great extent. In fact, I will promise you here and now that I shall speak not more than one minute longer by the clock.

In considering this question it seems to me that there are two vital questions which every representative in this House should fix in his mind and after calm, cool, deliberate, unbiased thought, should be able to answer to himself, "Yes" or "No." First: Is this amendment a reasonably fair and square proposition to present to the people? Second: is there in your own mind the existence of a reasonable and rightful demand for the resubmission or for the submission of this question? As a Republican, I can say that I can answer both of these questions to my own satisfaction. I believe that this amendment as offered is a fair, reasonable and square proposition. I believe, and in fact I know, that in the district which I have the honor to represent, and in the county of Kennebec there does exist and has existed a reasonable and fair and an honest demand for an opportunity to vote upon this question. Believing these things and for the reason, as all my Republican friends know, that I took no action either one way or the other on this particular question in the caucus of the Republican party the other night, I shall vote what I believe to be right and fair in this matter, fair to myself and fair to the majority of the people whom I represent. I shall vote,

gentlemen, in favor of this proposition. (Applause).

Mr. NEWBERT: Mr. Chairman, just one word. I think the gentleman from Hallowell is a noble man and stands like a man on this issue. I have always been told that there was no demand in Maine for resubmission, there never was a demand that the Legislature could take note of; we are told, tonight, there is no demand for the submission of this question, there is no demand of which we can take note. In our city election in Augusta, we elected the mayor and representative for the first time in six years. In the class towns of Palmyra and Pittsfield they returned a Democratic representative; in Waldo county, largely rural in its communities, Senator Hanson received a majority of more than 900 votes and formerly it was very close. He ran against my old friend Mr. Dow, who sat across the aisle from me in the House during the winter, five years ago, and if there was ever an issue drawn it was drawn in Waldo county, for Mr. Dow was a Prohibitionist; and a Republican from Bucksport told me, yesterday, that he knew why he stayed at home was because he only spent \$4.90 in his canvass.

Now, the gentleman from Houlton pointed his long finger at me a good deal, tonight, and he seemed to mean me. I haven't done anything. I wish to say, Mr. Chairman, and to the gentleman from Houlton that I take no refuge in Holy things or Holy places. I have learned to stand upon the common ground of earth where all men walk and I have learned to take men as I find them, common, plain men of homely, rugged honesty. The ministers of Augusta, last night, said that no Republican in this Maine Legislature can vote in special session for local option or for any change in the prohibitory amendment without rendering himself liable to the suspicion of bribery. I think highly of the gentleman from Houlton, but following his remarks, tonight, and watching that big index finger swing around its circle, and going with him into the ancient history of Greece and Rome, it occurred to me that were I a mem-



ber of the minority party of this House and have to vote with my friend, Mr. Hersey, on this issue, I would rather be accused of bribery. (Laughter.)

Gentlemen of the committee, we are soon going home. Our stay here has been short and I feel that I should have been more modest as a young member here, but it seems to me this vote that we shall take, tonight, is tremendously important. The vote in the Senate stood 21 to 7. In some of the men belonging to the minority party in this House should stand by your guns this thing would be all settled, tonight. After that we cannot legislate here; we cannot put any yoke upon the necks of our people, nor any rings in their noses. We can only ask that you give the people the right to vote upon this resolve.

Mr. PETERS: May I ask one question of the gentleman from Augusta through the Chair. And that is, if this matter should be submitted to the people of Maine again and if they should vote next fall as they voted last fall would the gentleman be in favor of submitting it again to them the fall after?

Mr. NEWBERT: I will answer the gentleman from Ellsworth through the Chair. If I should feel then as I feel now, I should say yes, submit it three times, if I have the evidence that I have now that the people want it submitted.

Mr. AUSTIN of Phillips: Mr. Chairman, I can't help thinking as I have listened to the remarks of our respected member from the capital city of the State, Augusta, that if we poor devils who are assembled here to do our duty as patriots were to receive instead of the pittance of \$2.00 a day so much per page for the Legislative Record of our doings, that the new member who has taken the seat of our much respected former member from this city would be drawing more pay than any of the older members of this Legislature. (Laughter.) I feel, as it were, some jealousy against him because I feel that under these circumstances his pay may be more than mine; but to paraphrase the remarks of that very respected member of our

Legislature who is now no longer one of us, one who has stepped out from our ranks to take a much higher and more honorable part in the official life of our State, that of our esteemed attorney general—those remarks so “Patt-ly” made on Thursday, Feb. 16, 1911. I will say, to paraphrase those same remarks, Mr. Chairman; “I have no intention of interesting myself in this debate, and I rise for the purpose of making the briefest possible speech. I rise for the purpose of making a motion, and for that purpose alone. I do not make this motion for the purpose of cutting off debate, because the proponents of the motion to debate the resolution will still have some time left; it is simply to move that at the proper time, whenever this Democratic caucus adjourns and the House resumes business, that we may vote by the ayes and nays. (Laughter.)

Mr. DUTTON of China: Mr. Chairman and gentlemen of the committee, as a member of the dominant party in this House, I feel that it is my duty to rise and state my position here tonight, and I will say it is just the position that my distinguished friend here just stated, Mr. Clearwater, as to how we should vote. I represent four as respectable towns as there are in this State, if I do say so, over here upon the east side of the Kennebec river. The men in our towns are men of our nationality almost wholly, men who can read and write and understand the English language well enough to vote. They went to the polls last fall upon this question and there they deposited their ballots. The result of their vote was two “No” votes to one “Yes” vote. I am a member of this House by their votes; I am here as their servant and not as their King, and I have nothing to do with dominating their will. I believe it is my duty to voice the sentiment of the people whom I represent. I know a great many of them, at least, the leading citizens of my town, who voted “No” upon this question, and who have been staunch Democrats all the days of their life, and they have filled the honorable places in the town and are now at the head of the town affairs, some of them, who wish and desire that this question be not submitted to them again at this time to vote upon it.

So I shall vote in accordance with their request and their desire, feeling that as I pronounce the word it is in reality they who are speaking and they who are voting upon the question. I feel that it is none of my business what I may personally think upon this question; it is what my constituents think who with their votes sent me here. I have been credibly informed that in one of the towns which I represent two-thirds of the "No" votes were thrown by the Democrats in that town. Now, how can I go back upon this question, go back upon their desire? I shall endeavor to carry out their desire when this vote is taken. (Applause.)

The CHAIRMAN: I will say to the gentleman from Phillips that this is simply a committee of the whole. Of course a yea and nay vote would be perfectly proper to make certain, but the majority vote of course would prevail for the adoption or rejection of this bill, which is to be reported to the House.

Mr. NEWBERT: I submit that the yea and nay vote cannot be taken in a committee of the whole. There is absolutely no question about it.

The CHAIRMAN: The Chair is informed that the yea and nay vote cannot be taken in a committee of the whole.

Mr. AUSTIN: Mr. Chairman, I think without doubt the point is very well taken. Of course, we have got to take a yea and nay vote when it comes to the final passage of the resolve.

The CHAIRMAN: The question is upon the motion of the gentleman from Yarmouth, Mr. Davies, that this committee of the whole report to the House that this resolve providing for an amendment to the Constitution relating to the sale and manufacture of intoxicating liquors be reported "Ought not to pass." Is the committee ready for the question?

Mr. AUSTIN: Mr. Chairman, I was not here when the original motion was made and I do not know what his motion was.

Mr. DAVIES: Mr. Chairman, my motion was to indefinitely postpone the resolve.

Mr. STRICKLAND of Bangor: Mr.

Chairman, I raise a point of order. The gentleman from Yarmouth, without rising in his seat or calling the Chair, says, "I move to indefinitely postpone." I think the motion was entirely out of order.

The CHAIRMAN: The motion to indefinitely postpone is not debatable and I did not apprehend that the gentleman from Yarmouth wanted to cut off debate, and so I construed it that it would be a vote on the question as to whether the bill ought not to pass. Is the committee ready for the question.

Mr. NEWBERT: What is the question, Mr. Chairman?

The CHAIRMAN: The question is that this committee report to the House that this resolve ought not to pass.

Mr. NEWBERT: That was not the motion of the gentleman.

The CHAIRMAN: No, the motion was to indefinitely postpone.

Mr. NEWBERT: I will submit again that the motion to indefinitely postpone cannot be made in committee of the whole.

The CHAIRMAN: That is the position which the Chair takes upon the question.

Mr. NEWBERT: Mr. Chairman, I move that the committee now rise and through its Chairman report this bill to the House "Ought to pass," and I submit that is the only motion before the committee.

The question being on the motion of Mr. Newbert that this committee of the whole rise and report to the House that this resolve ought to pass.

A viva voce vote being doubted, a division was had and the motion was agreed to by a vote of 60 to 59. (Applause.)

The purposes for which the committee was organized having been fulfilled the committee was dissolved.

#### In the House.

The Speaker in the Chair.

Mr. SCATES of Westbrook: Mr. Speaker, I will report that the committee in the whole has voted that this resolve, providing for an amendment to the Constitution relating to the sale and

manufacture of intoxicating liquors, "ought to pass."

The report was accepted.

On motion of Mr. Murphy of Portland, the resolve received two several readings and was passed to be engrossed.

Mr. PETERS: Mr. Speaker, may I inquire when the final vote on this resolve is to be taken under the plan of the Speaker and his assistants.

The SPEAKER: I would like to obtain the sense of the House upon that proposition. I would like to hear from the members of the House as to when it is desired to take the vote. I want

it so that it will be perfectly fair, in order that both sides may understand and act accordingly. I would like to receive suggestions from the House, and I will call on the gentleman from Ellsworth, Mr. Peters.

Mr. PETERS: Mr. Speaker, I would suggest that tomorrow forenoon be appointed as the time.

The SPEAKER: Is it the pleasure of the House that we take the final vote upon this matter tomorrow morning?

The motion was agreed to.

On motion by Mr. Dutton of China, Adjourned.