

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

HOUSE.

Wednesday, February 19, 1913.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Nichols of Hallowell.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: An Act to incorporate the Southwest Harbor Water District.

In the House this bill was passed to be engrossed, and came from the Senate recommitted to the committee on legal affairs.

On motion by Mr. Walker of Castine, the rules were suspended, and the vote was reconsidered whereby this bill was passed to be engrossed, and on further motion by Mr. Ricker the House voted to concur with the Senate in the recommittal of the bill to the committee on legal affairs.

From the Senate: Report of the committee on railroads and expresses, reporting in a new draft and "ought to pass" on bill, An Act to extend the charter of the Eastern Maine Railroad and to amend the same.

In the Senate this bill was recommitted to the committee on railroads and expresses.

On motion by Mr. Trimble of Calais, the House voted to concur with the Senate in the recommittal of the bill to the committee on railroads and expresses.

Senate Bills on First Reading.

An Act to amend Section 5 of Chapter 88 of the Revised Statutes relating to jurisdiction of trustee actions.

An Act to appropriate monies for the payment of salaries fixed by law for the year 1913.

Resolve in favor of the Maine Insane hospital, for maintenance and support, 1913.

Resolve in favor of the Maine Insane hospital, for maintenance and support, 1914.

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

Judiciary.

By Mr. Sanborn of South Portland: An Act to amend An Act to provide for nomination of candidates of political parties by primary election.

By same gentleman: An Act in relation to certain rights and liabilities of husband and wife.

By Mr. Peterson of New Sweden: Petition of C. A. Kneeland and 21 others of Portage Grange in favor of changing the time of court at Caribou, Aroostock county; also petition of D. W. Gilman and 37 others of Easton in favor of same; also petition of A. H. Anderson and 26 others of New Sweden in favor of same; also petition of George Willey and 30 others of Limestone in favor of same.

By Mr. Sherman of Eden: Petition of W. B. Parker and 45 others of Portland in favor of total repeal of Bar Harbor automobile laws; also petition of A. M. Goodwin and 31 others of Portland for same.

By Mr. Packard of Newburg: Remonstrance of W. H. Clark and 54 others against the passage of An Act entitled "An Act in relation to the registration of Physicians and Surgeons."

Placed on File.

By Mr. Bither of New Limerick: Petition of Mrs. Jennie E. Seamans and 35 others of Cary and Amity in favor of woman suffrage.

Legal Affairs.

By Mr. Kehoe of Portland: An Act to amend Section 30 of Chapter 93 of the Revised Statutes, relating to liens on buildings and lots. (Tabled for printing pending reference to the committee on motion by Mr. Kehoe of Portland.)

By Mr. Mildon of Eastport: Remonstrance of C. E. Stickey and 27 others against the enactment of An Act entitled "An Act to provide for licensing engineers of stationary engines."

Education.

By Mr. Hodsdon of North Yarmouth: Petition of Willis H. Soule of Freeport and 24 others in favor of teachers' pension bill; also petition of Edith M. Greenwood of Yarmouth and 50 others in favor of same.

Mercantile Affairs and Insurance.

By Mr. Smith of Presque Isle: An Act relating to standard provisions for accident and health policies. (Tabled for printing pending reference to the committee on motion by Mr. Higgins of Brewer.)

Agriculture.

By Mr. Emerson of Island Falls: An Act to amend Section 4 of Chapter 35 of the Public Laws of 1909, relative to the licensing of milk dealers. (Tabled for printing pending reference to the committee on motion by Mr. Emerson of Island Falls.)

By Mr. Peacock of Readfield: Petition of Everett R. Drummond and 71 others of Waterville in favor of resolve for Maine Wesleyan Seminary and Woman's College; also petition of H. W. Lord and 27 others of Enfield for same; also petition of Philip H. S. Vaughan and 41 others of Yarmouth for same; also petition of Fred W. Anderson and seven others for same; also petition of E. W. Wentworth and 36 others of Winthrop for same; also petition of Charles W. Jones of Mercer and 22 others for same; also petition of Sumner P. Mills of Farmington and 23 others for same; also petition of Harry L. Plummer and 15 others of Lewiston for same; also petition of Leland H. Miller and 31 others of Albion for same; also petition of John H. Burleigh and 19 others of Waterville for same; also petition of R. W. Duna and six others of Waterville for same; also petition of N. T. Gordon and 17 others of Readfield for same; also petition of C. H. Sturtevant and 31 others of East Livermore for same; also petition of A. W. Pottle of Bridgton and others for same; also petition of B. R. Cram of Mount Vernon and 14 others for same; also petition of N. W. Benner and 25 others of Lewiston for same.

By Mr. Bither of New Limerick: Petition of Charles H. McKeen and 13 others of Linneus in favor of bill establishing an experiment and seed farm in Aroostook county.

By Mr. Peterson of New Sweden: Petition of J. E. Bergerwist and 10 others for same.

By Mr. Smith of Presque Isle: Petition of James Hulbert and 17 others, members of Littleton Grange, for same; also petition of S. P. Archibald and 32 others of Monticello for same.

By Mr. Mooers of Ashland: Petition of R. R. Bearce and 41 others of Ashland for same.

By Mr. Humphrey of Washburn: Resolution of Eastern Grange, No. 159, in favor of same.

Inland Fisheries and Game.

By Mr. Peacock of Readfield: Remonstrance of F. A. Dolloff and 59 others of Mount Vernon, Vienna, Fayette, Rome and Chesterville against the opening of Parker Pond, so-called, lying partly in Kennebec county and Franklin county, to fishing contrary to Chapter 268 of the Private and Special Laws of 1909.

Sea and Shore Fisheries.

By Mr. Hancock of Casco: Remonstrance against the changing of the present lobster law, signed by George A. Johnson of Bailey's Island and 31 others.

By Mr. Harman of Stonington: Remonstrance of E. Thomas and 15 others of Isle au Haut against same.

By Mr. McFadden of Lubec: Remonstrance of R. D. Maker and 30 others of Cutler against same.

By Mr. Hancock of Casco: Remonstrance of Converse D. Moody of South Harpswell and 44 others against same.

Taxation.

By Mr. Merrill of Buxton: Remonstrance of W. S. Dennett and 34 others of Buxton against exempting from taxation the Cyrus Woodman Reservation in the town of Buxton, and Pleasant Mountain Reservation in the town of Denmark.

Androscoggin County Delegation.

By Mr. Smith of Auburn: Petition of Arthur J. Greeley and 83 others for a county farm in the county of Androscoggin; also petition of Louis J. Brann and 45 others for same.

Public Health.

By Mr. Jones of China: Remonstrance of H. H. Cary of Pittston and 35 others against the passage of the Public Abattoir Bill.

Orders.

On motion by Mr. Smith of Presque Isle, it was

Ordered, that on Wednesday of each week, under "Orders of the day," all matters placed on the table in the week preceeding and unassigned shall be taken up without motion and disposed of in the order in which they were placed upon the table.

Reports of Committees.

Mr. Smith of Patten from the committee on judiciary, on petition of Frank E. Stain of Waldoboro and 18 others remonstrating against the establishment of a municipal court in Lincoln county, reported that the same be referred to the committee on legal affairs.

Mr. Austin from the committee on inland fisheries and game, on petition of E. C. White and 27 others of Greenfield asking for a bounty on bears in Penobscot county, reported that the petitioners have leave to withdraw.

Same gentleman from same committee, on petition of E. D. Robbins and 43 others asking that ice fishing be allowed in Pleasant, Labrador and Little Labrador Ponds, in Sumner, Oxford county, reported that the subject matter of said petition has been incorporated in the general revision bill now pending.

Same gentleman from same committee, on petition of G. D. Lydick and 112 others requesting that Long Pond in Somerset county be opened to ice fishing for smelts, reported that the general revision bill now pending covers the subject matter of this petition.

Same gentleman from same committee, on petition of Charles A. Hill and 10 others residents of Belgrade Lakes and vicinity, asking that the smelt law on the Belgrade chain of lakes be repealed, reported that the subject matter of said petition has been incorporated in the general revision bill.

Same gentleman from same committee, on bill, An Act to regulate the taking of fish in Highland Lake, in the town of Bridgton, reported that the subject matter of said bill has been incorporated in the general revision bill now pending.

Same gentleman from same committee, on bill, an Act to regulate fishing in Little Concord Pond and Shagg Pond in Woodstock, county of Oxford,

and in Abbott Pond, in Sumner, reported that the general revision bill covers the subject matter of this bill.

Same gentleman from same committee, on petition of F. W. Hodgman and 42 others in favor of repealing the restrictions on fishing in Davis Pond, Penobscot county, reported legislation thereon is unnecessary as the subject matter of this petition is incorporated in the general revision bill now pending.

Same gentleman from same committee, on petition of J. L. Williams and 57 others asking that Big Wood Pond or Wood Pond, so-called, in Jackman and in Attean Township be opened to ice fishing for smelts, reported that the general revision bill now pending covers the subject matter of this petition.

Same gentleman from same committee, on bill, an Act to regulate the taking of fish in Woods Pond, in the town of Bridgton, reported that the subject matter of said bill has been incorporated in the general revision bill.

Same gentleman from same committee, on bill, an Act to regulate fishing in Upper Hadlock Pond, in Mount Desert, county of Hancock, reported that the general revision bill now pending covers the subject matter of said bill.

Same gentleman from same committee, to which was recommitted petition of E. E. Richards and 56 others for a law permitting ice fishing for pickerel two days in each week in Drury Pond, in Temple, reported that the subject matter of said petition has been incorporated in the general revision bill.

Same gentleman from same committee, on bill, an Act to prohibit fishing in Little Pond, in Rome, reported that the same has been incorporated in the general revision bill now pending.

Same gentleman from same committee, on bill, an Act to prohibit ice fishing in Alewife Pond, in Kennebunk, York county, with petition of Percy J. Dodge and 67 others for same, reported that the subject matter of said petition is covered by the general revision bill now pending.

Same gentleman from same committee, on bill, an Act to regulate fish-

ing in Hall Pond, in Paris, county of Oxford, reported that the general revision bill covers the subject matter of said petition.

Same gentleman from same committee, on bill, an Act to regulate ice fishing in Lake Maranacook, in the towns of Readfield and Winthrop, reported that the same "ought not to pass."

Mr. Kehoe from the committee on legal affairs, reported "ought not to pass" on bill, an Act to amend Section 1 of Chapter 284 of the Laws of 1909, relating to Westbrook Municipal court.

Mr. Cook from the committee on education, on bill, an Act to establish a normal school to be located at Dexter in the county of Penobscot, reported that same be referred to the next Legislature.

The reports were accepted.

Mr. Peacock from the committee on legal affairs, reported "ought to pass" on bill, an Act to amend Chapter 455 of the Private and Special Laws of 1897, relating to increase of the capital of Good Will Home Association, a charitable corporation.

Mr. Chick from the committee on education, reported in a new draft and "ought to pass" on resolve in favor of the Farmington State Normal school.

Mr. Allen from the same committee, reported in a new draft and "ought to pass" on resolve in favor of the Washington State Normal school, to provide for erection of a new dormitory.

The reports were accepted and the several bills and resolves tabled for printing under the joint rules.

Mr. Kehoe from the committee on legal affairs, reported "ought to pass" on bill, an Act to amend Section 14 of Chapter 89 of the Revised Statutes, as amended by Section 1 of Chapter ed by 186 of the Public Laws of 1907, relating to the limitation of actions against executors and administrators.

This bill having been already printed, received its first and second readings and was assigned for tomorrow morning for its third reading.

First Reading of Printed Bills and Resolves.

An Act to amend Section 5 of Chap-

ter 21 of the Revised Statutes of Maine, relating to liens on sewers.

An Act authorizing the city of Westbrook to assume control of Sacarappa cemetery.

An Act to confirm the charter of the York Harbor Reading Room, and to authorize it to provide for certificates of membership.

An Act to incorporate the Monhegan Water Company.

An Act to extend the time in which the Maine Title Guaranty Company is authorized to commence business.

An Act to amend Section 44 of Chapter 41 of the Revised Statutes, relating to the taking of smelts.

An Act for the better protection of smelts in Patten's Bay, in the town of Surrey and county of Hancock, Maine.

Resolve in favor of Peter W. Ranco, representative of the Penobscot Tribe of Indians.

Resolve in favor of Peter J. Newell, representative of the Passamaquoddy Tribe of Indians.

Passed to Be Engrossed.

An Act to enlarge the powers and jurisdiction of the Western Somerset municipal court. (Tabled pending its third reading on motion by Mr. Dunbar of Jonesport.)

An Act to regulate advertisements and solicitations for employes, during strikes, lockouts or other labor disputes.

Resolve in favor of the Eastern Maine Insane hospital, for maintenance and support.

Resolve in favor of an appropriation to provide for participation by the State of Maine in the 50th anniversary exercises on the Battlefield of Gettysburg, Pennsylvania.

Resolve in favor of E. B. Weeks and Isaac F. Tibbetts, both of Old Town.

Finally Passed.

Resolve in favor of the officers of the Senate at the organization of that body, January 1, 1913.

Resolve in favor of repairing the bridge across the Kennebec river between the Plantations of West Forks and The Forks.

Resolve in favor of the repair of covered bridge across the Kennebec river in the town of Norridgewock.

Resolve for the appointment of delegates to the conference of the National Tax Association.

Orders of the Day.

On motion by Mr. Waterhouse of Kennebunk, House Document No. 244, bill, An Act to define and prohibit unfair competition and discrimination and to define the powers and duties of the attorney general in regard thereto, was taken from the table, and on further motion by Mr. Waterhouse the bill was referred to the committee on judiciary.

On motion by Mr. Smith of Auburn, House Document No. 260, bill, An Act to repeal "An Act to provide for the use of uniform ballot boxes and for the preservation of ballots cast at elections, and to provide for returns from said elections, was taken from the table, and on further motion by Mr. Smith the bill was referred to the committee on judiciary.

On motion by Mr. Boman of Vinalhaven, House Document No. 259, bill, An Act requiring safeguards for the protection of all persons employed or laboring in manufacturing establishments and providing civil remedies for all persons so engaged or their representatives, in cases where any such person may be killed or injured while employed or laboring in any manufacturing establishment which is not properly provided with the safeguards required by this act, was taken from the table, and on further motion by Mr. Boman the bill was referred to the committee on legal affairs.

On motion by Mr. Bowler of Bethel, House Document No. 258, bill, An Act to amend Section 17 of Chapter 32, as amended by Section 4 of Chapter 132 of the Public Laws of 1905, relating to close time on deers, was taken from the table, and on further motion by Mr. Bowler the bill was referred to the committee on inland fisheries and game.

On motion by Mr. Bowler of Bethel, resolve in favor of screening the outlet of Upper Kezar lake, in the town of Lovell, was taken from the table, and on further motion by Mr. Bowler, a statement of facts having been inserted, the resolve was referred to the

committee on inland fisheries and game

On motion by Mr. Sturgis of Auburn, House Document No. 241, bill, An Act to amend Section 40 of Chapter 29 of the Revised Statutes, relating to the sale of intoxicating liquors, was taken from the table, and on further motion by Mr. Sturgis the bill was referred to the committee on temperance.

On motion by Mr. Kehoe of Portland, bill, An Act to require loan brokers to obtain licenses from municipal officers of cities, was taken from the table, and on further motion by Mr. Kehoe, the bill was tabled for printing pending its reference to a committee.

On motion by Mr. Kehoe of Portland, bill, an Act to amend Section 2 of Chapter 46 of the Revised Statutes, in regard to loans, was taken from the table, and on further motion by Mr. Kehoe the bill was tabled for printing pending reference to a committee.

On motion by Mr. Smith of Presque Isle, resolve, ratifying an amendment of the Constitution of the United States, providing that the United States Senators shall be elected by the people of the several states, was taken from the table

The SPEAKER: This resolve is now upon its final passage and requires a vote of two-thirds of the members present, providing a quorum is present. All those in favor of the final passage of this resolve will rise and stand in their places until counted.

A division being had, 129 voted in favor, and none opposed.

So the resolve was finally passed.

Special Assignment.

The SPEAKER: Specially assigned for today are the majority and minority reports of the Committee on Labor, to which was referred bill, an Act to amend Chapter 40 of the Revised Statutes, as amended by Chapter 46 of the Public Laws of 1907 and Chapters 70 and 257 of the Public Laws of 1909 relative to the Employment of Women and Children, majority reporting "ought not to pass," minority reporting "ought to pass in new draft."

Mr. MITCHELL of Newport: Mr.

Speaker, I move that the majority report of the committee be adopted.

The SPEAKER: The Chair will state that that motion was made on the presentation of the reports by the gentleman from Island Falls, Mr. Emerson, and this matter now coming off of the table by special assignment, the question is upon the adoption of the motion of the gentleman from Island Falls, Mr. Emerson, that the majority report of the committee be accepted.

Mr. MITCHELL of Newport: Mr. Speaker, I second the motion of the gentleman from Island Falls, Mr. Emerson.

The SPEAKER: The question before the House is on the adoption of the majority report of this committee, reporting "ought not to pass."

Mr. NEWBERT of Augusta: Mr. Speaker, on the 12th of this month this matter was tabled on motion by the gentleman from Biddeford, Mr. Descoteaux, and at his request, this morning, I simply rise to explain the situation for him. There are two reports from the committee on labor, one report signed by seven members of the committee, reporting against the 54-hour law, the other report signed by five members of the committee reporting "ought to pass," in a new draft, proposing 56 hours in place of 54 hours.

I believe it is the desire of the majority of this House to have a chance to vote, today, upon this compromise measure, namely, the bill in new draft, providing for 56 hours. I have not been in consultation with those who have conferred upon it, but I understand from them that the situation now is this, that the motion of the gentleman from Island Falls (Mr. Emerson) to accept the report of the majority of the committee, "ought not to pass," on the 54 hour proposition is before the House, and it is now too late to substitute one report for the other, and it is no stage to be amended.

Now, if we must proceed along this line, and unless the gentleman from Island Falls (Mr. Emerson) will withdraw his motion—if we must proceed along this line, I want to make this thing clear, that is all, that the

friends of labor in this House who desire to enact this 56-hour bill into law will be obliged to vote this morning against the motion of the gentleman from Island Falls, and temporarily, at least, go on record as favoring the 54-hour bill. The only desire of labor now is that the compromise should be adopted, and 56 hours be substituted for 54 hours. I think the Chair will help the House—and there is no doubt about that, because there is a sincere desire on the part of many members here to have this thing so put that there can be no misunderstanding about it. If I understand the situation now, it is this; if the motion of the gentleman from Island Falls (Mr. Emerson) prevails, the whole question leaves the House, and the House will have no chance to vote upon the 56-hour bill. If I am not right in this, I hope the Chair will set me right because I am trying to be right. If the Chair will kindly inform me in a simple parliamentary inquiry, I will put it like this, to help the House out in this matter. If the House should vote down the motion of the gentleman from Island Falls (Mr. Emerson) would it then be in order, Mr. Speaker, to move the acceptance of the other report?

The SPEAKER: The Chair rules that the question now before the House, being the adoption of the motion to accept the majority report, "ought not to pass," that if that vote is carried further consideration of this subject ceases necessarily, and no motion is in order to substitute the report of any other branch or part of the committee for this one. The Chair further rules, in answer to the inquiry, that if the vote on this motion fails of a passage then it will be in order for any member to move to adopt some other report of this committee on this same subject.

Mr. NEWBERT: I thank you, Mr. Speaker. I think that clears up the situation, and puts us just where we ought to be. Now, if we are obliged to vote on the motion of the gentleman from Island Falls, (Mr. Emerson) the friends of the 56-hour bill must vote down his motion. I am not so sure but what the gentleman will withdraw his motion and allow us to substitute,

if it would be in order, the minority for the majority report; and I should say in doing that it will save the House a roll call. The friends of labor want a year and may vote even on this motion, and if the motion is withdrawn I think it will save considerable time.

Mr. MITCHELL of Newport: Mr. Speaker, I want to make a little explanation to the gentlemen of this House. The committee on labor had a hearing on this matter and at that time the subject was pretty well threshed out. It was the decision of the majority of the committee that at this time the State of Maine could not afford to enact a 54-hour law, with the certainty of a lowering of the duties in the tariff law at the special session close upon us, which will prove a great blow to the industries of New England and must prove to be very detrimental to the industries of the State of Maine and of every New England state; also on account of the probability of the passage at this session of a workmen's compensation Act to which both of the old parties are committed in their platforms of last year, of certain other matters such as the high price of coal and the increased cost of operating the mills. For these reasons it was deemed best to report "ought not to pass" on the 54-hour bill. After that vote was taken a proposition was made in the way of a compromise; we were told that if we did not do something the matter would go before the people by means of the referendum; and after that proposition was put up to us, while we did not fear the vote of the people upon this matter, still it was deemed that we might be able to compromise the matter, and five of the members of the committee, including two who had signed the other report, agreed to a compromise. But I say, gentlemen, that after very careful investigation of the matter since these reports were made, the people of the State of Maine do not want any change; the employes as a body do not want any change in the present hours of labor. We would be glad to give the women and children in this State a 54-hour law, could we do it and not affect the operation of the factories and the industries in this State. But

if we give the women and children a 54-hour law it means that the mills will run 54 hours and no more; and at this present time it is not deemed wise to make any change.

I have consulted, gentlemen, with both sides, employers and employes, and I fail to find among the employes, at least in my section, any good reason why we should deprive them of their capacity to earn more wages or the earnings, the present wages under the pieces system. A great many, and in fact the majority of the women, as I understand it, do not work by the day but work by the number of yards they can produce, and in the shoe factories by the number of pairs of shoes they can turn out; and from what I can learn I find that they do not wish to be cut down any in their present earnings under the high cost of living with which we are now confronted. I make this explanation and wish to withdraw my name from the compromise report at this time.

Mr. EMERSON of Island Falls: Mr. Speaker, I do not care to withdraw my motion made in this matter the other morning, and I have nothing further to say in regard to the question.

Mr. DESCOTEAUX of Biddeford: Mr. Speaker, the committee voted seven to one against the 54-hour bill, and I interposed a proposition to the effect that we would compromise on a bill for 56 hours. The committee wanted a week to consider the matter. The following Wednesday we took a vote upon the matter, and the vote stood five to four; at that meeting I told the members of the committee that I was going to put in a minority report on 56 hours, and the committee said I could not do it. I felt pretty sure that I could, and to make sure I found out that I could, and the next morning I went around with a paper and five of the members of the committee signed it, two of the members of the committee signed it, two of the members who had signed the 54-hour bill. That was how that came about.

Now in regard to the gentleman from Newport, Mr. Mitchell, saying that the working people of the State of Maine do not want shorter hours

and that they would get lower wages, I want to say that throughout the State the working people are getting as much, if not more, today, than they were when they were working 60 hours. I know in my part of the State it is a fact; in fact, I was elected to support a 54-hour bill, or a 56-hour bill, and especially the women and children, ought to have at least a 56-hour working day. I move, Mr. Speaker, that when the vote is taken it be taken by the yeas and nays.

Mr. NEWBERT: Mr. Speaker, just one word. This is simply in order that we may all know what we are voting upon. This is a rather complicated affair. I want to say this, that on the roll-call the friends in this House of the 56-hour bill will vote no, on the motion of the gentleman from Island Falls (Mr. Emerson). That will keep the matter before the House, and a motion will follow to adopt the other report.

Mr. BOMAN of Vinalhaven: Mr. Speaker, I do not care to say a great deal in regard to this bill, but I am impressed with the idea that the excuse made by some of the gentlemen in this House, that we are in fear of the people of the State, I do not think is well taken. A few years ago the granite cutters of the State of Maine asked for an 8-hour bill, and they were then working 10 hours. The same objection was made at that time, that if an 8-hour bill was granted to the granite cutters of Maine that the granite industry of Maine would be ruined.

I believe this bill is a just one. Why should not the women and minor children have a right, if they so ask, to have their hours reduced to the extent of two hours a week. I will state in regard to the granite cutters that after the employers had objected to the bill for some little time, they finally agreed to it and the granite manufacturers of Maine and the whole United States accepted the 8-hour day. What was the consequence? Was the granite industry of Maine ruined? I don't think so. It was found out by the manufacturers that they could get just as much work done in eight hours as they could in ten. The men worked

harder and worked steadier while they did work. I think the bill for 54 hours is a just bill.

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Island Falls, Mr. Emerson, that the majority report of the committee "ought not to pass" be accepted. Those voting yes, will vote to end consideration of the matter; those voting no, by their vote will give a further opportunity for other propositions on the same subject. The gentleman from Biddeford, Mr. Descoteaux, demands the yeas and nays. Those in favor of the demand for the yeas and nays will rise and stand until counted.

A sufficient number having arisen, The yeas and nays were ordered.

The SPEAKER: The clerk will call the roll.

YEA:—Allen, Austin, Benn, Bither, Bowler, Bragdon of Sullivan, Bragdon of York, Butler, Chick, Churchill, Donovan, Durgin, Eastman, Emerson, Farrar, Greenleaf of Auburn, Greenleaf of Otisfield, Harper, Higgins, Irving, Jenkins, Jennings, Kimball, Leveille, Marston, McBride, McFadden, Merrill, Metcalf, Mitchell of Kittery, Mitchell of Newport, Mooers, Morrison, O'Connell, Peaks, Pendleton, Peterson, Ricker, Roberts, Sanborn, Skelton, Smith of Auburn, Smith of Patten, Smith of Pittsfield, Smith of Presque Isle, Spencer, Sturgis, Taylor, Thombs, Thompson, Tobey, Trimble, Twombly, Umphrey, Violette, Washburn, Waterhouse—57.

NAY:—Bass, Boland, Boman, Brennan, Brown, Bucklin, Chadbourne, Clark of Portland, Clark of New Portland, Cochran, Connors, Cook, Crowell, Currier, Cyr, Davis, Descoteaux, Doherty, D'esser, Dunbar, Dunton, Eaton, Eldridge, Elliott, Estes, Farnham, Folsom, Franck, Gallagher, Gamache, Gardner, Goodwin, Gordon, Hancock, Harman, Harriman, Haskell, Hodsdon, Hogan, Hutchins, Johnson, Jones, Kehoe Kelleher, of Portland, Killeher of Waterville, Lawry, Leader, Leary, LeBel, Libby, Mason, Mathieson, Maybury, Mildon, Morgan, Morneau, Morse, Newbert, Nute, Packard, Peacock, Plummer, Price, Putnam, Quinn, Reynolds, Richardson, Robinson, Rolfe, Rosseau, Sanderson, Sargent, Seates, Sherman, Skillin, Snow, Sprague, Stanley, Stetson, Stuart, Swett, Swift, Tryon, Wheeler, Winchenbaugh, Yeaton—86.

ABSENT:—Benton, Haines, Maxwell, Pitcher, Ramsay, Stevens Wise—7.

So the motion was lost.

Mr. MARSTON of Skowhegan: Mr. Speaker, I now move that this whole matter be recommitted to the committee on labor, on the ground that

the proponents and the opponents of the 56-hour proposition have not had an opportunity to be heard in an open hearing of the committee.

Mr. NEWBERT of Augusta: Mr. Speaker, I would like to characterize that motion as absurd in the presence of this House. An extended hearing was had on this 54-hour matter at which the opponents and the proponents were present and exploded all that they had to explode. The same arguments made that day by both sides would simply be repeated, and I cannot understand how any member of this House at this late stage of this session of the Legislature should wish to recommit this matter unless they want to kill it. I believe this House wishes to go on record, today, in support of a 56-hour bill for women and girls under 18 and boys under 16. (Applause). I oppose the motion to recommit.

Mr. DESCOTEAUX: Mr. Speaker, I do not see any need of having another hearing on this matter; it will be the same old story, and the same bunch will come before the committee that were here before. The labor people cannot very well afford to come down here again, and as I said, it will be the same old bunch appearing before the committee, and I think it is a waste of time to have this matter given to the committee again. I hope the motion will not prevail.

Mr. SWIFT of Augusta: Mr. Speaker, I can see no reason for delaying this matter further. As the matter now stands, it will give to the women and children of our State a working week of 56 hours. To leave the humane side of the question out entirely, it is in accord with the spirit of the times. Our brick masons work 48 hours a week, and when that regulation went into effect it was felt that no one but a millionaire could even afford to top out a chimney, but we suffered no hardship; our carpenters work 48 hours a week, and we still continue to build houses; other trades have similar hours, and we suffer no hardship. The vote of this House, today, means a great deal to many hard-working women and children; and if

we were deciding for your wife or your daughter, or my wife or my daughter, there is no question in the mind of any member of this House as to the result of this vote. (Applause.)

The SPEAKER: The question before the House is on the motion of the gentleman from Skowhegan, Mr. Marston, that the matter be recommitment to the committee on labor.

Mr. NEWBERT: If the House will bear with me, I wish to state something which I should have stated when I was on my feet before. This is a just bill, and it is a fair bill especially in its new draft. I wish to speak in general of the bill itself, the general terms of it. Your committee divided on this matter, five members of the committee signing the bill in new draft, and seven signing the other. Two of the members signed both.

This is a bill relating to the employment of women, girls under 18 years of age and boys under 16 years of age. I submit, gentlemen, it is in line with the progress of our times, and it is a feeble expression of the spirit of the modern world. It relates particularly to women and children working in the factories and mills of Maine; mainly it relates to the cotton mills and woolen mills and shoe shops. It provides also for emergencies. It is not a radical measure in its new draft, the 56-hour proposition, at least.

I have a pretty good memory, gentlemen. I can go back a number of years, and I may be older than I look to be. I recall vividly when, at the age of 14 years, with my bundle of clothes under my arm I walked eight miles in the dust from a country town to a little village where there was a woolen mill to apply for employment in the school vacation; and I got it, gentlemen. I worked 68 hours a week, or eleven and a quarter hours a day, and for that I was paid the sum of 70 cents a day, \$4.20 a week, a little over six cents an hour. We had three-quarters of an hour at noon time, and we boys didn't have time enough to roll down our sleeves but ran to the boarding house and ate hastily and ran back again. I went away to school again and came back, two years later, and at that time they

raised my pay ten cents, and I received 80 cents a day, and my board increased all out of proportion to that, but I worked the same number of hours per week, practically 68 hours a week. Some years later, when I had left the mill and fitted myself for professional training and had gone part way through, I came up here to this Capitol Building, and in company with Knights of Labor organization I appeared before the committee on labor of the Legislature of 1887, if I am not mistaken, and that Legislature passed without very much controversy a 10-hour law.

I do not remember all the circumstances, but the effect of that was to cut down that mill where I was working as a boy from 68 hours a week to 60 hours a week, and that old mill seemed to adjust itself to that new condition, and it has gone on all these years until four years ago when it went under the 58-hour law. There was no trouble, there was no strike and no lockout; wages didn't go down, but wages went up, and no boy in that mill, today, works for 70 cents as I worked there when I was 14 and 16 years of age.

In 1909, four years ago, this matter again came up, and friends of labor came to this Legislature and asked for a 58-hour law, two hours less; and as I have looked the records through I cannot find there was any division in the committee, no division in this House nor in the Senate, there was no debate on the floor in either branch, there was no yea and nay vote in either branch, but the Legislature of 1909 granted this reasonable request on the part of labor in this State and the 58-hour bill became a law. Four years later labor again comes here and asks for an amendment. All they ask here is for the reduction of two hours, 56 hours a week. What is that, nine hours and 20 minutes a day. I believe the 54-hour bill is reasonable. We want to be fair, however, with the industries of our State, we always have been fair, and I think I was one who advised a compromise on the 56-hour bill.

The industries of Maine, as far as

I know, four years ago had no trouble in adjusting themselves to the new condition. I do not remember of any strikes or lockouts; I do not know of any serious reduction in wages of women and children in the factories of Maine four years ago. The same arguments are being put up now, that these industries cannot live under this new law. Why, gentlemen, it is in the line of progress, and there are some things in this old world of ours that we cannot turn back. We have these great industries in our State, we have them here in Augusta, the stockholders and officials are particular friends of mine. In behalf of working women; in behalf of the girls half grown in body and half developed in mind, those who have to work in factories; in behalf of the boys of Maine under the age of 16 years who are obliged to work in factories and be shut away from the sunshine and the play which belongs to the boyhood of our State, in behalf of labor I ask that when you vote upon this matter to recommend this bill, you vote against the motion of the gentleman from Skowhegan (Mr. Marston).

Mr. WHEELER of Paris: Mr. Speaker and gentlemen of the House, I hope the motion of the gentleman from Skowhegan (Mr. Marston) will not prevail. I believe this matter is one of the most important matters which will engage the attention of the Legislature at this session. I believe the vote that we have just taken is as significant as any vote that will be recorded during the present session. I am in sympathy with the proposition presented in the minority report. I believe it is a movement in the right direction, but so far as that part of it is concerned, I would not be justified in taking the time of this House in addressing you upon any phase of that matter because I believe the matter has been so thoroughly presented that the minds of every one of us have reached a decision upon it.

I address myself solely to the question of recommitment. When I opened the documents of this House and observe that this matter was printed on the tenth day of January. I search my recollection in vain for any reason that can be properly as-

signed now for a recommitment. Without referring to the methods that have been employed in presenting this matter to the consideration of this House, and without questioning anybody's motive, be he a member of this House or a member of the House that meets in the corridors, I believe I voice the sentiment of every man on this floor when I say that this question has had a more extensive hearing than anything which has engaged their attention so far. It was heard in committee, and nobody denies it, whether it is 54 or 56 hours, the proposition was all before the committee; and this matter has been on the table for over a week, or about a week, and during that time, gentlemen, have we not all been interviewed time and time again by people who are interested in stopping legislation of this kind? Their motives I do not question, they are honest undoubtedly; but the matter has been so thoroughly presented by those active and able gentlemen that I can see no possibility and no necessity of calling for a recommitment of this matter to the committee.

Gentlemen, I am proud of the vote that has just been recorded; I believe it does credit to this House. I am sure we all appreciate the fair remarks that have been made for our information. We realize there are members on this floor who are in an embarrassing position, who have friends upon both sides, and if it were possible they would like to do justice by both of them; but the matter has now reached a point where it has not been possible to avoid a yea and nay vote upon the proposition; it has not been possible for certain members to remain silent, even though they intended to at first; it has now reached a point where we will say that, after several weeks of deliberation upon this proposition, we will return it to the committee for a further hearing. This could not add anything to the information which this House now has upon the matter, and I hope this motion for delay and recommitment will not prevail.

The SPEAKER: Is the House ready for the question. The question before the House is on the adoption of the

motion of the gentleman from Skowhegan, Mr. Marston, that the matter be recommitment to the committee. All those in favor of this motion will say aye; those opposed will say no.

A viva voce vote being taken,

The motion was lost.

Mr. NEWBERT: Mr. Speaker, I now move the adoption of the report accompanied by the bill in new draft, known as the minority report, the 56-hour bill.

The motion was agreed to.

The report was adopted, and under the joint rules the bill was laid upon the table for printing.

Special Assignment.

The SPEAKER: The next business before the House is by special assignment the acceptance of either the majority or minority reports of the committee on towns to which was referred bill, "An Act to divide the town of Sanford and incorporate the town of Springvale, majority reporting "ought not to pass," minority reporting "ought to pass."

The question before the House is upon the motion of the gentleman from Van Buren, Mr. Violette, that the majority report be accepted.

Mr. VIOLETTE of Van Buren: Mr. Speaker and gentlemen, I want to say at the outset this is a matter in which I have absolutely no interest beyond an interest I would feel in having justice dealt out where it belongs. Your committee sat there for five or six hours with their minds wide open without friends to reward or enemies to punish, and listened to the arguments advanced by both sides, and to my mind there was not one single good reason why that town should be divided. They laid considerable stress on the fact, if fact it is, that there was more or less wrangling in their town meetings. But from the evidence given I was led to believe it was boy's play and was only carried on by very few. Now those are things which occur in all town meetings. We all have the same thing come up in our town meetings, and if every town asks for division where things do not work in perfect harmony at their town meetings, there would not be a single town in the

State of Maine left intact. It was claimed by Springvale that the villages were two miles apart but it was shown and was not denied, that the actual distance was but a few feet in excess of 1900 yards. The Springvale people did not submit one single figure to show that they had not received their proportion of the appropriation, although they claimed that they had not, but the defense produced figures taken from their town records which showed to the minds of the majority of your committee conclusively that they had received considerable in excess of what they were entitled to. It was shown that the Sanford end paid 76 per cent. of the taxes but did not receive near that amount in appropriations. They pointed out to us that Sanford had a beautiful Town hall, while they had something very ordinary to answer that purpose in their end of the town, but they failed to tell us that a public spirited citizen in Sanford put his hand in his pocket and gave them \$40,000 towards building that hall. They found fault because Sanford had a good public library, but this, too, was given to Sanford by one of its citizens. They claimed that the Sanford High school was fitted with a manual training and domestic science department second to none in the State. But it seems that this was a gift from one of its public spirited men. They dwelt at some length on the school question and from what I could gather this was really the bone of contention, but their counsel in making his argument, admitted that one free High school was better than two and he felt they had little to complain of from that direction. They presented petitions from Springvale showing that some over 400 favored division, while the Sanford end presented petitions carrying somewhere between six and seven hundred names, which it was shown were gathered within 24 hours. I have only touched on a few of the arguments advanced but others were right along the same line, and, as I said before, they failed to show me one single reason why the town should be divided. If we are not going to support the reports of our committees what is the use of having them. As I said at the

outset, this is a matter in which I have no interest and am simply reflecting to you this matter just as it appears to me. I now move that the majority report be accepted.

Mr. FOLSOM of Sanford: Mr. Speaker and gentlemen of the House, in speaking on this matter I will be as brief as possible. In the first place I want to read a paragraph from a document which has been held in veneration by every American since its births, the Declaration of Independence. "Prudence, indeed, will dictate that governments, long established, should not be changed for light and transient causes, and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, persuing unvariably the same object, evinces a desire to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government and to provide new guards for their future security." Gentlemen, I believe we come to you, today, with a case that is unique in the history of this body; the request of the smaller portion of a town to be set off from the larger portion.

The town of Sanford, as now constituted, has a population of approximately 10,000 and an area of some fifty square miles and being the largest town, as regards population, in the State; it has within its limits the village of Sanford with a population of 6000 and Springvale with a population of 3000; 1000 being approximately the population of the outlying districts; these villages are two miles apart from the post office in one to the post office in the other and as brought out in the hearing there is a distance of 3-5 of a mile from the last house in one village to the first house in the other, both of these being farmhouses dating back to great many years.

Now, upon division, according to the terms of this bill, the then town of Sanford would contain about thirty-eight square miles and have a population of over 7000 with a valuation of

about three and one-half millions and would still be the largest town in the State, while Springvale would contain about eighteen square miles, have a population of about 3300 and a valuation of more than one million, would be the third or fourth town in population in York county and with only some twenty towns in the State as large; so that this is not a question of dividing a large town and making two small ones of it, but a question of dividing an over large town, containing two distinct communities each with all the accessories of a large town, into big towns.

This town as now constituted has some two thousand voters, how can this great number or the 12 to 1300 who attend some of the town meetings there, crowd into a hall seating about 650 and do business intelligently?

These villages, outside of their government, are just as separate and distinct communities as though they were 30 miles apart instead of two, Springvale has some 30 stores, 3 churches, fire department, separate Board of Trade, which was organized for some time before the one at Sanford was organized, National Bank, separate water system, separate Mason, Odd Fellow, Knights of Pythias, and Red Men Lodges and other separate clubs and organizations; in fact, is a large, separate and distinct community without the power of governing itself. Now, what reasons do the Springvale people advance for separation and petition this Legislature for the privilege of governing themselves, being allowed to judge of their own necessities, being enabled to carry out their own ambitions, in fine, simply asking for the same opportunity to solve their own problems and help forward their own progress that every other large individual community enjoys.

There has always been, as there necessarily must be where two large villages each with its separate ambitious business district and two large tions and necessities are under one town government, much bickering and trouble between these communities from time immemorial; this first crystallized into a desire for division away

back in 1898, when the movement for division was begun at the Sanford end of the town and resulted in a vote against division; in 1905 Springvale was visited by a great fire, some 57 buildings, including practically her enshoe shops. The next year while she was recovering from this great calamity and was still lame, another movement was started at the Sanford end of the town for division, this also resulted in a vote against division; in the spring of 1911, a mass meeting was held at Springvale and a committee was appointed to come to the Legislature and ask for a division of the town. They did this and Senator Emery, who was a Representative at that time, presented the bill and made some remarks, more or less favorable to it; this was late in the session and required unanimous consent for its consideration, which could not be obtained.

In the winter of 1911-12 division was still a live question and the Sanford and Springvale Boards of Trade each appointed a committee to agree upon the terms and line of division, this in anticipation of the special session of the Legislature, and this bill which is now before this body is the result of that agreement.

This bill was published in all the town papers at that time so that the inhabitants of the whole town became familiar with its terms. In February, 1912, the selectmen, upon petition, called a town meeting, specially for the purpose of testing the sentiment of the town regarding division, the vote was taken at the two polling places, the same as at a State election, and at the Springvale end of the town with about 500 voters on its list the vote stood 296 in favor and 15 against division, a majority in favor of division of 281 and at the Sanford end with about 1500 voters on its list the vote was 139 in favor and 166 against division; a majority against division of 25, in the whole town there being a majority in favor of division of 254, while it is more or less problematical what the feeling of those large number of stay-at-homes in Sanford village believe on this question. Nevertheless, the Sanford Trib-

une, by far the leading newspaper published at Sanford village, which claims to be and which should be in close touch with public sentiment there, has always averred that the feeling in Sanford village was that if Springvale people really wanted the opportunity to govern themselves that they should have the right to do so. There has been petitions presented to this Legislature, praying for the passage of this act, bearing the signatures of 475 of the voters residing in that part of the town of Sanford, which would become the town of Springvale if this bill should become a law, and together with the vote before mentioned that the people of Springvale are consistent and unanimous in coming to this Legislature with this bill of rights.

For a good many years there had been maintained in the village of Springvale a High school, quite a number of years ago Sanford felt as though she needed a High school and her request was granted by the town, so that in the spring of 1911 there was a High school in each village. At that time the Springvale High school had approximately 50 scholars. It was a large school, of high grade, it was doing a good educational work, was of much moment in the social life of the community and an institution of which the people were justly proud and it was one of the things which made Springvale particularly attractive as a place of residence. In the spring of 1911 this school was closed and the pupils who wished to go to a High school from Springvale were made to go to Sanford, transportation being furnished by the town by trolley line.

Now we know there is a strong belief in the consolidation of schools, whether it is being carried too far or not seems to be something of an open question amongst our greatest educators, but I think we can all agree upon this proposition: That there ought to be a good High school in every community where there are sufficient pupils and ability to maintain it.

Schools should be so conducted as to do the greatest good to the greatest number, and if by consolidation the only object you have in view is the fitting of the very small part of your students who may wish

to enter college, to that end, and thereby you make your courses and access to your school so hard, that you lose many of the more impecunious of you, children, those whom the public schools are particularly meant to reach, then consolidation is a failure.

This has happened in Sanford. While Springvale has gained in population 600 or 700 since the closing of its High school, the number of its students in the High school has not increased and the number of its pupils entering the High school from the common schools has decreased. Close observers of the matter are confident that with a High school at Springvale, as before this consolidation of the schools, it would have more than 50 per cent. more students than now attend the High school at Sanford from Springvale. Springvale is able and willing to support a good High school and without the ability to do so it not only loses one of the great attractions to prospective students but its whole educational life is badly crippled. They feel the necessity of it, are willing to pay for it and ought to have the right to have it.

Springvale has for common school buildings a one-room building, built some 35 years ago, in bad repair and on the same lot with a six-room building which was originally built more than 50 years ago and which has been added to, patched up and barely kept usable to the present time. It was in such shape in the spring of 1910 that some of the ex-school committeemen at Sanford village characterized it as wholly unfit to use for school purposes and the superintendent of schools, in his annual report for that year, Hr. Colby, spoke of its condition in the following words: "The accommodations in the Lincoln building are entirely inadequate for the proper care, comfort and good health of the pupils attending," and at the annual town meeting in the spring of 1910 a committee of three was chosen by the town to recommend a site and plans for a new schoolhouse at Springvale. In the spring of 1911, the so-called finance board, being a committee of nine chosen at the town meeting to hold hearings on the town warrant and make recommendations regarding the same to the annual town meeting, recommended a new building at Springvale,

and at its annual meeting in 1911 the town chose a committee and voted \$15,000 to build such a building with. At a special town meeting soon afterwards it was voted to rescind this vote, and the same article being in the town warrant in 1912 the town at its annual meeting again refused to vote to build this schoolhouse, notwithstanding the new superintendent of schools, Mr. Smith, had quoted the words of the former superintendent, Mr. Colby, with approval and had added in his annual report: "At least four rooms should be added at Springvale," and "I hope a new building sufficient for the needs of Springvale may be erected next spring and summer," and this after the High school had been taken from this building. Now during a part of this time there was a school kept in what is known as the Kempton building, a large three-story building containing, besides this room hired by the town for school purposes, four or five tenements, some occupants of which were occasionally before our police court on charges of infringing our laws relative to the sale of intoxicating liquors. This school was closed by the Board of Health and these scholars crowded back into the already overcrowded Lincoln building. And this is not all. Springvale is a compactly built village and it had only two commendable and available sites for the location of a new school building, either of which could have been procured in 1911 or 1912 at reasonable figures. Today neither one of these sites are available, both having been divided up into lots and sold, and today to obtain a suitable lot for the location of a new school building would necessitate a big expense or the going out to the outskirts to an inconvenient location. This shows the far-reaching effect of this feeling of animosity existing between these two communities, a deplorable condition of poor government affecting as it does the educational advantages and even the health of the large number of school children in Springvale, and this is the largest, one of the richest towns in the State.

Springvale has a fire department, originally created by the generosity of its own citizens, and afterwards taken over by the town, it is a fact that this department is and has been for a long time short of sufficient equip-

ment to adequately fight a fire in many locations in the village, they even have not hose enough to run but one stream to some of its manufacturing plants situated near the centre of the village, and this although many representations to the town and the officials thereof have been made to this effect: these things happen when a people have no power to judge of and supply their own necessities but have to throw themselves upon the generosity of a people who outnumber them more than 2 to 1 and who are their natural rivals. This is not good government.

Springvale feels the need of an evening school, they have two in Sanford, we have not been able to get any: they do a good and needed work and there ought to be as many as needed in every large manufacturing community.

Springvale has a public library, this was originally created by the generosity of its citizens, there are taken out and returned from 400 to 600 books a week, it is doing a good work and is a necessity; many assaults have been made upon this institution and it is by the most strenuous efforts that it has been saved; such institutions need a community interest behind them if they are to be a success.

These things, while furnishing, collectively, strong ground for the passage of this act, are more or less subordinate to the fact of this large and individual community, comprising over 3000 people, coming to this body, practically unanimously, and asking for the right of self-government, a right inherent with the whole foundation of our form of government.

Now what objections are made to granting this petition for the division of this town; certain interests come here from the Sanford end of the town and present a mass of figures attempting to show that Springvale has had approximately one-third of all the appropriations in that town and has paid only 24 per cent. of the taxes; enough was brought out on cross-examination to show that these figures were absolutely unfair and unreliable; for instance the most stress was laid upon the fact that Sanford had very generously voted to construct \$11,000

worth of State road in the Springvale end; the evidence showed that this road was built north of Springvale, on the County road over which many of the most prominent men in Sanford village went to their summer cottages at Mousam Lake and was located there because these men wanted it here that in fact, Hon. E. M. Goodall, the prominent citizen in Sanford village, had given \$1000 a year towards this road under the express stipulation that it should commence at the Shapleigh town line and be built south; again, it was shown that an iron and cement bridge over the Mousam river, which had been charged to Springvale, was in fact in the Sanford end and used exclusively by the Sanford people. No contention was set forth that it would do Sanford village any harm for this bill to become a law, the only reason advanced by the opponents of this bill against division was that Springvale had got one-third of the appropriations and only paid 24 per cent. of the taxes; a proposition so absurd that if true, this bill should be made a law and relieve Sanford village of this high priced and expensive neighbor.

One reason was advanced, namely, that with 12 to 1600 voters at a time crowded into a hall with a seating capacity of only 650, on its floor, the town meetings presented no confusion but instead was a very dignified affair, everyone being seated with hats off, no smoking allowed and the utmost quiet prevailing.

It was also shown that the only new buildings that Springvale had had in a long term of years was a new fire house, to take the place of one burned, and costing the town about \$3600 while at Sanford village they have a large wooden school building, worth at least three times as much as all the school buildings in Springvale, a new High School building costing about \$30,000, a new cement school building costing about \$12,000, a new town hall costing some \$80,000, \$30,000 of which the town paid and costing the town over \$2000 a year net to maintain it besides the original investment, a new brick fire house costing \$14,000, a cemetery costing the town so far about \$4000, and from

which Springvale gets no benefit as they have one in Springvale run on the co-operative plan, which with its beautiful location is in prime physical and financial condition, and a new incinerator costing to build some \$2500, a luxury which only a few of the very large cities in New England afford.

Now to summarize, this, as before said, not a question of dividing a good sized town into two small towns, but, a question of dividing an overlarge town into two big towns; one having a population of over 7000 and a valuation of three and a half millions, and the other having over 3000 population and a valuation of over one million and each with all the accessories of individual towns, just as much so as though they were 20 miles apart instead of two.

The village of Springvale is an ambitious, progressive village, its people are energetic and public spirited, why these people within the past few years have put their hands in their pockets and built shoe shops to the amount of \$100,000. Only last summer they raised \$25,000 and built a great factory there and on top of that they raised \$5400 more to insure the building of the Nasson Institute there. Is there any doubt that this people are capable of governing themselves; that they should be relieved from guardianship and given the same rights of self-government as other large communities enjoy. Here are all these people composing this large community actually without representation in the government of themselves. You may say that this went always be so, but why not? They always can have it that way if the Sanford people see fit. This big populous village is left at the mercy of a sister village twice as large as herself and who is her natural rival. What always has been the feeling between these two communities? Division in 1898, continued bickerings, division again in 1906, more bickerings and division again in 1911, 1912 and 1913. The whole foundation of a Republican form of government is self-government by its people. That was the cry of the colonies when they seceded from England. That was the cry of Maine when she separated from Massachusetts. It

has always been the underlying principal of our government that, when a large body of our people showed themselves capable of self-government and demanded the right to govern themselves, that demand should be granted. Now the petitioners, for the enactment of this bill into a law, a big, prosperous, progressive community, come before you and simply ask, what? That they be allowed to govern themselves, to judge of their own necessities and supply them, pursue their own destinies and be granted the same opportunity to push forward to the best results that every and any other individual community enjoys.

They have unanimously decided that they want this common right, who has got the moral right to say them nay?

I hope the motion to accept the report of the committee will not prevail.

Mr. ROLFE of Portland: Mr. Speaker, I only wish to defend myself for the position in which I voted upon this question. I may have to repeat some of the things that have been said by the gentlemen who have preceded me, and when I get through with my remarks you may not know upon which side I stood; so, to begin with, I want to make it plain that I voted for the division of the town of Sanford.

The town of Sanford is the largest town within the borders of this State, having a population of something over 10,000 people. Were you to divide that town, today, upon the proposed division, you would simply leave a small number, about 3000 people in the town of Springvale, and about 7000 in the town of Sanford. The valuation of this town as it stands, today, if I am rightly informed, is more than \$4,000,000. Now, the town of Springvale only asks to be set off and take a little rising the sum of \$1,000,000. There is no town in the State of Maine, today, gentlemen, that has its two Boards of Trade with the exception of this town of Sanford; there is no town that is so divided upon the question of its secret organizations, today, in this State, as the town of Sanford; there is no town in the State of Maine, today, that

deserves division in my opinion as does the town of Sanford.

For example, the small village of Springvale has no Town hall; it has no decent schoolhouse, according to what the gentlemen from the town said before the committee, but it is an actual fact that they have no decent schoolhouse within that large and thriving village. In 1910 and 1911, if I am rightly informed, the town of Sanford did vote to raise the amount of \$12,000 for the building of a schoolhouse within that village. In a short time afterwards a town meeting was called and they rescinded that vote whereby they had voted to raise the sum of \$12,000. The figures I give to you may not be exact, but the idea is right. In 1912, they did have a chance to right themselves before the people of the village of Springvale upon this question because this question was before that town meeting and in the warrant; and what did they do? They had the votes to do it if they wished to do it, but what did they do? They voted to pass over the article, and left the town of Springvale in the same condition, today, that it has been for years past.

In giving statistics in regard to the division of the town they did not go back beyond the year 1905, when a fire almost ruined that village; and since that time of course it was necessary, as you must admit for a little more than the proportional part of the money to be expended in that end of the town. And they dwelt very much upon the roads and the expending of the money in the part of the town which Springvale represents; but it was admitted and brought out before the committee that Sanford in and of itself, with a majority of the voters, did want the money expended in certain localities of the town, and the localities were within the section that Springvale represents.

Now, I do not want to appeal to your sympathy, nor could I appeal to your sympathy upon a question like this. As it was stated before the committee, the idea of division and drawing apart has existed and still exists, today. Springvale comes before this Legislature and says, "We haven't any

town hall; we haven't any school-house; we have a nice little village and an intelligent class of people; we simply ask you to set us off; we have the means and the ability to show to the State of Maine in a few years hence that we will build for you a town that you may be proud of." (Applause.)

Mr. MAYBURY of Saco: Mr. Speaker and gentlemen of the House, if it were my privilege to possess the splendid flow of English of the gentleman from Augusta, Mr. Newbert, or the silvery tongue of my friend, the gentleman from Presque Isle, Judge Smith, it would be a pleasure and a delight to discuss this matter at length; but as I have no silver in my tongue, and very little in my pocket since paying my board, I must forego that pleasure.

As to the matter of the division of the town of Sanford, I hope the majority report will not prevail. It was my privilege for several years to live in this village of Springvale, at a time when the northern end of the town was in the majority. The only argument that has been raised in the lobby in regard to the division of this town was that it would make a Democratic town. Now, gentlemen, there are worse calamities that might happen to a town than to be Democratic. Some of you may not be able to conceive what they are, but there are worse calamities that might happen. My memory goes back some 30 years, and I remember that they used to have a high school there, and a good one I presume, for I taught it myself; and so I know something about the conditions. There has always been eternal warfare between the two villages.

The village of Sanford has now grown to such an extent that it exceeds in size the village of Springvale. In other words, a condition exists now in which the tail wags the dog. It used to be different. A tail is a valuable appendage for a dog, but when that tail gets so cumbersome and so large that it is a serious drawback to the spiritual and physical welfare of the dog it better be amputated; so I hope the majority report will not prevail.

Mr. SARGENT of Portland: Mr. Speaker and gentlemen, it seems as though we have discussed this question long enough. There are only two or three points I wish to mention. Is the town of Sanford big enough to make two towns, is it big enough to divide? We find by the reports that it has got over 10,000 people and the small portion would have only 3000 people. That number of people, 3000 people, is almost twice the average of our country towns. The next point is whether their interests are in common when they are separated. We find, today, that one portion wants to be set off. Now, if they are big enough to have a town of their own let's divide them and let them be set off; and then if they don't have everything they want they can fight it out for themselves.

Mr. DUNTON of Belfast: Mr. Speaker, I did not intend to say anything on this question, and I am not going to take the time of the House for any extended discussion, but as I sat here it occurred to me that some four or six years ago a town in the county of York came before this Legislature for a division, and this Legislature voted to divide the town. That question was submitted to the people of this State, and the people of this State decided that that Legislature had erred.

Now, gentlemen, it seems to me that there is in that decision something worth the consideration of this House. What is the attitude of the State of Maine towards the towns which it has created and which are still existent? There is no doubt but that this Legislature has the right to divide every town in the State, and to sub-divide them; it has the right if it sees fit to make a village corporation or a separate town or a city of every little group of summer cottages that are inhabited about three months of the year; but, gentlemen, with the power there should go also wisdom; and I think that we should consider this question carefully and deliberately before voting to divide the town of Sanford or any other town.

It is true that there is a quarrel, but a quarrel is not necessarily a ground for divorce. There was a time when the people

were required to go to the Legislature to get a divorce. It might be better perhaps if divorce statutes had never been passed; but they have been passed. But the Legislature of the State of Maine has passed no statutes providing for the divorce of towns, and when two parts of a town come before us it is an unusual and an extraordinary act within the supreme power of the Legislature. The judicial department of our government is governed by statute; the Executive can do only what he is permitted to do; but the Legislature can do anything that it is not forbidden to do by the constitution of this State; established by the people of this State we are the supreme power, and the referendum has given them a power over and beyond the Legislature itself.

As I said before, that power was invoked in a similar case, in a town in this same county, and the Legislature received from the people of this State their opinion in another case which, it seems to me, is worthy of our consideration in considering the proposed division of the town of Sanford. Another matter I wish to call to your attention. If Springvale is not divorced, it is for the Legislature of this State to say to any town in the State: "You shall apportion a certain part, whatever part we see fit to say, to be spent in any particular portion of that town." And this Legislature has the right to say to the town of Sanford: "You shall expend in the town of Springvale every dollar of the taxes that are paid by the town of Springvale."

And, Mr. Speaker, I should say that in my opinion the best message we can send to the people of the villages of Springvale and Sanford is, to live together in harmony.

Mr. FOLSOM: Mr. Speaker, I call for the yeas and nays on this question.

The SPEAKER: Those in favor of demanding the yeas and nays will rise and stand until counted.

A sufficient number having arisen,

The yeas and nays were ordered.

The SPEAKER: The question before the House is upon the adoption of the motion of the gentleman from Van Buren, Mr. Violette, that the majority report "ought not to pass" be accepted. Those in favor of this motion on the calling of their names will say aye; those opposed will say no. The clerk will call the roll.

YEA:—Allen, Austin, Bass, Benn, Bowler, Bragdon of Sullivan, Bragdon of York, Butler, Chick, Cochran, Cook, Cyr, Donovan, Dunton, Durgin, Eastman, Emerson, Farrar, Goodwin, Greenleaf of Otisfield, Harriman, Higgins, Hogan, Irving, Jones, Kelleher of Portland, Kelleher of Waterville, Kimball, Leader, Leary, Marston, Mathieson, McBride, McFadden, Merrill, Metcalf, Mitchell of Kittery, Mitchell of Newport, Mooers, Moreneau, Morrison, Morse, Nute, O'Connell, Peaks, Pendleton, Petheron, Roberts, Rousseau, Sanborn, Sherman, Skelton, Skillin, Smith of Auburn, Smith of Patten, Spencer, Stetson, Stuart, Sturgis, Swift, Taylor, Thombs, Trimble, Twombly, Umphrey, Violette, Washburn, Winchenbaugh—68.

NAY:—Boland, Boman, Brennan, Brown, Bucklin, Chadbourne, Churchill, Clark of Portland, Clark of New Portland, Connors, Crowell, Currier, Davis, Descoteaux, Doherty, Dresser, Dunbar, Eaton, Eldridge, Elliott, Estes, Farnham, Folsom, Franck, Gallagher, Gamache, Gardner, Gordon, Greenleaf of Auburn, Hancock, Harman, Harper, Haskell, Hodsdon, Hutchins, Jenkins, Jennings, Johnson, Kehoe, Lawry, LeBel, Leveille, Libby, Mason, Maybury, Mildon, Morgan, Newbert, Packard, Peacock, Plummer, Price, Putnam, Quinn, Reynolds, Richardson, Ricker, Robinson, Rolfe, Sanderson, Sargent, Scates, Smith of Pittsfield, Smith of Presque Isle, Snow, Sprague, Stanley, Swett, Thompson, Tobey, Tryon, Waterhouse, Wheeler, Yeaton—74.

ABSENT:—Benton, Bither, Haines, Maxwell, Pitcher, Ramsay, Stevens, Wise—8.

So the motion was lost.

Mr. FOLSOM: Mr. Speaker, if it is in order, I will move that the minority report be accepted.

The motion was agreed to.

The minority report was accepted, and the bill was then tabled for printing under the joint rules.

On motion by Mr. Austin of Phillips, Adjourned.