

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

HOUSE.

Thursday, March 13, 1913.

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

Prayer by the Rev. M. Miner of Gardiner.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: An Act to amend section 38 of chapter 47 of the Revised Statutes, relating to giving notice of the time and place of sale of shares of stock in corporations to pay assessments.

In the House this bill was passed to be engrossed, and came from the Senate amended by Senate amendment A.

On motion by Mr. Smith of Presque Isle, under a suspension of the rules, the vote was reconsidered whereby this bill was passed to be engrossed, and on further motion by Mr. Smith Senate amendment A was adopted in concurrence.

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

From the Senate: An Act repealing sections three and four of chapter 390 of the Private and Special Laws of 1911 entitled "An Act granting to H. L. Gooch the right to maintain a dam on the East Machias River."

This bill came from the Senate amended by Senate amendment A.

On motion by Mr. Trimble of Calais, Senate amendment A was adopted in concurrence, and on further motion by Mr. Trimble the bill received its first and second readings and was assigned for tomorrow morning for its third reading.

From the Senate: An Act to amend section 88 of chapter 15 of the Revised Statutes, as amended by chapter 48 of the Public Laws of 1905, and as amended by chapter 48 of the Public Laws of 1907, and as amended by chapter 190 of the Public Laws of 1909, and as amended by chapter 23 of the Public Laws of 1911, relating to school holidays.

Senate Bills in First Reading.

An Act to amend sections six, nine and ten of chapter 193 of the Laws of 1909 entitled, "An Act creating the Maine Forestry District and providing for protection against forest fires therein."

Resolve in favor of D. C. Skillin, secretary of the committee on State School for Boys and Industrial School for Girls, for certain committee expenses.

Resolve in favor of appropriating funds for the purchase of filing cases in the office of the Secretary of the Senate.

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

Judiciary

By Mr. Bowler of Bethel: An Act to amend Section 69 of the Revised Statutes, as amended by Chapter 41 of the Public Laws of 1905, relating to non-feasance of duty by sheriffs, deputy sheriffs and county attorneys.

Legal Affairs.

By Mr. Folsom of Sanford: Remonstrance of Rev. J. B. Ranger and 82 others residents of Springvale against House Document No. 306 entitled "An Act in relation to observance of the Lord's Day," also remonstrance of H. T. Huse and 105 others against same.

Education.

By Mr. Elliott of Thomaston: Resolution of Medomac Valley Grange of Appleton in favor of distribution of State school funds according to the aggregate attendance in common schools.

By Mr. Churchill of Madison: Petition of W. O. Paul and nine others of Solon in favor of same; also petition of C. E. Merry and 14 others of Madison in favor of same; also resolution of Kennebec Valley Grange of Madison in favor of same; also resolution of East Madison Grange of Madison in favor of same.

By Mr. Farrar of Ripley: Resolution of St. Albans Grange of St. Albans in favor of same.

By Mr. Estes of Troy: Petition of South Montville Grange in favor of same.

By Mr. Spencer of Berwick: Resolution of Lebanon Grange of Lebanon in favor of same.

By Mr. Elliott of Thomaston: Petition of S. B. Miller and 20 others of Appleton in favor of same.

By Mr. Lawry of Fairfield: Resolution of Victor Grange of Fairfield in favor of same.

By Mr. Kimball of Bridgton: Resolution of Highland Grange of Bridgton in favor of same.

By Mr. Dunbar of Jonesport: Resolution of Harrington Grange of Harrington in favor of same; also petition of H. D. Cunningham and 25 others of Harrington in favor of same.

By Mr. Bass of Wilton: Remonstrance of Wilton Grange of Wilton in favor of same; also petition of William M. Woodcock and 16 others of Wilton in favor of same.

By Mr. Clark of New Portland: Resolution of Fernwood Grange of New Portland in favor of same; also petition of Leroy Lure and 22 others of New Portland in favor of same.

By Mr. Currier of Camden: Resolution of Hope Grange of Hope in favor of same.

By Mr. Spencer of Berwick: Petition of Walter R. Lord and 26 others of Lebanon in favor of same.

By Mr. Currier of Camden: Petition of L. P. True and nine others of Hope in favor of same.

By Mr. Austin of Phillips: Resolution of North Franklin Grange of Phillips in favor of same.

By Mr. Johnson of Brownfield: Resolution of Mount Cutler Grange of Hiram in favor of same.

By Mr. Winchenbaugh of Waldoboro: Resolution of Nobleboro Grange of Nobleboro in favor of same.

Agriculture.

By Mr. Peacock of Readfield: An Act to amend Chapter 195 of the Public Laws of 1911 entitled "An Act to extirpate contagious diseases among cattle, horses, sheep and swine."

Ways and Bridges.*

By Mr. Eastman of Benton: Remonstrance of W. L. Sennett and 100 others of Albion against passage of bill requiring vehicles to carry lights at night.

Placed on File.

By Mr. Irving of Caribou: Memorial and resolution of the town meeting of East Millinocket asking for an investigation of the Bangor & Aroostook Railroad and the Aroostook Construction Co.; also petition of O. L. Keyes and 40 other business men of Caribou in favor of same.

Reports of Committees.

Mr. Ricker from the committee on education, on bill, An Act to provide for distribution of State school funds, reported legislation thereon inexpedient. (The report was accepted, and on motion by Mr. Spencer of Berwick the vote was re-considered whereby the report of the committee was accepted, and on further motion by Mr. Spencer the report, pending its acceptance, was tabled and specially assigned for consideration, on March 26.)

Mr. Allen from the same committee, reported "ought not to pass" on bill, An Act to provide for the payment of State aid to free High schools out of the State school fund.

Mr. Chick from the same committee, on bill, An Act to amend Chapter 177 of the Public Laws of 1909, relating to common school fund, reported legislation thereon inexpedient.

Mr. Mitchell of Newport from the committee on railroads and expresses, on communication from Frank L. Robinson in regard to causing weeds and bushes to be cut from railroad rights of way at dangerous points, reported legislation thereon inexpedient.

Mr. Clark of Portland from the committee on inland fisheries and game, on bill, An Act for the protection of deer in York county, also on bill, An Act to repeal Chapter 90 of the Private and Special Laws of 1911 entitled "An Act for the better protection of deer in York county," reported that the subject matter of said bill is covered by the general revision bill to be reported, and recommended that said bill be placed on file.

Same gentleman from same committee, on petition of Henry Hewey and others for regulations upon fishing in certain waters tributary to Moose river, reported that the same be placed on file as the general revision bill to be reported covers the same subject.

Same gentleman from same committee, on bill, An Act relative to prohibiting fishing in McIntyre and Junkins Brooks, so-called, in the town of York, county of York, reported that the same be placed on file as the subject matter of said bill has been incorporated in general revision bill to be reported.

Same gentleman from same committee, which was instructed by order of the Legislature to inquire into the expediency of amending the deer law in the counties of Androscoggin, Kennebec, Waldo, Knox, York, Lincoln, Cumberland and Sagadahoc, and on the islands of Mount Desert, and on the islands within the limits of the town of Isle au Haut, and in the town of Swan's Island, and on Cross and Scotch Islands, reported that the subject matter of said order is covered by general revision bill to be reported, and that the order be placed on file.

Mr. Mathieson from the same committee, on bill, An Act to regulate fishing in Upper Patten's Pond Brook in the town of Orland with petition for same, also remonstrance of D. E. Hurley and others against the passage of a law closing Patten's pond to fishing, reported that the same be placed on file as the subject matter has been inserted in the general revision bill to be reported.

Same gentleman from same committee, on petition of Ralph Dexter and others relative to fishing in Sandy and Alder streams and their tributaries in Lexington and Highland, reported that the same be placed on file as the general revision bill covers the subject matter of said petition.

Same gentleman from same committee on bill, An Act to regulate fishing in Belgrade stream between the bridge at Belgrade Depot and the dam at Wing's Mills, reported that the same be placed on file as the subject matter is covered by the general revision bill to be reported.

Same gentleman from same committee, on bill, An Act to regulate fishing in the tributaries to Pickerel pond, in Turner, Androscoggin county, reported that the same be placed on file as the subject matter is covered by the general revision bill to be reported.

Same gentleman from same committee,

on petition of Forrest H. Colby and 21 others, residents of Bingham and vicinity, relating to fishing in Pleasant pond in The Forks and Carratunk, reported the same have been placed on file as the subject matter is covered by the general revision bill to be reported.

Mr. Clark of Portland from the same committee, on bill, An Act to protect game birds in the town of Eden, county of Hancock, reported that same be placed on file as the subject matter in new draft has been incorporated in the general revision bill to be reported.

Mr. Pendleton from the committee on sea and shore fisheries, reported "ought not to pass" on bill, An Act to protect cod and other ground fish in the waters off the coast of Maine.

Mr. Cochran from the committee on inland fisheries and game, reported "ought not to pass" on bill, An Act to amend Section 59 of Chapter 41 of the Revised Statutes, relating to boats, etc., of non-residents forfeited.

Mr. Stevens from the committee on sea and shore fisheries, reported "ought not to pass" on bill, An Act for the better protection of herring in Penobscot bay.

Mr. McFadden from the same committee, reported "ought not to pass" on bill, An Act to abolish the office of commissioner of sea and shore fisheries.

Mr. Boman from the same committee, reported "ought not to pass" on bill, An Act to prohibit the shipment of lobsters out of the State during certain months.

Mr. Stevens from the same committee, reported "ought not to pass" on bill, An Act to amend Section 1 of Chapter 84 of the Private and Special Laws of the State of Maine for the year 1895, to prevent the destruction of smelts in Union river and Morgan's bay, their harbors, coves and tributaries.

Mr. Boman from the same committee, reported "ought not to pass" on bill, An Act to amend the present law in regard to the measurement of lobsters.

Mr. Mildon from the same committee, reported "ought not to pass" on bill, An Act to amend Section 21 of Chapter 41 of the Revised Statutes, as amended by Chapter 65 of the Public Laws of 1909, relating to the shipment of lobsters.

Mr. Stevens from the same committee, reported "ought not to pass" on bill, An

Act to amend Chapter 41 of the Revised Statutes, relating to sea and shoe fisheries.

Mr. Bragdon of Sullivan from the same committee, reported "ought not to pass" on bill, An Act to amend Chapter 41 of the Revised Statutes, relating to sea and shore fisheries, extending the close time on packing of sardines.

Mr. Gordon from the committee on claims, reported "ought not to pass" on resolve in favor of Felix G. Sirois, M. D. (Tabled pending the acceptance of the report on motion by Mr. Cyr of Fort Kent.)

Same gentleman from same committee, reported "ought not to pass" on resolve in favor of Herbert L. Kimball.

Mr. Sprague from the committee on pensions, reported "ought not to pass" on resolve in favor of Emma F. Walker.

Mr. Maybury from the York county delegation, reported "ought not to pass" on bill, An Act to change the shire town of Alfred in York county to the city of Saco.

Same gentleman from same delegation, reported "ought not to pass" on bill, An Act to cause the removal of the records of the registry of deeds and the register of probate in the county of York from Alfred to Saco in said county, and the erection of a building suitable for the same.

The reports were accepted.

Mr. Waterhouse from the committee on judiciary, reported in a new draft and "ought to pass" bill, An Act to amend an Act to incorporate the Madison Water Company.

Mr. Durgin from the same committee, reported in a new draft and "ought to pass" bill, An Act to incorporate the Bowdoinham Water & Electric Company.

Mr. Smith of Auburn from the same committee, reported in a new draft and "ought to pass" bill, An Act to repeal Chapter 64 of the Public Laws of 1909, requiring mufflers on motor boats.

Mr. Smith of Presque Isle from the same committee, reported in a new draft and "ought to pass" bill, An Act to amend the Act establishing the Northern Aroostook Municipal Court.

Same gentleman from same committee, reported in a new draft and "ought to

pass" bill, An Act to create the Temple Water District.

Same gentleman from same committee, reported in a new draft and "ought to pass" bill, An Act to incorporate the Stockholm Water Company.

Mr. Allen from the committee on education, reported in a new draft and "ought to pass" resolve in favor of Monmouth Academy.

Mr. Chick from the same committee, reported in a new draft and "ought to pass" resolve in favor of Lee Normal Academy. (Tabled pending the acceptance of the report on motion by Mr. Thombs of Lincoln.)

Mr. Cook from the same committee, reported "ought to pass" on bill, An Act to amend Section 97 of Chapter 15 of the Revised Statutes, as amended, relating to appropriation for the schooling of children in unorganized townships.

Same gentleman from same committee, reported in a new draft and "ought to pass" resolve in favor of Nasson Institute for young women for maintenance and extension of its work.

Mr. Ricker from the same committee, reported in a new draft and "ought to pass" resolve in favor of Aroostook Central Institute.

Same gentleman from same committee reported in a new draft and "ought to pass" resolve in aid of repairing Springfield Normal Academy building.

Mr. Mitchell of Newport from the committee on railroads and expresses, reported "ought to pass" on bill, An Act to amend Section 13 of Chapter 53 of the Revised Statutes, in relation to taking of land by street railroad companies.

Same gentleman from same committee, reported in a new draft and "ought to pass" bill, An Act to regulate and establish mileage rates for the conveyance of passengers over steam railroads within the State.

Same gentleman from same committee, reported "ought to pass" on bill, An Act to amend Section 26 of Chapter 51 of the Revised Statutes, in relation to taking of land by railroad companies.

Mr. Trimble from the same committee, reported "ought to pass" on bill, An Act to incorporate the Farmington-Oakland Interurban Railway.

Same gentleman from same committee, reported in a new draft and "ought to pass" bill, An Act to amend Section 30 of Chapter 51 of the Revised Statutes, as amended by Chapter 127 of the Public Laws of 1905, as amended by Chapter 92 of the Public Laws of 1907, relating to railroad branch tracks.

Mr. Stevens from the committee on sea and shore fisheries, reported in a new draft and "ought to pass" bill, An Act for the better protection of herring and herring fisheries in the waters of St. Croix river and Passamaquoddy bay, in the county of Washington.

Mr. Boman from the same committee, reported "ought to pass" on bill, An Act establishing a close time on lobsters in the waters of Jonesport and Addison, in the county of Washington.

Mr. Milton from the same committee, reported "ought to pass" on bill, An Act to regulate the size of smoked herring boxes.

Mr. Packard from the same committee to which was recommitted bill, An Act to amend Section 41 of Chapter 41 of the Revised Statutes, relating to the taking of smelts, accompanied by petition, reported that the same "ought to pass."

Mr. McFadden from the same committee, reported in a new draft and "ought to pass" bill, An Act for the better protection of clams within the town of York, county of York.

Same gentleman from same committee, reported in a new draft and "ought to pass" bill, An Act to prohibit lobster pot fishing in York river.

Same gentleman from same committee, reported "ought to pass" on resolve memorializing the Maine Congressional Delegation to favor legislation for the destruction of fish of the shark species, especially the dog fish.

Mr. Gordon from the committee on claims, reported in a new draft and "ought to pass" resolve in favor of Lizzie Bean and her children.

Same gentleman from same committee, reported "ought to pass" on resolve in favor of the town of Hollis.

Same gentleman from same committee, reported in a new draft and "ought to pass" resolve in favor of Lucinda P. Brackett.

Mr. McFadden from the committee on

pensions, reported "ought to pass" on resolve in favor of Mary Buzwell Ridlon.

Same gentleman from same committee, reported "ought to pass" on resolve in favor of Annie Jones.

The reports were accepted and the several bills and resolves ordered printed under the joint rules.

Majority and minority reports of the committee on claims on resolve in favor of DeForrest Keyes, majority report, reporting in a new draft and "ought to pass" resolve in favor of DeForrest Keyes, signed by Messrs. Allen, Austin, Scates, Sanderson and Gordon; minority report A, reporting "ought not to pass," signed by Messrs. Colby, Conant and Hutchins; minority report B, reporting in new draft and "ought to pass" resolve in favor of DeForrest Keyes, signed by Messrs. Johnson and Kimball.

On motion by Mr. Hutchins of Penobscot, all three reports were tabled pending the acceptance of either and specially assigned for consideration, on Tuesday of next week.

First Reading of Printed Bills and Resolves.

An Act additional to Chapter 94 of the Private and Special Laws of 1903, entitled "An Act to prevent the pollution of the waters of Sebago lake."

An Act relating to the transportation of fish taken in the waters of Davistown, Stetsontown, Seven Ponds Towns and Massachusetts Gore, so called, in Franklin county.

Passed to Be Engrossed.

An Act to ratify and confirm the organization of the Augusta Poultry Experiment Station and grant additional powers to said corporation.

An Act to authorize the construction and maintenance of a dam and other structures in the River St. Francis.

An Act to amend Section 51 of the Revised Statutes, as amended by Chapter 48 of the Public Laws of 1905, as amended by Chapter 238 of the Public Laws of 1909, as amended by Chapter 113 of the Public Laws of 1911, relating to the election of truant officers.

An Act to amend Section 34 of Chapter 15 of the Revised Statutes, as amended by Chapter 173 of the Public Laws of 1907, entitled "An Act to prevent the pollution of

1911, relating to the management of schools and the election of the superintendent of schools by the superintending school committee.

An Act to amend Section 8 of Chapter 195 of the Public Laws of 1911, relating to the disposition of cattle reacting to the tuberculin test.

An Act to amend Chapter 220 of the Private and Special Laws of 1867, entitled "An Act to unite the Maine Baptist Convention and the Maine Baptist Missionary Society."

Resolve in favor of an appropriation to complete the historical record of Maine men serving in the United States navy during the War for the Suppression of the Rebellion, 1861-1865.

Resolve authorizing the land agent to sell the State's interest in Lot Number One, east of Fish river in Wallagrass plantation, Aroostook county.

Resolve for an amendment to the Constitution providing for the classification of property for the purposes of taxation.

Resolve providing for an epidemic or emergency fund.

Mr. Plummer of Lisbon offered House Amendment A, to amend by striking out the words "annually for two years," and inserting in place thereof the words "for 1913."

The question being on the adoption of House amendment A,

The amendment was adopted, and the resolve was then passed to be engrossed as amended.

Passed to Be Enacted.

An Act to amend Section 63 of Chapter 15 of the Revised Statutes, as amended by Chapter 73 of the Public Laws of 1907, and as further amended by Chapters 62 and 116 of the Public Laws of 1909, relating to payment of tuition in secondary schools.

An Act to amend Chapter 504 of the Private and Special Laws of 1889, incorporating the Otter Creek Bridge Company.

An Act to provide for the State certification of all teachers in public schools.

An Act to make valid the organization of the Pepperell Association of Kittery, Maine, under Chapter 57 of the Revised Statutes, in the year 1897.

An Act to prohibit the use of automobiles on public roads in the town of Islesboro.

An Act to amend Section 13 of Chapter 4 of the Revised Statutes, as amended by Chapter 79 of the Public Laws of 1907, and as further amended by Chapter 200 of the Public Laws of 1909, relating to election of road commissioners. (tabled pending its passage to be enacted on motion of Mr. Boman of Vinalhaven.)

An Act to authorize the city council of the city of Belfast to grant permission to Matthews Brothers to construct and maintain a suspension bridge over and across Front street in Belfast.

An Act to provide a punishment for certain indecent and immoral offenses.

An Act to amend Chapter 154 of the Private and Special Laws of 1895, as amended by Chapter 156 of the Private and Special Laws of 1911, relating to the charter of the Wiscasset Water Company.

An Act to authorize Frank W. Hunt & Company to erect and maintain a bridge across the Mattawamkeag River.

An Act to disorganize Plantation No. 8 in the County of Hancock.

An Act to amend Chapter 30 of the Private and Special Laws of 1911 authorizing the Wiscasset, Waterville & Farmington Railway Company to dispose of part of the property of said company.

An Act to punish the making or use of false statements to obtain property or credit.

An Act in relation to boards of registration of voters.

An Act to provide for the indeterminate sentence and punishment for crime upon conviction thereof, and for the detention and release of persons in prison or detained on such sentence, and for the expense attending the same.

An Act to amend Chapter 292 of the Private and Special Laws of Maine of the year 1909, relating to the Mexico Water Company.

An Act to amend Section 3 of Chapter 60 of the Revised Statutes, as amended by Section 2 of Chapter 98 of the Public Laws of 1909, also to amend

Section 7 of said Chapter 60, relating to the Department of Agriculture.

An Act to amend Section 8 of Chapter 13 of the Private and Special Laws of 1911 entitled, "An Act to create the Bingham Water District."

Finally Passed.

Resolve in favor of the purchase of the Maine State Year Book for the years 1913 and 1914. (Tabled pending its final passage on motion by Mr. Rolfe of Portland.)

Resolve in favor of Percy F. Jones and Rose L. Jones.

Resolve for military pensions.

Resolve providing means for the examination of claims for State pensions.

Resolution to correct certain errors and omissions which appear in Chapter 72 entitled, "An Act to provide a charter for the city of Gardiner," of the Private and Special Laws of 1911, as printed in volume of the laws of the State of Maine for 1911.

Resolve relating to the documentary history of Maine.

The SPEAKER: There comes up at this time on its passage to be enacted, bill, An Act permitting the use of automobiles in the town of Eden.

Mr. SMITH of Patten: Mr. Speaker, before this matter is put upon its passage I desire to address the House briefly upon the subject. There are questions involved in reference, as we all know, to the repeal of the act or acts excluding automobiles from Bar Harbor. The history of the case is familiar to us all. I only desire to go over it just briefly for the purpose of again fixing the issue in our minds. There were two or three propositions introduced in the House covering the use of automobiles in Mount Desert and the use of automobiles in Eden or Bar Harbor. There were long and patient hearings given in relation to these propositions before the judiciary committee in the chamber of this House where everybody who had aught to say upon that subject had a full opportunity to say it. The committee considered it carefully and, we hope, well; and came to our conclusion, which we hope was a wise one,

and consented to a bill permitting the people of Mount Desert—bill introduced by the gentleman from Mount Desert, Mr. McBride—to vote upon the question. That was perfectly satisfactory, and appears to be perfectly satisfactory now. Another bill covering this proposition was introduced by the gentleman from Eden, Mr. Sherman. He came, subsequent to the general public hearing, before our committee; and later the Honorable Speaker of the House came before our committee, and explained their position in relation to it. The committee was not willing to report "ought to pass" with the emergency clause attached. The gentlemen who appeared before us and asked for a public hearing, were perfectly content, as we understood it, that that might be stricken from the bill, and that there might be inserted in the bill a provision that on three dangerous roads they should still be excluded. Now there was an understanding, and the gentleman from Eden took these bills, went away, and had further consultation, and brought us back the McBride bill as it was, and brought back a draft written by themselves which the committee adopted and reported to this House. Now I say for the judiciary committee that we are not sensitive upon attacks upon our reports. We expect them to be turned down if, in the judgment of this House, they are not what they ought to be; and we have had our reports turned down before this session. We have no feeling whatever about it. But never during the session of this House have the judiciary committee, nor, I believe, any other committee, had a proposition attacked by its proponents when they granted them what they asked for. These gentlemen proposing this measure, the minute they got the report of the committee granting them what they wanted, reached out for more; and went about it in this House, as every member of this House probably by this time knows—deliberately went to work to cut the ground out from under the report reported by ten members of this judiciary committee at their request. We say whatever re-

sult—and I want to go into the record as saying that these gentlemen have imposed upon this committee by their conduct. I say it to them here, and deliberately and firmly. And then their proposition was to get an emergency clause placed upon this bill; and the gentleman in a discussion, the other day, said: "Yes; that Act was what we wanted; but now we want some more. Want it, why? Because our business interests are affected; our financial interests are affected; and therefore we come to you to get something more than we asked the committee for, and something more than they were willing to grant." Now I submit that is not fair.

And the gentleman went further and said that there had been a great lobby here; a lobby here in the interests of the summer residents. I want to say to the members of the House that the only lobbyist that has ever approached me upon the subject—the only lobbyist, so far as I know, who has ever approached a member of the committee upon the subject—was the lobby behind the gentleman from Eden. That is where the lobby was; and that has been the lobby that has tried to get this in your judiciary committee. But, gentlemen, further, he said: "We want this emergency clause put on." Why? Because some wicked men, like Dr. Elliot of Harvard, and men of his class, who have put millions of dollars into this resort and rendered Bar Harbor possible—these kind of men who have built costly palaces there where before there were fishermen's huts—have interfered; and he wants this emergency clause put on because these men are going to buy a referendum from the electors in the State. That is what he says—that your constituents and my constituents are going to be bought by Dr. Elliot and his associates who come here like gentlemen and never personally undertake, by themselves or counsel, to talk to a single member of your committee. Now that is the situation. But there is something deeper than all that. The real proposition before this House is whether, because of a demand by private business interests and commercialism, you are

going to nullify the Constitution of your State and treat it as a dead law.

We have here in this State the referendum. Who demanded it? The people of the State demanded it. They demanded it so that by their vote they might have a check upon wise and unwise legislation. Now I was a part and parcel of that. This resolve reporting the proposition of the initiative and referendum was voted by a Legislature of which I was a member; reported from a judiciary committee of which I was a member, in 1907; presented upon the floor of this House by myself; at the demand of what we supposed was the people of the State and their organizations; and it was adopted. I had the pleasure of presenting it, and leading the fight for it on the floor of this House; but I little dreamed when I did that at the demand of the people—at the demand of the labor organizations—that six years hence I should stand upon the floor of this House and be called upon to defend that action, and defend the Constitution of the State against the assaults of commercial interests of Bar Harbor, or anywhere else. I believe the people meant what they said. I ask you, gentlemen, who believe in the referendum how you are going to reconcile your conscience to vote in such a manner that the effect of that constitutional provision of the initiative and referendum shall be nullified? If you do not believe in it—if there is anybody here who does not believe in the initiative and referendum, I ask you what you are going to say to your people at home who believe in it when they ask you why, in the interests of livery stables, and garages, and land owners in Bar Harbor you have nullified the law and the Constitution of the people, today? What are you going to say to them when they ask you why you did it?

I have no interest in this thing. I do not care anything about automobiles in Bar Harbor. I have not a special matter of legislation before this House, and have not had this session; and I am speaking solely in the interest of what I believe is the interest of the people of this State, and in defence of the sanctity of the Constitution of our

State. A gentleman in the Senate, in debate, yesterday—a member of the Bar, a lawyer, I suppose, if a member of the Bar—said that we wanted an elastic Constitution—an elastic Constitution!—so that you can do, gentlemen, today, one thing if expediency demands it, and, tomorrow, if expediency demands it, you can do just the reverse. You should have no constitutional restraints at all upon your conduct provided it interferes with your personal affairs and your pocketbook; and he said further that he was willing to leave constitutional questions to one senator and to the gentleman in the House. I suppose, as I have made a few remarks upon that question he meant me. Now I do not pose as a constitutional lawyer. I am a plain country lawyer, doing a simple, small law business for a simple, small clientage. I am not a constitutional lawyer, or a very good lawyer any way; but I am lawyer enough to know what every layman on the floor knows,—that the Constitution prohibits you to apply the referendum except in cases where it affects the public peace, health or safety. There is no doubt about what it means. It seems to be a terrible reproach to speak in defense of the Constitutional law, and if gentlemen have the hardihood to do it they are said to pose as constitutional lawyers. It used to be a term of dignity. Men all through history have embedded themselves in their country's history because they were the defenders of the Constitution. The immortality of Daniel Webster rested largely upon the fact that he was the great defender of the Constitution and believed in living up to it,—to its principles, and to its rules. Now, then, let me ask you, before you vote upon this question, suppose you had said to your constituents,—the men who elected you,—I do not believe in the referendum, and when I get to Augusta the very first time some gentleman comes up who has got a financial deal on and wants to hurry the thing along I will vote to tack an emergency clause on that bill so as to get it out from the jurisdiction of the initiative and referendum; and suppose your opponent said I do not believe in anything of that sort. I be-

lieve in standing by the Constitution. Do you believe you would have been elected? Would not the other fellow have been elected? Now your constituents will talk about this a little later.

Early in the session we had a Constitutional question discussed, and there was a difference of opinion as to the meaning of some language in the Constitution, and the gentleman from Phillips (Mr. Austin) who addressed you the other day insisted that we should obey the Constitution. I agreed with him, and I voted with him. From his standpoint, the gentleman on the other side had a different interpretation; and he said "Yes, we should obey the Constitution; but I interpret it this way, and you interpret it that"; but the gentleman on the other side, I will say to his credit, did not have the hardihood to say we should read into the Constitution anything of that sort if it was not there by the construction of the language in it. But the gentleman from Phillips comes in here and tells you that on this little automobile bill from Bar Harbor that we should read into the Constitution of the people in addition to the words "public peace, health and safety" the words "public welfare." Now I am sorry that the gentleman from Phillips has gone back on me. I am sorry he is asking you to do something which he said earlier in the session we should not do; and I was in hopes I might have the friendly support of the gentleman from Augusta who did not ask me to do such a ridiculous thing as reading something new into it.

Now I am about through, gentlemen. I stand right here on this principle. There is not a man in this House, no matter what you pride yourself to be, that does not know that this bill does not come under the emergency clause of the Constitution. If you want to tear the Constitution to pieces I shall have to submit to it, I suppose; and I suppose if you do, it will then be in order for me to introduce a resolve to tear it to pieces in full. We should not be bothered with this slow process. We should immediately proceed to make it elastic. A resolve of this

sort will be in order, and it is sure of receiving a passage if that is your opinion about what we ought to do with the Constitution; and this is the resolve that later I may think it necessary to offer: "Resolved that the Constitution of the State by right ought to be, and is, hereby abolished." In that way you will prevent any further difficulty hereafter. (Applause.)

Mr. SMITH of Presque Isle: Mr. Speaker, as the gentleman from Patten (Mr. Smith) has said, referring to himself, I am a member of the bar but not very much of a lawyer. I happen to be a member of the judiciary committee, and I think I can fairly state that as a member of this House at this session I have treated every other member with respect and with courtesy; I think it can be fairly said that as a member of the committee on judiciary I have treated with respect and courtesy every member of the House who has had occasion to appear before that committee. Like the gentleman from Patten (Mr. Smith) I am not very well pleased with the way the committee on judiciary has been treated in this Bar Harbor automobile matter. Who is responsible for that treatment, I do not undertake to state. The committee as a committee acted in good faith, and it was expected that the other people who had the matter in charge before the committee would also act in good faith.

Now, Mr. Speaker, I have absolutely no feeling in this attack upon the report of the judiciary committee; I have attacked committee reports before now myself, some of the reports which have come from my own committee, and that matter does not concern me in the slightest.

Just for one minute I wish to call attention to this matter, and the trouble is that they have got the emergency clause attached to it, and I want to call attention for just about a minute if it is not out of date to the emergency clause in the Constitution. The Constitution says: "An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety." Now, I lay this down as a proposition—I will assume for a minute that my

friend, the gentleman from Augusta (Mr. Newbert), who sits on my right, may in the not distant future perhaps be Governor of this State—and he would not make a very bad Governor either—and I will assume that I was a candidate for appointment as a justice of the supreme judicial court, and I will state, gentlemen, notwithstanding reports to the contrary, that I am not a candidate.

Mr. NEWBERT of Augusta: I will appoint you. (Laughter.)

Mr. SMITH (continuing): Now, assuming that the gentleman from Augusta (Mr. Newbert) was candidate for Governor and that I was a candidate for the office of justice of the supreme judicial court, and he should put a proposition up to me something like this: "Mr. Smith, is the matter of the passage of the Bar Harbor automobile bill—is that a matter which affects the public peace, health and safety?" and supposing I should say "Yes," what would the answer of my friend be, assuming him to be Governor? Why, he would say: "Mr. Smith, if that is your idea of constitutional law, and constitutional construction, if that is your idea as a lawyer, I guess I will hunt around and find somebody who has got a different notion; I don't want to appoint a man as justice of the supreme judicial court who has any such loose ideas concerning constitutional law," and he would be absolutely right about it.

Mr. Speaker, if anyone should come to my office and put the proposition up to me as a legal proposition, asking for an answer, and who would be willing to pay for it, I should tell him, undertaking to tell him soberly and seriously, that this matter of this Bar Harbor automobile was a matter which affected the public peace, health or safety, he would simply laugh at me and say: "Smith, you had better change your business; you had better become a plumber," or something like that.

What reason are you going to give, if you vote this emergency clause, when your boy or your girl who may be interested in this proposition, what answer are you going to make when they say: "Pa, in what way did that automobile affair down to Bar Harbor affect the public peace, health or safety?"

What answer are you going to give? Now, I have talked with half a dozen different members since this matter came up, and some of them have told me they were going to vote for it, and I have asked them what logical reason they had for supporting the contention that the emergency clause should be attached. There is no answer. Every member knows that the public peace, health and safety of this State is not affected in the slightest by the bill which is now on the Speaker's table.

Now, the gentleman from Eden (Mr. Sherman), that power behind the throne here, stated in his speech four times, as I recollect it, that if they did not have the emergency clause somebody was going to buy a referendum. Buy a referendum! Somebody was going to buy 10,000 electors of the State so as to get a referendum. What is the market price, gentlemen, of a referendum in Bar Harbor?

Mr. SHERMAN of Eden: Five cents a vote.

Mr. SMITH: I guess that is about it, and I guess you are capable of buying them, too, if the electors are on sale. It is a curious proposition, gentlemen, whether the people of the State of Maine are in the market to be bought by the millionaires who come to Bar Harbor. The suggestion is an unworthy one, and it ought not for a moment to be considered. I do not believe for one moment that the electors of Maine, 10,000 of them are in the field ready to be bought by the gentleman from Bar Harbor (Mr. Sherman) or by the millionaires or by anybody else.

I think, gentlemen, the real emergency which is troubling the gentleman from Eden (Mr. Sherman) is the referendum itself, and he wants us to read into the constitutional provision that if there is any danger of a referendum then that shall constitute an emergency and the makers of the Constitution which included the Legislature and the people of the State of Maine did not put any provision in there. As has been stated, the very idea of the referendum was to allow the people to pass upon measures which come from the Legislature if they were dissatisfied with the legislative action.

Mr. Speaker, I am aware that it is of no use to discuss this proposition at

any great length, and every member of the House undoubtedly has made up his mind precisely how he will vote; but when we do vote, and I suppose every member wants to go on record, I move that the vote be taken by the yeas and nays.

Mr. SHERMAN of Eden: Mr. Speaker, I have been accused of bad faith in this matter, and I wish to place myself right before this House. When I first came here I introduced the bill with an emergency clause attached to admit automobiles into the village of Bar Harbor. Shortly after I had introduced that bill, in talking with an experienced legislator he told me that I had made a mistake to put the bill in before the judiciary committee with an emergency clause attached, for the reason that the committee was supposed to pass upon the merits of the bill and that the Legislature was the judge as to the time when it should take effect. The committee considered the bill, as you have been told, and one day while

I was walking in the corridor of the House I met the gentleman from South Portland (Mr. Sanborn) for whom I have the highest regard. Mr. Sanborn told me that his committee had before them four automobile matters and they had left it with Mr. Smith, the gentleman from Patten, to tell me what they wanted. He said: "You will find Mr. Smith down in the judiciary room." I went down to that judiciary room and Mr. Smith was the only member of the committee on judiciary present, the only man when I went in. I said to him, "I understand that you want to see me regarding the Bar Harbor automobile bill," and he said, "Yes, we have been over your question and the one thing that we won't agree to is the emergency clause." Those are the exact words that he used. He then said, "You go ahead and make a new bill, leaving out the road down through the town of Mount Desert, and giving the town the opportunity to close up three roads, and bring that back to me and I will place it before the committee, and I think we will report on it." Gentlemen, that is the true history of that case. No member of that committee was present excepting Mr. Smith, and all the information that that committee has since obtained has come through Mr.

Smith of Patten, who has chosen to abuse me, and he says that on the seventh day of March I agreed to have a referendum, that emergency clause taken out. I deny that I ever agreed to have the emergency clause taken out; I intended all the time to have it put on as an amendment; and if there is a member of the judiciary committee present who will say that I have ever said to him, or that I ever agreed to any such proposition, you have got your information from Mr. Smith, the gentleman from Patten, who has always been against us, I know.

Now, gentlemen, that is a plain statement of the facts of the case. The gentleman from Patten (Mr. Smith) also says that the only lobby that has been here on the automobile question has been the lobby working with me. Now, Mr. Speaker and gentlemen, the Bar Harbor people employed and paid Joseph Williamson for presenting our case before the judiciary committee. The fund for that purpose was not paid by Wall street, but it was paid by the people of Bar Harbor. Mr. Graham, the county attorney of Hancock county, is the attorney for W. M. Roberts of Bar Harbor, the largest tax payer in Bar Harbor—and by the way, I want to say right here that Mr. Roberts has done more to build up Bar Harbor than all of the summer residents there combined. His father built the first hotel in Bar Harbor in 1855, and Mr. Roberts is our leading citizen and he has been engaged in this fight for 10 years, and when a man pays a tax of \$5000 and don't kick about it, and you say to him that he shall not use the roads which he has helped to build, I tell you what, it is no wonder that he feels sore. Now, gentlemen, that is the only lobby that we have had here, the only paid lobby, and that has been paid by the people of Bar Harbor and not by a few multi-millionaires from New York.

I will ask the gentleman, what was Charles H. Wood doing here at the Augusta House, and what has he been doing here all winter? What has Thomas Leigh of Augusta been doing here all winter? For what reason did the Hon. L. B. Deasy appear before the judiciary committee? What was Roscoe Eddy do-

ing here, the man who misrepresents labor? You know what he has been doing. (Applause.) He has been working for the public good. I want to ask you what Dr. C. C. Morris has had a suite of rooms at the Augusta House for? It is true, he has not been here very much because he has been sick. And there are others whom I might mention, and you say there has been no lobby. This bill was secured by a lobby, and that is the only way the first bill was ever passed in, and we all know it.

Gentlemen, this is a very unusual bill; you had to stretch your Constitution when you enacted this law. Bar Harbor is the only place on God's Earth that you can reach in an automobile where they are absolutely prohibited. Just bear that in mind. Now I am not going to argue that this is strictly within the Constitution, this emergency measure, but I will tell you that you have done a great wrong to Bar Harbor, and I think the quicker you right that wrong the more respect the people of Bar Harbor will have for this Legislature.

It is very strange, gentlemen, that this emergency measure should have been picked out to make a fight upon. It seems to me that Bar Harbor has attracted an awful lot of attention. You would think that this was the first emergency measure that ever came before this House. In 1909, in Chapters 3 and 7 of the Laws of 1909 the emergency measure was attached to a bill setting apart Lincoln's birthday. Now Lincoln had been dead for 47 years, and can you tell me, gentlemen, why we couldn't wait 90 days more before putting an emergency clause on Lincoln's birthday? Chapter 108, known as the brown-tail moth law—of course we could wait 90 days on a measure like that; Chapter 103, creating the Maine Forestry District, had attached an emergency clause; Chapter 230, an Act relating to the Maine Forestry District had an emergency clause attached—and I won't read the rest of them, but there are 25 of them altogether. Here is one that struck me as being important, Chapter 24 of the Laws of 1909, where the emergency clause was attached to the taking off of a close time in the winter on lobsters in Hancock county. (Laughter.) This was taking off a close

time off of lobsters in the winter time, and the bill was not approved until Feb. 19, and that carried the emergency clause. You will see by that, gentlemen, that winter was pretty well along, and it seems to me they might have waited a little while for that. Chapter 24 had an emergency clause attached on the scallop fishing in Penobscot bay; another one was in favor of the Eastern Maine hospital; others were resolves for the Indians, and fish hatcheries and all sorts of things. In 1911, only two years ago, there was an emergency clause attached to another scallop law; in 1911 also on the appropriation for the permanent improvement of highways. Was that an emergency measure within the meaning of the Constitution? Also a change in the military law was another one—preparing for war with Mexico, I suppose. Another one in 1911 was the packing of food, canned food.

Now, gentlemen, I am not opposing these measures, but I want to tell you that the only object in fighting this emergency clause today is to kill the bill; that is all there is to it. With regard to the emergency clause, and whether it is desirable or not, I am going into the enemy's camp to get my argument. Mr. Benjamin F. Hadley of Bar Harbor is a very respectable citizen, and I very seldom try to differ with him in my opinion because he is well posted, a very able and respected citizen. Mr. Hadley wrote to the chairman of the judiciary committee, and he has sent me a copy of his letter, which is as follows:

"Hon. Albert J. Stearns, Chairman
Judiciary Committee, Augusta, Me.
"My dear Sir:—

I am taking the liberty of addressing you relative to the Automobile question now before your honorable body for consideration. And first let me say that I have lived in the town of Eden for more than 50 years, and in the village of Bar Harbor for 33 years, and that during this latter period my whole business has been in connection with, and my livelihood derived from the summer visitors, whom alone have made Bar Harbor what it is. In this Automobile war that has been waged so persistently for several years past, I have so far forth as I

had any influence, honestly, earnestly, and consistently opposed all attempts to secure their admission among us, believing they would be a great detriment to the best interests of our town and island as a summer resort. Nor have I at the present changed my mind as to the unwisdom of repealing the present statutory enactment. I am, however, becoming convinced that the consensus of opinion is the other way, and that the law will in all likelihood be repealed.

"If such is to be the case, having at heart only the best interests of our town, and the safety of its people, I am writing to you to express my views, in the event of the passage of the Sherman bill, upon the actual necessity of attaching thereto the emergency clause,—because of actual danger to life and limb that might otherwise result. And first let me ask if your honorable body realize that in the village there are over 900 school children, who in their progress to and from the various school buildings, and during their play hours have had free access to our streets with almost nothing to fear from our moderate moving horse drawn vehicles. Now, at least, nine-tenths of these children have never seen an automobile, and have no conception of the speed with which they move, nor the constant vigilance necessary to be exercised in order to avoid them. Just picture for a moment what might be liable to result, if upon a given day in the early part of July next all restrictions should be removed and automobiles, by the dozens surely and possibly by the hundreds should invade our town, and in the joy of conquest and the flush of victory sweep through our streets even though at what might appear to their occupants to be at a moderate rate of speed, and yet which as compared with the movements of our four-footed friends, to which all are so accustomed, would be swift indeed. Add to this the somewhat strange appearance of these new vehicles, and the uncertainty as to their movements, on the part of those who are seeing them for the first time, the honk of their horns and the general confusion that might naturally be expected to ensue under

conditions thus engendered, and I assure you that we would not be at all likely to escape without the sacrifice of innocent lives

"And this fear of grave danger need not be entertained with regard to our juvenile population alone but will apply with equal force to our adult citizens in their handling of the hundreds of horses which up to the present time constitute our only method of traffic and conveyance, and it is a well known fact that many of these horses have in the past few years been sent in here from the surrounding country and sold because of their antipathy to automobiles.

"These and various other reasons that might be enumerated if necessary, seem to me to constitute in this particular case, a strong element of danger to public safety, within the meaning of the emergency clause, and I do believe that if in the event of the passage of the Sherman bill, it can go through with said emergency clause attached it will reduce the danger nearer to the point of that of ordinary automobile travel!

"My reason for so believing is, that if our roads can be opened to autos early in April, a few of our citizens who already own them will at once begin to use them in a quiet way, trying their wings, so to speak—with occasional additions to the numbers in our own midst, and as spring comes on and roads settle for travel, they will begin to come in from the outside, but in such gradually increasing numbers that both people and horses will have had a fair chance to accustom themselves to their use and movements, in the three months before early July, at which time the real rush might be expected to begin.

"I certainly think that with this period of preparation and this opportunity for familiarization the element of danger could be largely eliminated.

"In the event of the passage of the Sherman bill without the emergency clause, I fear you can scarcely appreciate the position in which our town will be placed from a business point of view, because of the entire uncertainty following such action.

"Any men, or group of men, being willing to expend a little money in continuing the fight can at any time within 90 days invoke the aid of the referendum, and hang up the whole thing and until the expiration of that time neither autoist or anti-autoist would know where they were at, or what plans to make for the season.

"The most of our wealthy cottage owners, while opposed to the admission of autos, will in "self-defense" as they have expressed it to me, bring their own if the ban is removed. Now in this condition of uncertainty which it is possible to bring about, these people not knowing whether to bring their stable equipment or their autos, might before the question could be settled here, solve the problem themselves, by staying away altogether, and the same thing would hold true with many who rent cottages here, each season.

"Thus you see that without a speedy and final settlement of this vexing question there is a more than even possibility of the loss of thousands of dollars the coming season to our town which is entirely dependent for its income upon our summer visitors. The above statement is intended to apply only in case of the passage of the Sherman bill without the emergency clause, and all that I have written if considered at all, is only in that same connection. If the present exclusion act could be retained it would be good enough for me.

"In closing I may say that in thus expressing my opinion upon this matter I but voice the sentiment of a large number if not a majority of those who, like myself, have always opposed the advent of automobiles, but who now believe that if they are to come, the only safe and sane way to admit them is as I have indicated.

"Very truly yours,

(Signed) "BENJ. L. HADLEY."

I have a letter also from the selectmen, signed by all of them, and the town treasurer, urging upon me to use every effort to get the emergency clause attached on this bill. Gentlemen, I was selected by the people of my town, and they voted at a meeting called since this Legislature has been

in session, by a vote of more than two to one, to have this law repealed, and they also voted to ask you to put the emergency clause on. Do you believe that I agreed with the gentleman from Patten (Mr. Smith) to have that emergency clause taken out? I did not. (Applause.)

Mr. SMITH of Patten: Mr. Speaker, I simply desire to say to the House what would be apparent to every member of the House upon a moment's reflection, that the gentleman from Eden (Mr. Sherman) has not discussed the issue at all. He has simply presented an argument from a commercial standpoint. Now just for one moment will I delay you. The gentleman protests very vigorously that he did not assent to the taking out of the emergency clause, and that he never was satisfied, and he reiterates that. Now, I desire in answer to that, which answers the whole proposition, to read to you the testimony of the gentleman himself (Mr. Sherman), and you will find it on Page 711 of the Legislative Record of March 7, and this is his language: "I was satisfied with the bill as reported by the committee until I found out that it was positively true that they were to buy a referendum; and that is the reason why I have had this emergency clause put on." That is the testimony of the gentleman himself.

Mr. NEWBERT of Augusta: I wish to say to the House that when I am Governor if Judge Smith is as alive and brilliant as he now is, he will be my first choice for any vacancy which occurs in the bench of the Supreme Court of this State; nor do I know a gentleman who would more adorn that position.

I do not believe that the gentleman from Eden needs any support from me this morning. I believe he is right in his contention. All the discussion here resolves itself into a simple proposition. The issue before this House, this morning, is not the Constitution of Maine. The issue here resolves itself into the rights of the people of the town of Eden,—if they shall longer be kept out of their rights by an act of the Maine Legislature. If it were necessary even to stretch the construction of the special amendment

I believe we should try to right this wrong, and give these people justice. Now there has been nothing said here to show that any man believes that 10,000 voters of Maine could be bought. Every man sitting here knows that the multimillionaire cottage owners of Bar Harbor, with all their money, can organize, by the employment of able attorneys, and employment of canvassers, to the end they can not only get 10,000 subscribers, but they can get 20,000 and not have to buy a man. It is well known. When this great lobby behind these multi-millionaires—non-residents of this State—practically support the bill, I think that attitude should arouse the suspicion of this House; and it is well known that they intend to take this to a referendum, and they are able to do it; and they believe a referendum would kill the bill.

Now I submit, gentlemen, that the fisherman living in a hut on the island of Mount Desert was there before Wall Street came there. He had then his rights; he has today his rights. I would rather support the contention of the people of Bar Harbor who live there all the year around—who get their living there, who have their homes there, who support their schools and all their institutions. They have their rights, and they are the people who constitute the town of Eden. I am not going into a discussion of the Constitution of Maine. I do know this—you have thought the measure is an emergency measure, when it is so decided by 101 members of this House; and there is no other way to construe it. This is an emergency measure; it is in the interest of the people, not only in Bar Harbor, but in this State, and when a matter like this is in the interest of the people, as against the multi-millionaires of other states, it comes mighty near being an emergency matter under the Constitution of this State. (Applause.)

Mr. MITCHELL of Kittery: Mr. Speaker, I have no disposition to attack the report of the judiciary committee, nor would I say anything against my friend on the other side

who made such a gallant defense for post-officers in the limited time that was placed at his command. Neither would I say anything about my friend of the same family who wants to make a member of this House a candidate for Governor, but I first want him to be elected Mayor of Augusta.

We have heard a great deal during the time that I have served as a member of this Legislature about the automobile at Bar Harbor; it has been in and out; and the lobby, like the poor, has been with us on both sides, and there can be very little said upon either side in regard to that matter. Now whatever was said to the committee by the gentleman from Bar Harbor (Mr. Sherman), I do not understand that he had any commission from this House to say that we could not amend the report of this great committee when it came in. You noticed, gentlemen, yesterday, that we amended a report that came in from this same committee; and I claim that we have the same right, today, to amend that report, and that no commission was given to any man to appear before that committee, which took away our rights.

It has been said that we should not invoke the emergency clause in regard to this matter. This automobile traffic means a great deal to the people of our State, to the people from Kittery to Bar Harbor. I know something about the summer business, and I know that I ought to be home, today, preparing for it. Why not give the people of Bar Harbor a chance to prepare for this business, so that when this traffic comes through the State they will be prepared for it. These people stop at my house in their automobiles, and they stop at different places, and we all get something out of it. This emergency clause has been applied to the lobster industry, it has been applied to the clam. Now why not apply it to this matter and clean up once for all this question which has been before us for so many years, this automobile question at Bar Harbor. (Applause.)

The SPEAKER: The question before the House is on the passage to be enacted of this bill, an Act permit-

ting the use of automobiles in the town of Eden. This bill has had its two readings in the Senate and passed to be engrossed; it has had its three readings in the House and been passed to be engrossed; it has been reported by the committee on engrossed bills as truly and strictly engrossed; it contains the emergency clause. On its passage to be enacted it requires the votes of two-thirds of the members elected to this House, or 101 votes. The gentleman from Presque Isle, Mr. Smith, has demanded the yeas and nays. Is that demand participated in by the required number. 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.

Mr. Dunton of Belfast asked the consent of the House to refrain from voting upon this question.

Mr. Smith of Patten moved that the gentleman from Belfast (Mr. Dunton) be excused from voting.

A viva voce vote being taken,

The motion was lost.

The SPEAKER: The gentleman from Belfast, Mr. Dunton, is not excused by the House. All those in favor of the passage of the bill to be enacted, when their names are called, will answer yes; those opposed with answer no. The clerk will call the roll.

YEA:—Allen, Austin, Boland, Boman, Bowler, Bragdon of York, Brennan, Brown, Bucklin, Butler, Chadbourne, Chick, Churchill, Clark of Portland, Clark of New Portland, Cochran, Connors, Crowell, Currier, Cyr, Davis, Doherty, Dresser, Dunbar, Eastman, Eaton, Eldridge, Elliott Estes, Farrar, Franck, Gamache, Gardner, Goodwin, Gordon, Greenleaf of Auburn, Greenleaf of Otisfield, Haines, Hancock, Harman, Harper, Harriman, Haskell, Higgins, Hodsdon, Hutchins, Irving, Jennings, Johnson, Kelleher of Portland, Kelleher of Waterville, Lawry, Leader, Leary, LeBel, Libby, Marston, Mason, Mathieson, Maxwell, Maybury, McFadden, Merrill, Metcalf, Milton, Mitchell of Kittery, Mitchell of Newport, Morgan, Morneau, Morrison, Newbert, Nute, O'Connell, Pendleton, Peters, Peterson, Pitcher, Price, Putnam, Quinn, Reynolds, Richardson, Ricker, Roberts, Robinson, Rolfe, Sargent, Sherman, Skelton, Skillin, Smith of Pittsfield, Snow, Sprague, Stanley, Stetson, Stevens, Sturgis, Sweet, Taylor, Thombs, Tobey, Trimble, Violette, Washburn, Wheeler, Winchenbaugh, Wise, Yeaton—109.

NAY:—Bass, Benn, Bragdon of Sullivan, Cook, Descoteaux, Donovan, Dunton, Durgin, Emerson, Farnham, Folsom, Gallagher, Jenkins, Jones, Kehoe, Kimball, McBride, Mooers, Morse, Peacock, Peaks, Plummer, Rousseau, Sanborn, Sanderson, Smith of Auburn, Smith of Patten, Smith of Presque Isle, Spencer, Stuart, Swift, Tryon, Twombly, Umphrey, Waterhouse—35.

ABSENT:—Benton, Bither, Hogan, Leveille, Ramsay, Scates, Thompson—7.

The **SPEAKER:** One hundred and nine having voted in the affirmative and 35 in the negative, the motion prevails, and the bill is passed to be enacted bearing the emergency clause.

Orders of the Day.

Mr. Spencer of Berwick moved that resolve to determine and establish the liability of the Portland & Rochester Railroad Company, its lessees and successors in interest for the future repair and maintenance of Horne's Bridge, so-called, and approaches thereto, in the town of Lebanon, in the county of York, be indefinitely postponed.

A viva voce vote being taken,

The motion was agreed to, and the resolve was indefinitely postponed.

Mr. Spencer of Berwick moved that bill, An Act to amend Chapter 151 of the Private and Special Laws of 1887 entitled "An Act to create the Roman Catholic Bishop of Portland and his successors a corporation sole, as amended by Chapter 47 of the Private and Special Laws of 1891," be specially assigned for consideration, on Tuesday of next week.

The **SPEAKER:** Is the assignment satisfactory to the gentleman from Van Buren, Mr. Violette, who laid the matter upon the table?

Mr. **VIOLETTE** of Van Buren: I will second the motion, Mr. Speaker.

A viva voce vote being taken,

The motion was agreed to, and the matter was specially assigned for consideration on Tuesday of next week.

The **SPEAKER:** The first matter for consideration under assignment for today is bill, an Act to amend Chapter 489 of the Private and Special Laws of 1901 entitled "An Act to supply the town of Lubec with pure water." The pending question is concurrent action with the Senate in refer-

ring the bill to the next Legislature.

Mr. **McFadden** of Lubec moved that the House concur with the Senate in its reference of the bill to the next Legislature.

The motion was agreed to.

The **SPEAKER:** The next matter assigned for today is bill, an Act to incorporate the Jackman Water, Light & Power Company. The pending question is the third reading of the bill.

On motion by Mr. **Marston** of Skowhegan, the bill was tabled and specially assigned for consideration, tomorrow.

On motion by Mr. **Boman** of Vinalhaven, House Document No. 481, bill, an Act providing for inspection of bakeries and confectioneries, was taken from the table, and on further motion by Mr. **Boman** the bill was referred to the committee on labor.

On motion by Mr. **Sanborn** of South Portland, the report of the committee on judiciary, reporting "ought to pass" on bill, An Act to incorporate the Winthrop Water District, was taken from the table, and on further motion by Mr. **Sanborn** the report was re-committed to the committee on judiciary.

On motion by Mr. **Sanborn** of South Portland, the vote was reconsidered whereby the House, yesterday, accepted in concurrence with the Senate the report of the committee on judiciary, reporting "ought not to pass" on bill, An Act to supply the town of Winthrop with pure water, and on further motion by Mr. **Sanborn** the bill was re-committed to the committee on judiciary.

On motion by Mr. **Cook** of Vassalboro, House Document No. 457, resolve for further public instruction in forestry, was taken from the table, and on further motion by Mr. **Cook** the resolve received its second reading and was passed to be engrossed.

Mr. **Quinn** of Millinocket moved to take from the table, House Document No. 474, resolve in favor of aid in

constructing a bridge in the town of Milo.

The SPEAKER: The Chair will state that this matter is on the table specially assigned for March 18.

Mr. Quinn then withdrew his motion.

On motion by Mr. Thombs of Lincoln, the vote was reconsidered whereby the House accepted the report of the committee on education, reporting "ought to pass" in new draft on resolve to aid in repair of Springfield Normal Academy buildings, and on further motion by Mr. Thombs the matter was tabled pending the acceptance of the report of the committee.

On motion by Mr. Newbert of Augusta, the rules were suspended and

that gentleman introduced out of order by unanimous consent bill, An Act to provide for an election of officers in cities by plurality vote, and on further motion by Mr. Newbert, the bill was referred to the committee on legal affairs.

On motion by Mr. Cyr of Fort Kent, Senate Document No. 447, bill, An Act relating to the Fort Kent Electric Company, was taken from the table, and on further motion by Mr. Cyr the bill was specially assigned for consideration on Tuesday of next week.

On motion by Mr. Maxwell of Boothbay Harbor,
Adjourned.