

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

HOUSE.

Friday, March 28, 1913.

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

Prayer by the Rev. Mr. Coons of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: An Act relating to the assessment of the county taxes in the several counties for the year 1913.

In the Senate this bill was read twice under a suspension of the rules and passed to be engrossed without reference to a committee.

On motion by Mr. Pendleton of Searsport, the rules were suspended and the bill received its three several readings and was passed to be engrossed without reference to a committee.

From the Senate: An Act to repeal Chapter 149 of the Resolves of 1911 and to provide for a State paper.

In the Senate the report of the majority of the committee was accepted; in the House the minority report of the committee was accepted. The Senate now subsequently voted to insist on its action in accepting the majority report and asked for a committee of conference, such committee having been appointed by the Senate.

Mr. Newbert of Augusta moved that the House adhere to its former action in accepting the minority report of the committee.

A viva voce vote being taken,
The motion was agreed to.

From the Senate: An Act to regulate the sale of morphine and other hypnotic or narcotic drugs.

In the House this bill was passed to be engrossed, and came from the Senate in that branch amended by Senate Amendment A.

On motion by Mr. Clark of Portland, under a suspension of the rules, the vote was reconsidered whereby the bill was passed to be engrossed. Senate Amendment A was adopted in con-

currence, and on further motion by Mr. Clark the bill was then passed to be engrossed as amended, in concurrence.

From the Senate: An Act to amend Section 8 of Chapter 325 of the Private and Special Laws of 1897 entitled "An Act establishing a municipal court in the city of Waterville."

In the House this bill was passed to be enacted, and came from the Senate in that branch indefinitely postponed in non-concurrence.

On motion by Mr. Jones of China the House voted to recede and concur with the Senate in the indefinite postponement of the bill.

From the Senate: An Act to amend Section 67 of Chapter 52 of the Revised Statutes, relating to accidents on railroads.

In the House that branch concurred with the Senate in the reference of the bill to the committee on railroads. When the bill was reported to the Senate, in that branch it was indefinitely postponed.

On motion by Mr. Washburn of Perry the House voted to concur with the Senate in the indefinite postponement of the bill.

From the Senate: Resolution asking the commissioner of labor and industry to inform the Governor as to the weekly payment of wages by the State.

In the House the resolution received a passage and in the Senate the resolution was indefinitely postponed.

On motion by Mr. Boman of Vinalhaven the House voted to adhere to its former action in the passage of the resolution.

From the Senate: An Act to incorporate the Sheepscot Valley Conservation Power Company.

In the House this bill was passed to be engrossed, and came from the Senate in that branch indefinitely postponed in non-concurrence.

On motion by Mr. Dunton of Belfast the House voted to recede and concur with the Senate in the indefinite postponement of the bill.

From the Senate: An Act to enlarge the powers of the Sheepscot Valley Power Company.

In the House this bill was referred to a committee in concurrence with the action of the Senate. The bill came from the Senate in that branch indefinitely postponed.

On motion by Mr. Dunton of Belfast the House voted to concur with the Senate in the indefinite postponement of the bill.

From the Senate: An Act to regulate the business of dealing in securities.

This bill came from the Senate accompanied by Senate amendments.

Mr. Mitchell of Newport offered House Amendments A, B and C.

On motion by Mr. Smith of Patten the report of the committee with all amendments was laid upon the table for the printing of House Amendments A, B and C.

From the Senate: Resolve in favor of Healey Asylum of Lewiston for maintenance.

This resolve received its first reading and was assigned for Monday afternoon, March 31st, for its second reading.

Mr. KEHOE of Portland: Mr. Speaker, yesterday, I laid on the table a resolve in favor of an address to the Governor for removal of Lewis W. Moulton, sheriff of Cumberland county; also an order relative to the same matter. Now in order to expedite that matter I move that it be taken from the table under suspension of the rules. I understand the House is to adjourn today, until Monday, and taking into account the fact that the sheriff is ordered to appear here, Tuesday, I think we ought to expedite this matter; therefore I move that the resolve and order be taken from the table.

Mr. NEWBERT of Augusta: Mr. Speaker, I wish to offer House Amendment A to the Senate resolve in favor of the adoption of an address to the Governor for the removal of Lewis W. Moulton, sheriff of the county of Cumberland, to amend said resolve by adding the following:

"Resolved, That both branches of the Legislature after due notice given according to the Constitution, will proceed to consider the adoption of an address to the Governor for the removal of John W. Ballou, sheriff of the county of Sagadahoc, for causes following:

First. Because the said John W. Ballou, who is now holding the office of sheriff of the county of Sagadahoc and has held said office continuously since the first day of January, 1913, wilfully or corruptly refuses or neglects to perform the duties required of him as said sheriff by Section 68 of Chapter 2 of the Revised Statutes of this State, as amended by Chapter 41 of the Public Laws of 1905, and particularly his duties as said sheriff in the enforcement of the law against the illegal sale of intoxicating liquors and the keeping of drinking houses and tipping shops.

Resolved, the Senate concurring, that this resolution and statement of causes of removal be entered upon the Journal of the Senate and a copy of the same signed by the President of the Senate served on said John W. Ballou by such person as the President of the Senate shall appoint for that purpose, who shall make said service upon his personal affidavit without delay, and that the first day of April, at 11 o'clock, in the forenoon, be assigned as the time when the said John W. Ballou may be admitted to a hearing in his defense."

Also to amend said resolve by adding the following:

"Resolved, That both branches of the Legislature after due notice according to the Constitution, will proceed to consider the adoption of an address to the Governor for the removal of Wilbert T. Emerson, sheriff of the county of Penobscot, for causes following:

First. Because the said Wilbert T. Emerson, who is now holding the office of sheriff of the county of Penobscot and has held said office continuously since the first day of January, 1913, wilfully or corruptly refuses or neglects to perform the duties required of him as said sheriff by Section 68 of Chapter 29 of the Revised Statutes of this State, as amended by Chapter 41

of the Public Laws of 1905, and particularly his duties as said sheriff in the enforcement of the law against the illegal sale of intoxicating liquors and the keeping of drinking houses and tipping shops.

Resolved, the Senate concurring, that this resolution and statement of causes of removal be entered upon the Journal of the Senate and a copy of the same signed by the President of the Senate served on said Wilbert T. Emerson by such person as the President of the Senate shall appoint for that purpose, who shall make said service upon his personal affidavit without delay, and that the first day of April, at 11 o'clock in the forenoon, be assigned as the time when the said Wilbert T. Emerson may be admitted to a hearing in his defense."

Briefly, in support of the amendment offered, I would read in connection with the amendment in relation to the sheriff of Sagadahoc something in the Bath Daily Times—some letters signed by Wilbur C. Oliver, who was, several weeks ago, the Republican candidate for mayor in the city of Bath. In the Bath Daily Times of March 4th I find this letter to the editor of the Times: "I am entirely satisfied with the result of the election and I feel that when a man has 716 friends who will vote for him on the platform I announced, he has something to be proud of.

The vice conditions, which I hoped to remedy, still exist in Bath and the need of a house cleaning is as great today as it was last week. To demonstrate to the people of Bath that I was and am sincere in the stand that I took, I pledge my best efforts in any way they can be used to assist the new administration, if it shows an honest intention to improve the present condition of things. To accomplish this in what I believe is the most effective way, if this administration sees fit to elect me city marshal, I will accept the place with the understanding that I am to have a free hand in enforcing the law."

In the Bath Daily Times of March 6th I find also the following from Wilbur C. Oliver:

"To the Editor of the Times:

Will you allow me space in your paper

to enlighten the public on conditions as they exist in this city.

CORRUPT BUT CONTENTED!

To you who voted for my platform and to you who voted against it. Read what you voted for and what you voted against.

There are six houses of ill fame on our public streets, and as many more on our side streets.

There are eight clubs, some are nothing more than public rum shops.

There are thirty-seven places where liquor is sold to anyone who has the price. Little boys seventeen years of age drunk and before the court; girls of the same age staggering drunk on our streets; one staggered into my place of business a short time ago. Some mother's child, somebody's sister.

There are five gambling dens on our public streets, the proprietors making their deposits in the banks every Monday after running them all day Sunday and Sunday night; little children going without shoes and food to fatten their accounts, wives taking in washing to support these places; scores of young men diseased; fathers forsaking their homes to live in these places; school boys making these places their headquarters. Every person who can buy a gallon of liquor and is disposed to sell it, is doing so for Saturday night and Sunday's trade. Men are selling liquor for a living and allowing relatives to die in the poor house. One place is leased by the owner for eighty dollars, and the lessee sub-lets it for one hundred dollars a month; the same place for a legal business would bring about fifteen dollars a month.

You that voted for my platform voted against these conditions; you that voted against the platform voted to keep the conditions that I have named.

If a man came among us and began to manufacture bombs to blow up every family in the city and you did not do all you could to prevent it, you would be as responsible as the bomb maker. I have told you a part of the conditions that exist here, but not all. Do you feel proud of them? Are you contented?

Any person who thinks that I am not stating the truth, say so through the

press, for I can give names and other particulars. Do you dare?"

Also in the Bath Daily Times of March 10th, Mr. Oliver has this to say:

"To the Editor of the Times:.

In order that the public may know that the statement I made last week was made in good faith, and that I am prepared to back it up, will you allow me space for the following notice to the owners and occupants of the following premises:

The front room, on the right, on the second floor of the premises at 48 Front St.

A part of the third floor of the premises at No. 112 Front St.

The premises at No. 150 Commercial St.

The street floor of the premises at No. 65 $\frac{1}{2}$ Center St.

The store at No. 4 Marion St.

The first two of these premises are places resorted to for gambling; the last three are places where intoxicating liquor is sold, and the occupants have all been convicted and paid fines.

The law provides that owners of such property who knowingly let it for such purposes are liable to fine, imprisonment or both.

Unless these premises are vacated, and the illegal business carried on there stops, within forty-eight hours from this warning, I give notice that I shall lay the evidence which I have against these places, their occupants and owners, before the coming grand jury, and also proceed to enforce other provisions of law against them.

This must be a bonafide cleaning out; no locking the door and waiting for a favorable time to open up, putting in a clerk or a new tenant to take the punishment. The paraphernalia must come out; the business must stop, and the premises cease to be used for illegal business."

So much for Sagadahoc county, and the city of Bath. Mr. Oliver, I presume, is prepared at any time to back up his statements.

Regarding Penobscot County, and the city of Bangor, I hold in my hand what I believe is a statement of the fact, it being a partial list of the places in the city of Bangor, where bars are running openly, and this list totals 109. This list was made up,

last evening. I will not read the names nor the streets. If the House wish the clerk will read them. I offer these in support of the amendment.

Mr. SMITH of Patten: Mr. Speaker, I desire in the first place to say this to the gentleman from Augusta, Mr. Newbert, and the members of this House, that if there is any sheriff in the State of Maine who is violating his oath of office, and wilfully neglecting or refusing to perform the duties incumbent upon him, and there is a proposition brought in here in a proper way, with names of witnesses, or affidavits or statements from credible persons, that will give this House to understand as a basis of this action that there is reasonable ground for proceeding for his removal, I am with them, and I hope every member of this House will be with them. The laws of the State should not be nullified; they should not be nullified by a Democratic sheriff in Cumberland county, or a Republican sheriff in Penobscot county, or in Sagadahoc county; but I believe in orderly and regular procedure, and the proposition advanced here by the gentleman of Augusta bears on its face the true intent and purpose of offering this amendment, otherwise it would not come here in this form.

Yesterday, there was introduced in the Senate a resolution for the removal of the sheriff of Cumberland county. What was there behind it? A solemn message from the Governor of the State; a certificate endorsed by the high Chief Magistrate of the State that in his hands there was evidence showing that this condition existed; not newspaper reports; not idle rumor; not a list made up last night in a caucus in some other place for the purpose of bringing in here this morning; but evidence had been prepared convincing the Governor of the State, receiving the endorsement of the Governor of the State, and it is that that we have before us as a basis for these proceedings. Further than that we have accompanying that message, as a basis of action, a statement signed by more than sixty reputable citizens of the city of Portland. We have behind

it the names of witnesses that we could summons, and among that long list of witnesses which you have here, and which is now printed and upon the desk of every member, we recognize the names of creditable men, known probably to a majority of the members of this House; men who can be summoned to come in here and verify the charges made by the Governor of the State of Maine. That is what there was behind it. We have a list of the places upon which they propose to offer testimony, the numbers on the streets, and all that sort of information. We have behind it the resolution of the church organizations of the city of Portland; we have behind it the names of witnesses, and I represent here the Civic League of the State of Maine. We have here something to proceed upon, something upon which we can act intelligently.

When this resolution was adopted and this order, the messenger of the Senate was authorized under the rules to summon the sheriff by subpoena together with witnesses; it is not an uncertain thing; it is not a coal investigation; it is not an investigation of the instituton across the river; it is not an investigation of some things of that sort involving financial affairs; it is a solemn proceeding under the Constitution of the State for the removal of the sheriff of a great county.

Now, I say that if the gentleman from Augusta (Mr. Newbert) will come in here with a proper resolution, disconnected and independent, and present it to this House with the names of witnesses and with the places and with information upon which we can act, I am with him and will vote for the resolution regardless of Penobscot county or Sagadahoc county. But this is not an orderly procedure and I think it will appeal to every member of this House.

I remember in 1907 I was in this House when solemn proceedings were being taken for the purpose of impeaching a judge of a court in this State. That matter came not in this way, not from newspaper rumors, not from idle reports; nobody came in

here and asked as a basis for our action that we accept a newspaper article; they came in here with petitions to this body signed by reputable citizens, backed up by the names of witnesses. We had such a solemn occasion before us presented in the proper manner.

For the purpose of mixing it up, and there can be no other purpose, the gentleman from Augusta (Mr. Newbert) comes in here with this novel proposition that on a resolution to investigate the sheriff of Cumberland county we attach an amendment. It can be likened to this situation, a man in Penobscot county is indicted for larceny and when that indictment was read the respondent comes in and moves to amend the indictment by inserting the name of somebody who has committed larceny in the city of Portland. That is all there is to it. He asks to have some other fellow brought in and tried with him. The only possible reason they can give you for such proceeding as that would be that they were of the same breed.

There are some charges in the message of the Governor brought against the sheriff of Cumberland county. Now because this gentleman conceived the idea, for the removal or otherwise, that a similar condition exists in Penobscot county and in Sagadahoc county, he comes in here and asks to have this charge, or this indictment, if you please to call it, against Lewis W. Moulton amended by including two other persons who shall be placed on trial with him and who live in different counties and in different parts of the State, just because they say that there is a similar offense. Did anybody in this whole world ever hear of such a proceeding, that when you sought to impeach one man to ask to amend the impeachment proceedings by inserting the names of other men.

In case a member of this House is accused of some misdemeanor and he is brought before this House and charges preferred against him for his expulsion, and he offers a defence, and as part of the machinery he amends it by including another member of the House. Would you tolerate it for a moment? Or you could stretch it even

further and move to amend by saying that the judge of a municipal court in the county of Aroostook, and charges are preferred against him for the taking of a bribe, and he is brought in here for impeachment, and the allegations are all made up against him and some fellow in the western part of the State gets up and says: "We have a judge over in our section who is doing the same kind of thing, and he is accepting bribes," and he asks to have that fellow put in the hopper with that judge. As I say, it is not an orderly proceeding, and so I rise to a point of order, that these proposed amendments are out of order. But in raising that point of order upon which I insist, I want to make it perfectly clear to every member of the House and to my friend from Augusta (Mr. Newbert) that if he will come in here with an independent resolution at this morning session or at the session, tomorrow, or at the session, Monday afternoon, charging the sheriff of Penobscot county where I live and where I know something about the conditions, stating the names of witnesses or any reasonable affidavits or representations from reputable people, upon which we can rely as a basis for that proceeding, I will vote for it, and I will do it in regard to the sheriff of Sagadahoc county. I object to this way of playing tiddle-de-winks on this solemn occasion. Everybody in this House wants to know what this matter means, and nobody is to be fooled for one single moment by this grandstand play; and as I say, I raise the point of order.

Mr. NEWBERT: Mr. Speaker, in reply to the gentleman from Patten, (Mr. Smith) I will say that nobody is fooled on the floor of this House by his speech now. (Applause) Who, I will ask you, for 50 years has played tiddle-de-winks with this matter? (Applause) I am amazed at my friend from Patten (Mr. Smith) that he should take this stand, this morning. I never dreamed that any man would rise here and oppose this amendment. At this late day in this session, which has already been prolonged, it has been in the mind of somebody to make a scapegoat of one of the sheriffs in this State, a sheriff of one of the great

counties of this State, central in which is Portland, the greatest city in this State. Is there any man here who disagrees with me when I say that this proceeding is partial? Does any man here doubt but that liquor is illegally sold in Penobscot county? Or does any man doubt but that liquor is illegally sold in Sagadahoc? If Sheriff Moulton is guilty under the law, do you, gentlemen, doubt as to the guilt of Sheriff Ballou or Sheriff Emerson? I put this up to you as plain, practical men, interested in the welfare of our State and interested in decent procedure in this body.

As far as that goes, I presume Mr. Oliver of Bath will be glad to come here before the bar of this Legislature, as he has been anxious to go before the grand jury of his own county; and I can volunteer, I can guarantee now to this House, that so far as Penobscot county is concerned, ex-Mayor Mullen will come here and ex-City Marshal Davis will come here when they are wanted.

Now, I would like to read a paragraph from the Bangor Daily News of March 28, written by a man who had met the new sheriff and he volunteered a statement referring to the liquor question, and I read as follows:

"On January 3rd last, I met the new sheriff and he volunteered the statement, referring to the liquor question, that he did not intend to do anything 'sensational,' or 'reform the world in five minutes,' that everything was running satisfactory in Bangor, and that he and I could work together in perfect accord. I told him that was perfectly satisfactory to me and we shook hands on it.

"With some 50 saloons and bars about town and numerous kitchen bar-rooms, a list of which I can show anyone interested, there is a wide field of endeavor for those who would seek to permanently close them."

I have here a list of 109 open bar rooms in the city of Bangor, with the names of the men and the numbers of the streets, and you can have the list read if you wish. It was compiled by good authority, and was not concocted in a caucus last night. The gentleman from Patten (Mr. Smith) knows Bangor better

than I do; he was county attorney of Penobscot county for six or eight years, and he built a fine court house from rum money. (Applause.) It is not for him to say very much in this House about the conditions in Penobscot county, the great rum county of the State, and who doesn't know it? I have seen enough of it in Bangor to fill this room. Bangor has always done it and is doing it now.

Mr. SMITH of Patten: Mr. Speaker, I have said about all I am going to say, but I would like to ask the gentleman from Augusta, if he is sincere in this proposition, why he does not indict these men separately.

Now I have been here all winter. I don't know what the sheriff of Penobscot county may be doing, as an actual fact, in the city of Bangor. I do know from reports that in the country towns the law is being enforced. I am glad to know that the gentleman does have in mind two men who might be possible witnesses; one the ex-mayor of Bangor, whose duty it was the last two or three years, while he was mayor, to enforce the law; and I am glad to know he proposes to summon another ex-official to show how bad the conditions are in Bangor; but let him put it in in an orderly way, and not ask me to put in an amendment here which he must know, and every man knows, is disorderly procedure.

Mr. NEWBERT of Augusta: Mr. Speaker, I am not an attorney. I do not know anything about procedure in these matters; but it seems to me, as a practical member of this House, it is a good way to get at it. We do not want to sit here all summer. We have no session tomorrow. The hearing on the Moulton case will come on Tuesday. Why not incorporate the whole thing now; put them all together? This House will do the work as well as the Civic League of Maine or anybody else outside of this House.

Mr. KEHOE of Portland: Mr. Speaker, I want to call attention to one of the signers of this petition here, Mr. Walter H. Dresser, the chief of police of the city of Portland, appointed for a term of five years, and whose duty it would be today to enforce this law.

My brother speaks about procedure. There are no charges here and there is no indictment, and this is the proper

time to bring up this question. This committee gets out and frames the charges, and why can't they include the other two sheriffs? It is practically the same offence and the same law is being nullified as in the other counties. This is like trying three men for a felony who are concerned in the same felony. It is only a question of good faith. If the Governor and parties behind this proceeding desire to go ahead in good faith we have shown them the way to do it, and I hope the amendment will be adopted.

The SPEAKER: The gentleman from Patten, Mr. Smith, raises the point of order that this amendment is not in order. At the first consideration the Chair was of the same opinion, but upon reading the original resolve it is clear that it is simply an expression of a plan or purpose of the Legislature to do a certain thing at a certain time. It is not a proceeding now against the sheriff; it is a resolution that on a certain day both branches of the Legislature, after notice given, will proceed to consider the adoption of an address to the Governor for the removal of a certain official.

The proposition is to add to that an amendment whereby they shall at the same time also proceed to consider the adoption of another address against another official. The Chair thinks that in a case of doubt the doubt should be resolved in favor of such amendments, because the Chair would not care to prevent the House from considering these things; and on the whole the Chair is of the opinion that while at first it would seem to be not germane, it is not after all an indictment which we have before us, but, as the Chair stated, an expression of a plan or purpose to proceed on a certain day against a certain official. It might be better procedure, and the Chair thinks it would be better procedure to separate the resolves so that they could be handled perhaps easier, and the proceeding be made more simple; but, after all, the Chair does not feel that it can sustain the point of order. (Applause.) Therefore, the Chair holds that this amendment is in order, and the question before the House is its adoption. (Applause.)

Mr. AUSTIN of Phillips: Mr. Speaker, the point I had in mind was this:

that it would not seem to a layman a practical procedure at all to hale these three officers before the bar of this House at the same time.

I do not think any one here has any objection to cleaning this thing up and letting it go to its natural end. In other words, I think it is the wish of all of us that it should go to its natural termination, let the consequences be whatever they are. I want to say now that I have no objection, neither do I believe that the members of my party have any objection, to these resolutions going forward, if it may be done in such orderly way that it will not mix up the original procedure upon which we are trying to act at this time. Now if a resolve can be so framed, which will cover the objections that I raise—and, as I say, those objections may not seem so large to a lawyer as they do to me—I do not believe that the party has any objection whatever to starting a procedure of this kind. Of course the difference so far has been this: The address from the Governor is accompanied by affidavits, and accompanied by names of witnesses who say they will appear, which would seem to me to be an evidence of good faith. Now I am not questioning the good faith of the gentleman from Augusta, or the gentleman from Portland, in this matter; but it seems to me that the amendment, if you wish it, may be so drawn that when that time comes for such investigation or impeachment the House itself may have evidences of good faith that these prosecutions are going to be forwarded. It seems to me also—I look at it like a layman—that the House in this case is proceeding a good deal in the way a grand jury would. We all know that a Grand jury, the proceedings before a grand jury could not be involved by an amendment of that kind. Of course this is not an indictment, it is a method of procedure, and all I am pleading for is to clear this thing so that we can go at it rationally to its natural end; that is all I am asking.

The SPEAKER: The Chair will state that so far as the procedure is concerned there is no objection to summoning three officials to appear on the same day. Of course one official would have to wait while the matter of another official was being considered.

Mr. SCATES of Westbrook: I was only going to say that the Speaker has cleared the matter up very satisfactorily so that everyone in this House understands it very fully and very fairly. (Applause.)

The SPEAKER: As the Chair understands it, the question before the House is on the motion of the gentleman from Augusta, Mr. Newbert, that House Amendment A to the resolve adopted by the Senate be adopted by the House.

Mr. SMITH of Patten: Mr. Speaker, I second the motion of the gentleman from Augusta, Mr. Newbert, that the amendment be adopted.

The question being on the adoption of the amendment.

A viva voce vote being taken,

The motion was agreed to, and the amendment was adopted.

The question then recurring upon the adoption of the original resolve, as amended,

The resolve as amended was adopted.

On motion by Mr. Scates of Westbrook, the rules were suspended and that gentleman was permitted to introduce out of order the following order:

Ordered, the Senate concurring, that the Governor of the State be requested to forthwith furnish the Legislature the names of the sheriffs other than those mentioned in the resolve, as amended, who do not honestly or fairly enforce the prohibitory law as stated in his address; and also to furnish the names of the county attorneys who not only failed to perform their duty but neglect, and in some instances, refuse to perform their duties as clearly expressed in the statutes of the State; and that he be also requested to furnish such evidence as is in support of said charge.

The question being on the passage of the order,

The order received a passage.

The SPEAKER: The Chair will suggest that a motion should be made to take off from the table also the order which came from the Senate.

Mr. Dunbar of Jonesport moved that the order covering this same subject matter be taken from the table.

The motion was agreed to.

Mr. Dunbar then offered House Amendment A, to amend by adding

thereto after the word "Cumberland," in the sixth line the words, "and all other sheriffs or county attorneys included in the resolve, as amended," and after the word "hearing" in the ninth line thereof by adding the words, "or hearings," and by striking out all after the word "defense" in the ninth line and before the word "committee," and substitute in place thereof the following, "and the attorney general be required to present the case of the State against said Lewis W. Moulton and all others included in the resolve, as amended."

The question being on the adoption of House Amendment A to the order,

The amendment was adopted.

The question then recurring upon the adoption of the original order,

On motion by Mr. Austin of Phillips, the order, as amended, received a passage.

The Speaker appointed as a committee on the part of the House to join the committee on the part of the Senate to consider and report upon the method of procedure in the matter of proceedings under the message and other documents received from the Governor, the following members of the House: Messrs. Smith of Patten, Smith of Presque Isle, Wheeler of Paris, Dunton of Belfast, Sanborn of South Portland, Thombs of Lincoln and Connors of Bangor.

Mr. Sanborn of South Portland presented the following order:

Ordered, the Senate concurring, that when the Senate and House adjourn they adjourn to meet, on Monday afternoon, March 31st, at half past four o'clock.

The order received a passage.

Senate Bills in First Reading.

An Act to amend Section 15 of Chapter 8 of the Revised Statutes, relating to the Board of State Assessors.

An Act to amend Section 1 of Chapter 7 of the Revised Statutes, relating to the prevention of fires from locomotives run through forest lands.

An Act relating to the Portland Gas Light Company.

Resolve in favor of M. J. Flaherty,

clerk of the committee on mercantile affairs and insurance.

Resolve authorizing the land agent to investigate the cutting of lumber on the public lots in the county of Aroostook.

Resolve appropriating money to reimburse Charles M. Conant, chairman of the committee on ways and bridges.

Resolve in favor of Marian B. Holway, clerk to the recording officer of the Senate.

Resolve in favor of William H. Mitchell, secretary of the committee of the 76th Legislature for investigation into the causes of the high price of coal.

Resolve in favor of the clerk, stenographer and messenger to the judiciary committee.

Resolve authorizing the State treasurer and State auditor to ascertain and adjust the accounts in the State treasurer's office.

Resolve in favor of the superintendent of public buildings to provide for a rail in the Senate Chamber.

In the matter of the disagreeing action of the two branches in relation to bill, An Act authorizing the Atlantic Shore Railway to increase its capital stock, a notification was received from the Senate stating that the President of that body had appointed as members of the conference committee on the part of the Senate Messrs. Stearns, Dutton and Walker.

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

Appropriations and Financial Affairs.

By Mr. Washburn of Perry: Resolve in favor of Helen Gaffney.

Reports of Committees.

Mr. Higgins from the joint standing committee on mercantile affairs and insurance submitted the final report of that committee, stating that they had acted on all matters referred to them.

Mr. Ricker from the committee on education on petition of Thomas P. Shaw and 34 others of Portland, praying that the teacher's pension bill become a law reported that the petition be placed on file.

Same gentleman from same committee reported "ought not to pass" on bill, An Act to increase the number of professionally trained teachers for rural schools.

The reports were accepted.

Mr. Richardson from the committee on agriculture to which was recommit- ted bill, An Act to amend Chapter 135 of the Public Laws of 1911 entitled "An Act to extirpate contagious diseases among cattle, horses, sheep and swine," reported that the same "ought not to pass" without further recommendation. (Tabled pending the acceptance of the report on motion by Mr. Peacock of Readfield.)

Mr. Clark of Portland from the West- book and Portland Delegations reported "ought to pass" on bill, An Act in relation to the main street in the city of Westbrook and certain streets in the city of Portland.

The report was accepted and the bill ordered printed under the joint rules.

First Reading of Printed Bills and Re- solves.

An Act in relation to safety and im- provement of highways.

An Act to provide for the preserva- tion of highways and bridges.

Resolve in favor of the Eastern Maine General hospital.

Resolve in favor of the stenographer to the presiding and recording officers of the House of Representatives.

Resolve in favor of a highway bridge over the St. John river between Fort Kent, Maine, and St. Francis, New Brunswick.

Resolve in favor of the reconstruc- tion of the casterly span of the Old Town-Milford bridge.

Resolve waiving a forfeiture of the public lots in the north half of Town- ship No. 27, Washington county, east- ern division. (Tabled pending its sec- ond reading on motion by Mr. Plummer of Lisbon.)

Resolve in favor of the secretary of the committee on Indian affairs for ex- penses of members of that committee in visiting the Penobscot Reservation at Old Town.

Resolve in favor of the Children's hospital of Portland. (Tabled pending

its second reading on motion by Mr. Sanborn of South Portland.)

Passed to Be Engrossed.

An Act to provide for the determi- nation and payment of damages in connection with the building of the State bridge between the city of Old Town and the town of Milford and the grading of the highway and approaches thereto.

An Act to regulate the practice of the system, method or science of heal- ing known as osteopathy, creating a board of examination and registration for those desiring to practice the same and providing penalties for violation of this act.

An Act to provide for the election of officers in cities by plurality vote.

An Act to amend Section 51 of Chapter 51 of the Revised Statutes in relation to certificates of safety grant- ed by railroad commissioners.

An Act to regulate the size and con- struction of caboose cars.

An Act to enable the County of Sag-adahoc to rebuild Merrymeeting Bay bridge.

An Act to amend Chapter 120 of the Private and Special Laws of 1899 re- lating to the establishment of a munici- pal court in the town of East Liv- ermore.

An Act relating to the fee for the registration of physicians and sur- geons.

Resolve in favor of the Maine In- sane Hospital for the erection of pi- azas.

Resolve relating to the payment of fees to town clerks for reporting in relation to inheritance taxes.

Passed to Be Enacted.

An Act to incorporate the Jackman Water, Light and Power Company.

An Act to amend Section 12 of Chapter 4 of the Revised Statutes, as amended, relating to the choice of town officers.

An Act to amend Sections 40 and 43 of Chapter 15 of the Revised Statutes, as amended, relating to the continu- ance of unions of towns formed for the employment of superintendent of schools.

An Act to amend Section 8 of Chap- ter 18 of the Revised Statutes, as

amended by Chapter 48 of the Public Laws of 1909, relating to the State board of health.

An Act to incorporate the Ogunquit Village Corporation.

An Act to provide for the care and administration of funds and property donated for moral, religious, benevolent or educational purposes, in accordance with the intention of the donor.

An Act to authorize cities and towns to appropriate and expend money for advertising purposes.

Finally Passed.

Resolve in favor of national aid for the improvement of postal roads.

Orders of the Day.

On motion by Mr. Mitchell of Kittery the rules were suspended and that gentleman was permitted to introduce out of order the following committee reports:

Mr. Mitchell from the committee on appropriations and financial affairs reported "ought to pass" on resolve in favor of W. A. Ricker, secretary of the committee on education.

Same gentleman from same committee reported "ought to pass" on resolve in favor of the clerk and stenographer to the committee on inland fisheries and game.

Same gentleman from same committee reported "ought to pass" on resolve in favor of Clyde Scribner, messenger to the committee on inland fisheries and game.

Same gentleman from same committee reported "ought to pass" on resolve in favor of Fred F. Lawrence.

Same gentleman from same committee reported "ought to pass" on resolve in favor of John Metcalf.

Same gentleman from same committee reported "ought to pass" on resolve in favor of Warren B. Clark.

Same gentleman from same committee reported "ought to pass" on resolve in favor of W. V. Peebles.

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

Mr. Maybury of Saco moved that the vote be reconsidered whereby the House passed to be enacted bill, An Act to in-

corporate the Ogunquit Village Corporation.

Mr. MITCHELL of Kittery: Mr. Speaker, the only amendment which has been made to that bill was made in the House. The bill to incorporate the Ogunquit Village Corporation passed, as you well remember, under a suspension of the rules, which took a two-thirds vote, and the bill took its three several readings in the House. It went from there to the Senate and took its two readings there, and now comes back on its passage to be enacted. In the Senate an amendment was offered which failed of a passage, and I presume it is the purpose to present the same amendment at this time. At this stage of the proceedings of the Legislature, and in consideration of the fact that this matter has been thoroughly threshed out, and that a committee from the town of Wells has gone back home, together with the selectmen, having agreed upon the terms of this incorporation, I hope that the motion will not prevail.

The question being on the motion that the vote be reconsidered whereby this bill was passed to be enacted,

A viva voce vote being taken,

The motion was lost.

On motion by Mr. O'Connell of Milford, under a suspension of the rules, the vote was reconsidered whereby the House passed to be engrossed resolve concerning the construction of the westerly span of the Old Town-Milford bridge.

(At this point Mr. Austin of Phillips assumed the chair.)

On motion by Mr. Mitchell of Kittery the vote was reconsidered whereby the House voted to concur with the Senate in relation to bill, An Act relating to accidents upon railroads, and on further motion by Mr. Mitchell the House voted to insist upon its former action and ask for a committee of conference.

On motion by Mr. Smith of Presque Isle unanimous consent was granted and that gentleman presented the following order:

Ordered, that Representative Daniel W. Haines of Fort Fairfield, on account of the illness of his father, be excused from further attendance at this session,

and that his pay and mileage be made up to the end of the session.

The order received a passage.

The SPEAKER (pro tem): The first matter to be considered under the assignments, today, is bill, an Act to promote the efficiency of the fire department in certain cities.

Mr. Descoteaux of Biddeford moved that the bill be indefinitely postponed.

The motion was agreed to.

The SPEAKER (pro tem): The next matter for consideration is bill, an Act to amend Section 2 of Chapter 250 of the Public Laws of 1909, relating to the payment of fees accruing to State institutions and departments. The pending question is the passage of the bill to be engrossed.

Mr. SMITH of Pittsfield: Mr. Speaker, Senate Document No. 568 is an innocent looking bill from its title; but from analysis it is far reaching in its effect. I do not mean to cast any reflections upon the trustees of our various State institutions, or the treasurers of these institutions who for years have served the institutions acceptably. In the last end of this act it says, "All bills of any institution of the State shall be paid by the treasurer of the State to whom due and payable, on warrant approved by the Governor and Council, after proper vouchers therefor have been approved by the proper official of the institution or department contracting the same, and audited by the State auditor."

It has been the custom of the State institutions to purchase produce from the farmers—eggs, butter, vegetables, apples, and paying for same upon receipt of the produce. Now this act means that if a man goes into an institution to sell 20 dozen of eggs at 20 cents a dozen, amounting to \$4, he has got to have that bill approved by the purchasing agent at the institution, also by the State auditor, then by the Governor and Council, and they issue a warrant on the State treasurer for payment of the same. For these reasons, and others, I move for

the indefinite postponement of this bill.

Mr. Higgins then offered House Amendment A.

Mr. PLUMMER of Lisbon: Mr. Speaker, I rise to a point of order.

The SPEAKER (pro tem): The gentleman will state his point of order.

Mr. PLUMMER: My point of order is that the bill is not amendable under the present motion.

The SPEAKER (pro tem): The point of order is well taken; the bill cannot be amended at this stage without reconsidering the vote whereby it was passed to be engrossed.

Mr. Higgins moved that the vote be reconsidered whereby this bill was passed to be engrossed.

Mr. PLUMMER: Mr. Speaker, I rise to a point of order. The motion before the House is the motion of the gentleman from Pittsfield, Mr. Smith, to indefinitely postpone the bill.

The SPEAKER (pro tem): The Chair will state to the gentleman from Lisbon, Mr. Plummer, in answer to his point of order, that the Chair thinks the motion to amend takes precedence over a motion to indefinitely postpone. Therefore the Chair rules that the motion of the gentleman from Brewer, Mr. Higgins, to reconsider takes precedence over the motion to indefinitely postpone.

The question being on the motion to reconsider the vote whereby the bill was passed to be engrossed,

The motion was agreed to.

Mr. PLUMMER: Mr. Speaker, I call attention to the fact that the motion requires a two-thirds vote.

The SPEAKER (pro tem): Does the gentleman from Lisbon, Mr. Plummer, doubt the vote and call for a division?

Mr. PLUMMER: I do, Mr. Speaker.

The SPEAKER (pro tem): All those in favor of reconsidering the vote whereby this bill was passed to be engrossed will stand in their places until counted.

A division being had, the motion was lost by a vote of 45 to 32, the necessary two-thirds not having voted.

Mr. HIGGINS: I will ask the ruling of the Chair on this question. As I understand it, the gentleman from Pittsfield, Mr. Smith, moved the indefinite postponement. I then offered an amend-

ment, and ask if the motion to amend has precedence.

The SPEAKER (pro tem): The motion to amend, the Chair would state, does precede the motion to indefinitely postpone; but the matter is not in amendable form inasmuch as the pending question is its passage to be engrossed. The necessary procedure appears to the Chair to be a reconsideration of the vote whereby this bill was passed to be engrossed, which motion was lost and which required a two-thirds vote.

Mr. HIGGINS of Brewer: Mr. Speaker, on the question of indefinite postponement I trust the gentlemen of the House will seriously consider the proposition before voting on the motion of the gentleman from Pittsfield. It has been said by the gentleman from Pittsfield that these institutions could not purchase from the back door, eggs, etc. This amendment which I had to offer provided that the State auditor might in his discretion make advances to the treasurer of the State of Maine of such sum as he may think necessary, not to exceed \$1000 at any one time, to any institution of the State needing the same. Now, Mr. Speaker, and gentlemen, I think you will all agree with me that it is a proper time that the State of Maine sat up and did business on a business basis. You will also agree with me that rarely a bill has come before this Legislature that has had quite so much lobbying as this bill. Now my friend from Pittsfield states it is a reflection upon the trustees and officers of these various institutions. I beg to differ with him, and anybody else raising that objection. It seems to me that these trustees, these officers, have nothing to fear from this bill. What have we the State treasurer for? What is he paid for. I hope he is not paid to run around and lobby on any bill. I hope any officer of any institution is not receiving his pay from the State to lobby a bill. What is our State auditor paid for? Why not do this business as it should be done? There is no argument made by my friend from Pittsfield that you could not do this. I want you to distinctly understand that the credit of the State of Maine is sufficiently good that anybody is glad to sell them and take a voucher

or order on the State treasurer. I trust on full consideration of the matter we will get in line and do business as you and I as individuals would do it. Do you suppose these great corporations put money into the hands of their foremen to spend for them? I would ask my friend from Pittsfield how many supplies his foreman buy for his mill? How many section foremen or station agents buy supplies for the Maine Central Railroad? How many foremen for the International or Great Northern Paper Companies buy supplies for their departments? I tell you, gentlemen, they have to make out a requisition, send it to the proper authority, and the goods come.

Now this bill is not my bill. It comes from the committee on appropriations and financial affairs, and was introduced by Senator Richardson of Penobscot. I believe the bill is right; I believe it is a step in the right direction. I am telling you gentlemen that it took us 16 years to get a State Auditor, and it may take a good many years to have Maine do business on a business basis, and exercise business principle; but I will tell you right now that I want to go on record as being in favor of this bill, and being in favor of adopting business methods for all our State institutions.

I hope Mr. Speaker, and gentlemen, that the motion of the gentleman from Pittsfield to indefinitely postpone will not prevail. (Applause.)

The SPEAKER (pro tem): The Chair will state that the clerk has called attention to the fact that the House did vote upon the motion of the gentleman from Pittsfield, Mr. Smith, reconsideration of the vote whereby this bill was passed to be engrossed; so that the Chair reverses its ruling, and now holds that the amendment offered by the gentleman from Brewer, Mr. Higgins, is in order, and does take precedence over the motion to indefinitely postpone.

Mr. Mitchell of Kittery seconded the motion on the adoption of the amendment.

Mr. SMITH of Pittsfield: Mr. Speaker, I don't think it is right for this House to waste its time in passing

this bill or in the adoption of the amendment when the Governor has said that he would veto this bill if it comes before him, and he told me so, this morning.

Mr. HIGGINS: Mr. Speaker and gentlemen, let us put it right up to the Governor. (Applause) I still insist, Mr. Speaker, that it is good business and it is good business principle. I am very sure that a majority of the members of the House want to go on record in favor of this bill.

Mr. MARSTON of Skowhegan: Mr. Speaker, I want to state the position of the committee on appropriations and financial affairs in regard to this matter: This bill originally came from the late state auditor, Mr. Lamont Stevens. It has the approval of all the past auditors until the present one, and your committee considered the matter very carefully and brought in a unanimous report in favor of it. It seems to me it is a just bill and with the amendment offered by the gentleman from Brewer (Mr. Higgins) all objections that might be raised are removed. It does not seem to me that the Governor will veto the bill with this amendment.

The question being on the adoption of House Amendment A,

The amendment was adopted.

Mr. Higgins then moved that the bill be passed to be engrossed, as amended.

Mr. Smith of Pittsfield called for the yeas and nays.

The SPEAKER (pro tem): The Chair will state that after the amendment is adopted a reconsideration will be necessary, and that the same result would seem to be reached by asking for the yeas and nays upon the adoption of the bill as amended. Does the gentleman from Pittsfield, Mr. Smith, ask for the yeas and nays upon the adoption of the bill, as amended?

Mr. NEWBERT of Augusta: I will suggest that the gentleman from Pittsfield, Mr. Smith, might renew his motion now to indefinitely postpone the bill, as amended.

Mr. SMITH of Pittsfield: I will accept that proposition.

The SPEAKER (pro tem): The pending question now appears to the Chair to be upon the propositions to

indefinitely postpone this bill. The gentleman from Pittsfield, Mr. Smith, demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER (pro tem): The question is upon the indefinite postponement of this bill. Those voting yes will vote to indefinitely postpone the bill; those voting no will vote against the indefinite postponement of the bill.

Mr. SMITH of Presque Isle: Is the amendment offered by the gentleman from Brewer, Mr. Higgins, a part of the bill?

The SPEAKER (pro tem): The House has voted on the adoption of the amendment, and as the Chair understands it, the motion before the House is on the indefinite postponement of the bill as amended. The clerk will call the roll.

YEA:—Bragdon of York, Brennan, Churchill, Clark of North Portland, Crowell, Dresser, Eastman, Farrar, Gallagher, Goodwin, Harper, Jones, Leader, Leveille, Libby, Maxwell, Morneau, Morse, Newbert, O'Connell, Peacock, Plummer, Putnam, Quinn, Roberts, Robinson, Sanborn, Sanderson, Skelton, Smith of Auburn, Smith of Pittsfield, Stevens, Swift, Tobey, Waterhouse, Wheeler—36.

NAY:—Bass, Benn, Benton, Bither, Boland, Boman, Brown, Bucklin, Butler, Chadbourn, Chick, Cochran, Connors, Cook, Currier, Cyr, Descoteaux, Doherty, Donovan, Dunbar, Dunton, Durgin, Eldridge, Elliott, Emerson, Estes, Farnham, Polson, Gordon, Greenleaf of Auburn, Greenleaf of Otisfield, Harman, Higgins, Hodsdon, Hogan, Hutchins, Irving, Jenkins, Johnson, Kehoe, Kelleher of Portland, Kelleher of Waterville, Kimball, Marston, Mason, Mathieson, Maybury, McBride, McFadden, Merrill, Metcalf, Mitchell of Kittery, Mooers, Morrison, Nute, Packard, Peake, Pendleton, Peterson, Reynolds, Rolfe, Sargent, Sherman, Skillin, Smith of Presque Isle, Snow, Stetson, Stuart, Sturgis, Thombs, Trimble, Umphrey, Violette, Washburn, Winchenbaugh, Yeaton—76.

ABSENT:—Allen, Bowler, Bragdon of Sullivan, Clark of Portland, Davis, Eaton, Franck, Gamache, Gardner, Haines, Hancock, Harriman, Haskell, Jennings, Lawry, Leary, LeBel, Mildon, Mitchell of Newport, Morgan, Peters, Pitcher, Price, Ramsay, Richardson, Ricker, Rousseau, Scates, Smith of Patten, Spencer, Sprague, Stanley, Swett, Taylor, Thompson, Tryon, Twombly, Wise—38.

The SPEAKER (pro tem): Thirty-six having voted in the affirmative and 76 in the negative, the motion to indefinitely postpone is lost.

On motion by Mr. Higgins of Brewer the bill was then passed to be engrossed, as amended.

(At this point the Speaker resumed the Chair.)

The SPEAKER: The next matter for consideration is bill, An Act providing for a license for residents of the State to hunt on the wild lands of the State.

Mr. EATON of Oxford: Mr. Speaker, I would like to read to you Section 4, as amended,

"Whoever hunts on wild lands as aforesaid without first procuring a license as herein provided, shall pay a fine of \$25 and costs for each offense, and the having in possession of any firearms on said wild lands shall be deemed sufficient evidence that such person is hunting thereon in violation of the provisions of this section, and every person licensed as herein provided shall, on a blank furnished him by said commissioners, make a return, as called for on said blank, of the kind and number of birds and wild animals killed by him by virtue of such license, and where killed as near as he can, and forward the same to said commissioners on or before the twentieth day of December of each year in which said license is issued."

It seems to me we have always had the inherent right to go into our woods and on our streams to hunt and fish as the good Lord has given us permission to do, and I believe, gentlemen, that when they start to make a license law affecting us, or the residents of the State of Maine, in going on the wild lands of the State of Maine, it is simply the opening wedge to license men to hunt in the State of Maine. I believe still further, gentlemen, that if they get that law enacted it won't be a great while before you will see another law tried to be established in the State of Maine to compel people to be licensed to go fishing in the State of Maine. I would like to call your attention to the people living near the wild lands of the State of Maine. Supposing a man is at Jackman, an incorporated town, out hunting in the woods, and he meets a warden of the State; the warden says to the hunter: "I would like to see your li-

cence," and he replies: "I have no license," that he does not need any license, that he is hunting on an incorporated place in the State of Maine. The warden says: "You are on the wild lands of the State of Maine, hunting;" what is to hinder him from having to pay a fine of \$25 and costs, when he might be entirely innocent of doing wrong in any way, shape or manner?

I do not intend to bother you with any long detailed account of what this bill is; but I believe it is an unjust bill, and I believe, gentlemen of the House, the State of Maine does not want to go on record as trying to license men to hunt on the wild lands of this State. I will say further that if you keep on licensing men to do different things in the State of Maine that by and by a man is liable to have to have a license to walk up one side of the street and down the other. I believe, gentlemen, it is for the interest of the residents of the State of Maine to indefinitely postpone this bill.

Mr. MATHIESON of Rangeley: Mr. Speaker, I hope the motion to indefinitely postpone will not prevail, for these reasons: The State intends that its officials no matter what their duties are, that they shall do them, in whatever capacity they are in. Now this bill will help your game wardens to enforce the law. You complain that the wardens do not enforce the law, and furthermore that we do not have wardens enough. It seems to me that here is something that will help them to enforce the law, and we ought to pass this bill. For instance, take the lumber camps; there are lots of men living in these camps at times who are not residents or citizens of this State; but they are found hunting at times, and the warden inquires of them if they are residents, and they claim that they are. Again there are non-residents come into the State; they have come in and hunted on the wild lands, and when the warden has accosted them they have said they were residents of the State; and he was so far in the forest that he could not follow this one man in particular day in and day out until he got through hunting, and follow

him to the settlement to find out whether he was a resident or not. The object of this bill is to put something in the hands of the warden so he will know; so he can demand from any man hunting on the wild lands to see his license; and he will either show a resident's license or a non-resident's license. Then, again, on our wild lands where the lumber camps are he can regulate the lumbering crew and find out who are bona-fide citizens of the State, etc. This does not work any injustice to any man. As to our rights to hunt, fish, etc., we are now under certain restrictions, and are prohibited from doing certain things. As to a man knowing whether he is on the wild lands or not, it is his place to find out. Take it in regard to fishing, a man has to find out whether he is allowed to fish on certain waters. He can just as well find out whether he would be on wild lands or not. If he gets off the incorporated towns he knows he is on the wild lands. In order to help out the warden service, gentlemen, I hope the motion of the gentleman will not prevail.

Mr. CYR of Fort Kent: Mr. Speaker, I contend that some of the arguments made by the gentleman from Rangeley (Mr. Mathieson) are not according to my views. Living on the border of Maine, next to New Brunswick, I have reason to believe that I am aware somewhat of the situation. It has been advised in this House that our game was moving to New Brunswick, and I contend to some extent that is a fact; that the lumbering industries of Maine are carried on more extensively in our forests than they are in New Brunswick, and that our game is moving to New Brunswick; and I contend that it is unfair to believe that the people living in New Brunswick are crossing over into Maine to hunt when they can have better grounds to hunt in New Brunswick, and less protection on the game. The contention of the gentleman from Rangeley that the people are coming over into our State to hunt is not right in my opinion. Those people wouldn't come over and hunt in Maine where our laws are

stricter and more enforced than they are in New Brunswick.

Mr. AUSTIN of Phillips: Mr. Speaker, as a member of the committee who gave this measure unanimous endorsement, I feel it is in a way up to me to explain the position of the committee. Now I think the opposition to this bill, which I consider an eminently fair one, comes more from a misapprehension of its provisions than anything else. Let me state to the House just what was desired to be accomplished by this bill. The wardens of our State who are continually in the big woods of the State—in the wild lands, as we call them—are up against this proposition; men are coming here from Boston, and neighboring states, who have been raised in Maine, but no longer live here. They come in automobiles, or on the boat; they go into the woods; a warden who does not know them addresses them and says: "Have you a license?" They say: "No; I am a resident of Maine." Now some people say it is up to the warden to find out whether that man is a resident of Maine, or not. I submit to you whether it is possible for the warden, perhaps 60 to 100 miles from the nearest railroad, to camp on that man's trail and trace him out of the State? That is the one thing we want to accomplish; not the taxing of our residents \$1.10 merely for hunting on the wild lands, but it is to enable our wardens to better enforce the existing non-resident law which nobody complains of.

Let me say in addition to this fact that the provision that the gentleman from Oxford is so stirred over, regarding reporting the amount of game killed, has this for its excuse—and that is, that Maine not only is, but will be, we hope, for many coming years, a great game State, and the office of your commissioners of inland fisheries and game are particularly desirous to get by some means some line on the amount of game that is killed within our borders, every year; that is the excuse for the section which the gentleman from Oxford so bitterly complains of. It simply requires the keeping of a record more or less accurate and sending, during December, the record of the game shot under this license in to the commissioners of inland fish and game, simply that

they may know and check up, before their annual report, as to the amount and kinds of the different game killed by residents of the State. I will say, which perhaps you all know, that this procedure is demanded in our non-resident license; that when a man takes out a non-resident license he agrees upon taking it out to send into the office of the commissioners a report of the results that he has obtained acting under this non-resident license.

Now your committee was not in favor, this year, of so broad a general license law as over 30 states of our Union have, and have never repealed. Over 30 states of the Union have passed resident hunters' licenses. What has been the result? Not one of them has ever been repealed. They have all been successfully demonstrated, and in a large majority of cases the amount of money obtained by the issuing of resident licenses in other states has taken care entirely of the funds required by their fish and game departments. There is no doubt in the mind of any one of your commissioners of inland fisheries and game, and I think I am safe in saying in the minds of any one of your committee of this Legislature on inland fisheries and game, that provided the sentiment of the State of Maine was in favor of said legislation that within two years from now this great department of your State would be put upon an absolutely self-sustaining basis, with a revenue of more than \$100,000 each year. As I say, we have not yet come to the time when the residents of the State of Maine are ready for this legislation. I do not know how long before we shall come to it. This bill has been reported unanimously by your committee, and has been unanimously asked for by your commissioners as trying to do something to better facilitate the administration of our game enforcement, and also to give your commissioners a better line for advertising purposes upon the amount of game killed in the State of Maine. Now I do not believe, neither does the gentleman from Oxford (Mr. Eaton) believe, that there is any danger of an honest man when he goes hunting in the lands of an incorporated place stepping over the line and being immediately seized by a game warden and fined \$25. That argument

is entirely outside the question; everybody knows that won't happen.

I have tried in these few words to state what the position of your commissioners has been, and what the position has been of your committee on inland fisheries and game. I appeal to you, gentlemen, not to sustain the motion of the gentleman from Oxford.

Mr. ROLFE of Portland: Mr. Speaker, even at the present time, in the city of Portland we see a man riding along the street with a chart before him picking out which side of the street he should pass up or which side he should pass down; you will often see him with his cart or team upon the wrong side of the street. The ordinances of the city of Portland are so complicated at the present time that the rural man when he comes in town really don't know what to do, and I think sometimes he leaves his team or auto outside of the limits of the city and comes in on foot, to be safe. You are substantially doing the same thing. You are almost compelling the man that wants to go out for an hour or so with a gun to take a chart of the wild lands in an incorporated town, and he has got to take his compass, and when he gets there run a line through the town and stick down stakes so he may know that he is on the right side. I believe that those things that you are surrounding people with at the present time are a piece of imposition upon the man that wishes for an hour or two recreation. I heartily second the motion of the gentleman from Oxford for the indefinite postponement of this bill.

The SPEAKER: The question before the House is on the motion of the gentleman from Oxford, Mr. Eaton, that this bill be indefinitely postponed.

A division being had, the motion prevailed by a vote of 52 to 37.

So the bill was indefinitely postponed.

Mr. Peacock of Readfield moved that the vote be reconsidered whereby this bill was indefinitely postponed.

Mr. Mathieson of Rangeley moved that the motion be laid upon the table.

The motion was lost.

The question recurring upon the

motion to reconsider the vote where-
by the bill was indefinitely postponed.
Mr. Bass of Wilton called for a di-
vision.

A division being had,

The motion was lost by a vote of
17 to 52.

On motion by Mr. Merrill of Bux-
ton, the rules were suspended and that
gentleman introduced out of order the
following order:

Ordered, that Representatives Otis
H. Taylor of Topsfield and Hollis
Gardner of Whiting be excused from
attendance for the remainder of the
session, and that their pay and mile-
age be made up to the end of the ses-
sion.

The order received a passage.

On motion by Mr. Richardson of
Canton the rules were suspended and
that gentleman was permitted to in-
troduce by unanimous consent out of
order, the following resolve: Resolve
in aid of the sufferers from the re-
cent flood in Ohio.

Mr. Richardson moved that the re-
solve be received under a suspension
of the rules.

Mr. Austin of Phillips moved that
the resolve be laid upon the table un-
til this afternoon.

The motion was agreed to.

The SPEAKER: The next matter
for consideration is bill, An Act to in-
corporate the York County Power
Company. The pending question is
the first reading of the bill.

On motion by Mr. Sanderson of
Greene the bill received its first and
second readings and was assigned for
Monday afternoon, March 31st, at half
past four o'clock for its third reading.

On motion by Mr. Sturgis of Au-
burn, House Document No. 595, resolve
in favor of the Androscoggin Anti-
tuberculosis Association, was taken
from the table,

The pending question being the sec-
ond reading of the resolve,

Mr. Sturgis moved that the resolve
receive its second reading and be pass-
ed to be engrossed.

Mr. Scates of Westbrook moved that
the House take a recess until three
o'clock, this afternoon.

The motion was agreed to.

After Recess.

The SPEAKER: The question before
the House is on the motion of the gen-
tleman from Auburn, Mr. Sturgis, that
resolve in favor of the Androscoggin
Anti-Tuberculosis Association of Lew-
iston receive its second reading and be
passed to be negrossed.

The motion was agreed to.

The resolve then received its sec-
ond reading and was passed to be en-
grossed.

On motion by Mr. Mitchell of Kittery,
House Document No. 672, resolve in fa-
vor of the Maine State Sanitorium As-
sociation of Hebron, was taken from
the table.

The question being on the adoption
of House Amendment A,

The amendment was adopted.

The resolve then received its second
reading and was passed to be en-
grossed as amended by House Amend-
ment A.

On motion by Mr. Durgin of Milo,
Senate Document No. 220, bill, An Act
to incorporate the Winthrop Water
District, was taken from the table.

The pending question being the ac-
ceptance of the report of the commit-
tee "ought to pass" in concurrence
with the Senate.

The report was accepted in concur-
rence.

The bill then received its first and
second readings and was assigned for
Monday afternoon, March 31, at half
past four o'clock for its third reading.

On motion by Mr. Durgin of Milo,
Senate Document No. 221, bill, An Act
to supply the town of Winthrop with
pure water, was taken from the ta-
ble.

The pending question being the ac-
ceptance of the report of the commit-
tee "ought to pass" in concurrence,

The report was accepted.

Mr. Durgin then offered House
Amendment A.

The pending question being the adop-

tion of the amendment.

The bill then received its first and second readings and was assigned for Monday afternoon, March 31st, at half past four o'clock, for its third reading.

On motion by Mr. Quinn of Millinocket, Senate Document No. 576, resolve in favor of a survey for a road in the towns of Amherst and Clifton, was taken from the table, and on further motion by Mr. Quinn the resolve received its second reading and was passed to be engrossed.

On motion by Mr. Smith of Auburn unanimous consent was granted and that gentleman introduced out of order House Amendments F and G to Senate Document No. 575, the workmen's compensation bill, and on further motion by Mr. Smith the amendments were tabled for printing and specially assigned for consideration, on Tuesday of next week.

On motion by Mr. Durgin of Milo Senate Document No. 580, resolve for the revision and consolidation of the Public Laws of Maine, was taken from the table.

The pending question being the second reading of the resolve.

On further motion by Mr. Durgin the resolve received its second reading and was passed to be engrossed.

On motion by Mr. Quinn of Millinocket House Document No. 512, bill, An Act to amend Sections 14 and 15 of Chapter 392 of the Private and Special Laws of 1909, relating to the Millinocket municipal court, was taken from the table.

The pending question being the adoption of Senate Amendment A, in concurrence with the Senate.

The amendment was adopted.

The bill was then passed to be engrossed, as amended by Senate Amendment A.

On motion by Mr. Quinn of Millinocket, Senate Document No. 456, bill, An Act to amend Section 88 of Chapter 15 of the Revised Statutes, as amended, relating to school holidays, was taken from the table.

The pending question being the adoption of House Amendment A,

Mr. Quinn moved that House Amendment A be rejected.

The motion was agreed to, and House Amendment A was rejected.

The pending question being the third reading of the bill,

On motion by Mr. Descoteaux of Biddeford, the bill was tabled pending its third reading.

On motion by Mr. Peacock of Readfield the report of the committee on agriculture, reporting "ought to pass," as amended, on bill, An Act to amend Sections 2, 9 and 12 of Chapter 195 of the Public Laws of 1911, in relation to the control of contagious diseases among cattle, sheep and swine, was taken from the table.

On further motion by Mr. Peacock, the report of the committee was accepted, and the bill was then tabled for printing under the joint rules.

On motion by Mr. Trimble of Calais, House Document No. 647, resolve in favor of commission on enlargement of the State House, was taken from the table.

Mr. Trimble then moved that the resolve receive its second reading and be passed to be engrossed.

Mr. Jones of China moved that the resolve be laid upon the table.

The motion was agreed to.

On motion by Mr. Austin of Phillips resolve in aid of the sufferers by the recent flood in Ohio, was taken from the table, and on further motion by Mr. Austin the resolve was again tabled and specially assigned for consideration on Tuesday of next week.

Mr. Austin of Phillips moved that the House take a recess for half an hour.

The motion was lost.

On motion by Mr. Hogan of Portland the rules were suspended and that gentleman introduced out of order an order relating to accommodations for members of the House during the proceedings in regard to impeachment of sheriffs and other officers.

On motion by Mr. Austin of Phillips the order was laid upon the table.

Mr. Austin of Phillips moved that the

House take a recess for half an hour.

The motion was agreed to.

After Recess.

The SPEAKER: The Chair will lay before the House a routine matter, in connection with bill, An Act to amend Section 67 of Chapter 52 of the Revised Statutes, relating to accidents on railroads. In the Senate this bill, pending its second reading, was indefinitely postponed; in the House it was laid upon the table March 23th, pending concurrent action with the Senate. On the same day the gentleman from Newport, Mr. Mitchell, moved to insist and asked for a committee of conference, which motion was agreed to.

On motion by Mr. Mitchell of Kittery the vote was reconsidered whereby the House voted to insist and asked for a committee of conference, and on further motion by Mr. Mitchell the report of the committee was accepted.

The bill then received its first and second readings and was assigned for Monday afternoon, March 31st, at half past four o'clock, for its third reading.

On motion by Mr. Scates of Westbrook the rules were suspended and that gentleman was permitted to introduce out of order the following order:

Ordered, that when the House adjourns it adjourn until nine o'clock A. M. Saturday, March 29th, 1913.

The order received a passage.

The SPEAKER: The Chair announces that it has received from the Senate certain papers in connection with the proposed address to the Governor and Council concerning sheriffs. First, the message from the Governor stating that in compliance with House order relative to non-enforcement of the prohibitory law by sheriffs and county attorneys in the different counties of the State, submitting all that the Governor has bearing upon this subject with reference to any county. Accompanying this message are the papers and documents referred to by the Governor in the message.

There has been returned to the House from the Senate House Document No. 665, which is the resolve for

the adoption of an address asking for the removal of the sheriff of Cumberland county. In the House, House Amendment A was adopted; in the Senate, House Amendment A has been indefinitely postponed. Sent down for concurrence are the following resolves:

Resolve in favor of the adoption of an address to the Governor and Council for the removal of Hewitt M. Lowe, sheriff for the county of Androscoggin.

Resolve in favor of the adoption of an address to the Governor and Council for the removal of William H. Hines, county attorney for Androscoggin county.

Resolve in favor of the adoption of an address to the Governor and Council for the removal of Wilbert W. Emerson, sheriff of Penobscot county.

Resolve in favor of the adoption of an address to the Governor and Council for the removal of Adelbert J. Tolman, sheriff of the county of Knox.

Resolve in favor of the adoption of an address to the Governor and Council for the removal of John W. Ballou, sheriff of the county of Sagadahoc.

Also the following order:

Ordered, that a committee of three on the part of the Senate, with such as the House may join, be appointed to consider and report the order of proceedings to be observed upon the hearing proposed by the resolve of the two branches upon the alleged causes of removal in the case of John W. Ballou, sheriff of the county of Sagadahoc; and that the secretary of the Senate be directed to issue due subpoenas for the summoning of witnesses to be present and testify at such hearing, upon the application of either prosecution or defense, and that counsel be furnished either party.

Also orders of similar tenor in the cases of

Wilbert W. Emerson, sheriff of the county of Penobscot,

William H. Hines, county attorney for the county of Androscoggin.

Hewitt M. Lowe, sheriff of the county of Androscoggin,

Adelbert J. Tolman, sheriff of the county of Knox.

Senate Document No. 666, which is Senate order as to the committee and

course of procedure in the matter of the sheriff of Cumberland county, with the amendment adopted by the House, has been returned with the amendment indefinitely postponed.

Also the following Senate order:

Ordered, the House concurring, that the attorney general of the State be and hereby is requested to present the evidence and conduct the hearing for the State in proceedings now pending for the removal from office of Lewis W. Moulton, sheriff of the county of Cumberland, and that the said attorney general shall be authorized to engage such legal assistance as he may deem necessary.

Also orders covering the cases of Hewitt M. Lowe, sheriff of the county Androscoggin; Adelbert J. Tolman, sheriff of the county of Knox; John W. Ballou, sheriff of the county of Sagadahoc; Wilbert W. Emerson, sheriff of the county of Penobscot and William H. Hines, county attorney for the county of Androscoggin.

What is the pleasure of the House concerning these papers?

Mr. SCATES of Westbrook: Mr. Speaker, I move that all those papers be laid upon the table and that Tuesday of next week be specially assigned for their consideration.

Mr. NEWBERT of Augusta: I would add to that motion, Mr. Speaker, that they be printed meanwhile, all but the evidence.

The question being on the motion that all these papers and documents referred to, with the exception of the evidence, petitions accompanying the message of the Governor, be laid upon the table for printing and be specially assigned for consideration on Tuesday of next week.

On motion by Mr. Austin of Phillips,

The motion was agreed to.

Adjourned until tomorrow morning at nine o'clock.