

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Sixth Legislature

OF THE

STATE OF MAINE

1913

**HOUSE.**

Wednesday, April 2, 1913.

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

Prayer by the Rev. Mr. Gibson of Augusta.

Journal of previous session read and approved.

Papers from the Senate disposed of in currence.

From the Senate: An Act relative to the direct election of delegates to National conventions and to provide for the expression of preference for candidates for President and Vice President of the United States.

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. Maybury of Saco the House voted to recede and concur with the Senate in the indefinite postponement of the bill.

From the Senate: An Act to license stallions for public service.

In the House this bill was indefinitely postponed, and came from the Senate that branch having voted to insist upon its action which was to pass the bill to be engrossed, and asking for a committee of conference, upon which committee of conference the President of the Senate appointed Senators Moulton, Conant and Reynolds.

On motion by Mr. Jones of China the House voted to adhere to its former action in the indefinite postponement of the bill.

Mr. Jones further moved that the House reconsider its vote whereby it voted to adhere.

A viva voce vote being taken,  
The motion was lost.

From the Senate: An Act relating to the fees for the registration of physicians and surgeons.

In the House the bill was substituted for the report of the committee, the report being "ought not to pass;" in the Senate the report of the committee "ought not to pass" was accepted in non-concurrence.

On motion by Mr. Plummer of Lis-

bon the bill was laid upon the table pending concurrent action.

From the Senate: An Act creating a State Board of Charities and Corrections and prescribing the powers and duties thereof.

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

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

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

From the Senate: An Act to establish a municipal court in the town of Readfield.

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. Peacock of Readfield the bill was laid upon the table, to be taken up under the head of "Orders of the Day."

From the Senate: An Act relating to the inspection of hotels, inns and lodging houses.

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

Mr. Mitchell of Kittery moved that the House adhere to its former action.

Mr. Austin of Phillips moved that the House recede from its former position.

The SPEAKER: This motion has precedence over the motion to adhere, made by the gentleman from Kittery, Mr. Mitchell.

Mr. AUSTIN of Phillips: Mr. Speaker, I make this motion for the following reasons: I am told that our hotel industry in the State of Maine is one of the greatest industries we have, there being more than \$20,000,000 invested therein, and, as I understand, there being no larger amounts invested in any one industry except in the

lumbering industry of our State. Now this bill has had a good deal of fun poked at it, and I have recently taken occasion to go over it section by section to see what there was in the bill that was wrong or ludicrous or unreasonable; and I have so far failed to find any one item or sentence that is not reasonable and right and just.

It may be said that we do not want to go forth advertising the State of Maine all over this country as having such a class of hotels that they must be controlled by law. Our railroads are controlled by law; our public utilities of every kind are controlled by law, and it would seem to me that a hotel might be classed reasonably as a public utility; and I think it is just as good advertising for the State of Maine to send the word broadcast that we are regulating the hotels of Maine, and that we can guarantee to any and every traveller that comes within our bounds that he will sleep in clean beds, and that he will wash with and use clean towels, and that he will have clean, sanitary arrangements while he is within our borders. That is not throwing it into our hotel industry. I submit to you it looks to me like a very good method of advertisement.

Now let us stop for a moment and see what these unreasonable things are that are called for in this bill. I am told that there are some 900 hotels in the State of Maine and as many more boarding houses. Section 3 of this act arranges for a hotel commissioner, that is, it states the duties of the hotel commissioner, and provides as follows:

"Sect. 3. The hotel commissioner shall furnish application blanks for licenses issued under the provisions of Section 10 of this act. He shall see that inspections of hotels, inns and lodging houses are made in accordance with the provisions of Section 27 of this act. He is hereby granted police power to enter or have access to any hotel, inn or lodging house at reasonable times, to determine whether the provisions of this act are being complied with. He shall assist in the enforcement of any orders promulgated by the State Board of Health relating to hotels, inns or lodging houses. He shall keep a complete set of books for

public use and inspection, showing the conditions of each hotel, inn and lodging house inspected, with especial regard to sanitation, number of sleeping rooms, number and condition of its fire escapes, together with the names of the owners, proprietors and managers thereof, and any other information for the betterment of the public service. He shall keep a true and accurate account of all expenses incurred in carrying out the provisions of this act, together with a true and accurate statement of all fees collected from applicants for hotel, inn and lodging house licenses, and quarterly he shall file sworn and itemized statements of said expenses and fees with the State auditor. On the first day of January, April, July and October he shall pay into the State treasury all fees collected for licenses to date. He is hereby authorized and required to take such action and to make such rules and regulations as are necessary to carry out the provisions of this act, in accordance with its true purpose and intent."

Now, I will submit to you whether it would not be for the advantage of any hotel or inn keeper to be thus included under the provisions of this department as the proprietor of a hotel which has complied with the requirements of this section? So far as I can judge, I can see no hardship in that. There certainly can be no hardship in the matter of fees. Inn keepers today are paying \$2 to the State of Maine, or they should be, and if they are not paying that fee of \$2 as inn holders to the State they can collect no bills contracted at their hotels as I understand the law. That is, they are without the law if they do not comply with the present statute of paying an inn holder's license of \$2.

Somebody says that this is going to put out of business a great number of small hotels in this State. Section 5 says this, among other things:

"Every building or other structure, and all buildings in connection therewith, used, maintained or represented to the public to be a place where eating and sleeping accommodations are offered for a consideration to transient or other guests, and in which 15 or more sleeping rooms and one or more dining rooms or cafes are offered under the same management for the accommodation of such

guests, shall for the purpose of this act be deemed a hotel; and only such a building or combination of buildings as described above shall for the purpose of this act be deemed a hotel or have the right to use the name "hotel."

You will see this section refers distinctly to hotels of 15 rooms, houses of 15 rooms and only such building or accommodation which for the purpose of this act shall be deemed a hotel or have the right to use the name "hotel."

Section 6 goes on and defines an inn or boarding house; Section 7 defines a lodging house; Section 8 states in regard to the license, and beginning with line 11 of Section 8 is provided as follows:

"Such license shall take the place of an innholder's license as provided in Chapter 29, Section 1, of the Revised Statutes of Maine. Every such license shall be non-transferrable, shall expire on the first day of July next following its issuance, and shall be revoked for the unlawful maintenance of the licensed premises, either by the licensee or his or its authorized agent. And no hotel, inn or lodging houses shall be maintained or conducted in this State after July first, 1913, without a license as herein provided."

In Section 9 it provides that the fee for such license to conduct such hotel containing 50 rooms or more shall be \$5 per annum. I submit that for a hotel containing 50 rooms this will not be a great burden, and this is the highest amount of license, \$5; it also provides that a hotel containing less than 50 rooms shall pay a fee of \$2 per annum. That is as it is now.

Now it may be held that this means an appropriation of several hundred dollars to carry through the provisions of this act; but the supporters of this act claim that the revenue received from these licenses will more than carry on the business of the office of hotel commissioner.

Here we come to some of the things over which a good deal of fuss is being made. We reach Section 11 and this section provides as follows:

"Sect. 11. Every hotel and inn in this State shall be provided with a wash-room easy of access to its guests, and

in said washroom within view and reach of guests shall keep a sufficient supply of clean individual towels during the regular meal hours, or, if no regular meal hours are observed, then between the hours of 6.30 and 9.30 o'clock A. M., 11.30 o'clock A. M. and 2 o'clock P. M. and 6 and 8 o'clock P. M. Said individual towels shall be not less than 13 inches in width and 16 inches in length. Said hotels and inns shall furnish each guest in every bedroom with an individual cake of soap, and at least two clean towels of not less than 16 inches in width and 30 inches in length. All such towels, both in public wash-rooms and in bedrooms of such hotels and inns, shall after being used by one guest, be laundered before being used by another. All roller paper towels shall for the purposes of this act be deemed individual towels. No such hotel or inn shall furnish for the use of its guests any cloth roller towel after the passage of this act."

I wish to say that from what I have learned the cakes of soap which are referred to in this section cost less than one cent per cake. That certainly is not a burden on any hotel keeper. The largest cake that they furnish costs, as I am told by the gross, \$1.60, but the small cakes which are generally furnished in the hotels cost less than one cent per cake; so that that does not appear to be burdensome to my mind.

Under the head of roller towels, the provisions of this act allow the hotel keeper to use a paper or roller towel such as those which we have seen here in this State House, that is, providing the hotel keeper cares to do so. Anybody who is familiar with hygiene knows that the roller towel is worse than a relic of barbarism, and we are not doing anything unjust when we banish them from all the hotels of this State.

Section 12 of this bill applies to the question of beds, and that is one of the things most of us look for when we go to a strange hotel. Let us see what the provision is that is unreasonable in regard to that. Section 12 says:

"Section 12. Every hotel, inn and lodging house in this State shall here-

after provide each bed to be used by its guests with spring and mattress, and shall furnish every such bed with pillow slips and under and top sheets of white cotton or linen not less than ninety-nine inches in length, including hems, and of sufficient width to completely cover the mattress and springs, provided no sheet shall be used which after being laundered measures less than ninety inches in length, including hems, except sheets on cots or other sleeping places used for guests in cases of emergency only. All such sheets and pillow slips, after being used by one guest, must be washed and ironed before they are used by another guest."

Of course these things seem rather petty to be put into a law, but travelling men and tourists in this State have been up against a condition which they, the travelling men and the better class of hotel keepers are trying to eliminate by the passage of this law.

We next pass from the bedding to the question of mattresses, and we find that Section 13 provides as follows:

"Sect. 13. All bedding, including mattresses, pillows, pillow slips, blankets and sheets used in any hotel, inn or lodging house, must be regularly and thoroughly aired, disinfected and kept clean. No such bedding shall be used which is worn out or for any other reason unfit for further use. Six months after this act takes effect, no mattress shall be used on any bed for guests in any hotel, inn or lodging house, if made of moss, seagrass, excelsior, husks or shoddy. Three months after this act takes effect, no comforters, puffs or quilts shall be used on any bed for guests in any hotel, inn or lodging house, except puffs, quilts or comforters made of down.

The next section provides for the fumigation on account of contagious diseases, which we submit is reasonable; and the next section provides in regard to the keeping of clean glasses, and cleaning the glasses with a towel used for that purpose, a dish towel instead of the hand-towel that the guest has used that morning, a condition which we have seen done in a great many hotels. Section 16 provides in regard to the ashes, that no ashes shall be kept in the hotel. If we are going to sleep in a hotel we do

not want to have live ashes kept about the hotel. Section 17 provides as follows:

"Sect. 17. All buildings of three or more stories in this State which shall be erected hereafter, or remodelled and converted for use as hotels, inns or lodging houses, must be so constructed by the owners, contractors or builders that on main hall on each floor above the ground floor shall run to a window or door, or to both, in the outside wall or walls, and every such door or window shall be easy of egress."

Is there anything unreasonable in that? Is there anything unreasonable in the provision that in a hotel there shall be a hall which will give you easy egress to the outside in case of fire, day or night? I think you will all admit that there is nothing unreasonable in that section.

Section 18 provides that every room in a hotel shall have at least one window, and that any hotel to be built in future shall have in addition to the one window one transom window as wide as the door. Does there seem to be anything unreasonable in that, that they shall at least have one window opening to the outside?

Section 19 provides that each hotel and lodging house shall be fully equipped with a system of plumbing and drainage. They say that that will be a hardship on the country hotels, but this is taken care of by Section 21, which reads as follows:

"Sect. 21. Every hotel, inn or lodging house located in cities, towns or villages having no public system of water works, shall be provided with privies properly constructed over vaults, for the accommodation of guests. Such privies shall be properly heated from the first of every November to the first of every April, between the hours of 6 o'clock A. M. and 10 o'clock P. M., and shall be kept clean and sanitary at all times. During the summer all doors or windows opening or leading into said privies shall be screened with wire mesh screening. Separate apartments, properly designated, shall be provided for both sexes."

Section 22 provides that every hotel and lodging house shall be provided with a gong or gongs at least eight inches in diameter which shall be in the hallway on each floor in such a

position that their ringing can be heard in every room. These are fire gongs and is there any objection to that for protection of the public?

Section 23 provides that there shall be a fire extinguisher on each floor. Is there anything unreasonable in that provision?

Section 25 provides as follows:

"Section 25. On the inside of every building to be hereafter erected or remodelled for use as a hotel, inn or lodging house, four or more stories in height, containing 50 or more sleeping rooms, and not already supplied with two standpipes three inches in diameter, there shall be at least two standpipes, under water pressure, of not less than four inches in diameter, equipped with long bend fittings and connected directly with the street main. Such standpipes shall be located in such parts of the hallways as are not in close proximity to elevator shafts or stairways, shall be so spaced that fire in any room can be quickly reached by at least one first aid fire stream, and on each floor shall have two hose valves and connections, one for a one and one-half inch hose and another conforming to the size of the hose threads interchangeable with those of the said fire department. There shall at all times be attached to standpipes on each floor, at least one linen hose one and one-half inches in diameter and of sufficient length to reach any room on the floor where it is attached; provided that no hose so used shall exceed 50 feet in length. Every such hose shall be provided with brass coupling and with a composition metal nozzle, at least eight inches in length and tapering to a discharge orifice of not less than one-half nor more than three-quarters of an inch in diameter. Every such hose shall be attached to valves at the standpipe and stored on hose racks securely fastened in position and so designed that the water can be turned on without disturbing the hose or preventing it from being pulled off and laid without further attention to the controlling valve."

This does not apply to hotels at present erected and not remodeled, but it does expressly apply to buildings here-

after erected or remodeled. So that I submit there is not a great hardship to hotels which are at the present time doing business.

Section 26 provides for fire escapes, practically as the Maine law now requires. We have a law in this State now, which requires hotels and public buildings, as I understand it, to build and maintain proper fire escapes and that they shall be unobstructed. This as I understand it, is the present law. Section 26 further provides:

"And every such hotel, inn or lodging house less than four stories high and having less than 15 sleeping rooms on the third floor, shall have hallways placarded to indicate all stairways and exits and shall keep a five-eighths inch knotted rope of sufficient length to reach the ground in each outside room above the ground floor. Such rope shall be fastened six feet above the floor near a window and in such a substantial manner that it shall be able to sustain at least 500 pounds weight."

Section 27 provides that every hotel, inn or lodging house containing 50 rooms or more shall employ and keep at least one competent watchman. It does not say that the watchman shall not be the night clerk, but it says they shall keep at least one competent watchman whose duty it shall be to watch and guard against fire such hotel or lodging house.

Section 28 provides for inspection of the hotel, and Section 29 provides for the penalty; and the following sections provide for the execution of the act.

Now I submit to you, gentlemen, whether you are causing a hardship upon any existing hotel proprietor of the State of Maine by passing this law here as it is written. I will say further, for the information of the House, that this bill was subject to no criticism or objection before your committee, with one exception; and that was on the part of the gentleman who has just retired from the management of the Hotel North in this city, and I believe he did object to it for some reasons, but before the hearing before the committee was over he had practically signified his

satisfaction with the bill. Hotel men were here from all over the State of Maine and, as I say the committee heard no objection to the bill. The thing went along as many other matters have in this House, to its engrossment, and upon a certain afternoon when the temper of the House was just right it was indefinitely postponed. That is the history of this bill.

Now I submit to you that this bill is unanimously desired by the commercial men of Maine; it is practically unanimously desired by the keepers of the better class of hotels in the State of Maine, and I believe it is unanimously desired by the keepers of the ordinary country hotels in Maine who thoroughly understand the bill; and I hope for these reasons that my motion to recede and concur with the Senate will prevail.

Mr. MITCHELL of Kittery. Mr. Speaker, I labor under the disadvantage of sitting behind the gentleman from Phillips (Mr. Austin) and not being able to hear all that he said in regard to this bill, but it has not changed since it went over into the other branch of the Legislature. I do not object to the bill from a personal standpoint, but I do object to it from the standpoint of the small hotel keepers of the State of Maine. There are many small houses, summer hotels principally, which are public benefactors in a way, and they are taking people at the rate of a dollar and a dollar and a half a day and giving them a fair return for their money; and if you pass this bill you will erect a monument about their business long enough to take in the epitaph delivered by the gentleman from the other side of the House (Mr. Newbert) and devoted to the mothers of our State. For that reason I hope the bill will not pass.

I don't know, Mr. Speaker, who drew this bill or at what hotel this man had been stopping, but just think of the remarkable features of it, that a room in a hotel must have one window. Did any of you ever stop at a hotel where the rooms did not have

one window? Another provision recites that they must actually have a bed. Where have they been stopping, at Italian camps where they sleep in the corner of the room on a bed of straw?

Now, gentlemen, last year I spent \$25,000 in additions to my hotel, and I consider that I have as good a summer hotel as there is on the coast of Maine, and because my sheets are only 89 inches long, I have got to go and throw them overboard and buy some new ones; my towels are only 12 inches wide and 15 inches long, and therefore they have got to go with the other paraphernalia of the house. The gentleman says, why should we not be placed under supervision the same as the public utilities of the State. Gentlemen, put us under the public utilities and I will agree to it, but don't pass a bill to make a place for some travelling man who comes down here and tries to lobby this bill through the Legislature, some man who would not be big enough to handle the hotels of the State. We want a \$5000 man, the same as the chairman of the board of public utilities will be, in order to handle this great business. I submit to you that the Rickers are about as good hotel men as there are in the State of Maine, and they are against this measure. I have had letters from hotel men from Kittery Point to Quoddy Head, who seem to be unanimous, as they say, in their objection to the passage of this bill.

These hotels have been built up by private enterprise and not by a charter received from the Legislature, and as I said before, if you want to put us under guardianship, put us under this great commission which you have already created. And if you look over the history of this Legislature I am afraid that when we get home and meet our people they will say that we have created offices enough, and I certainly hope the motion of the gentleman from Phillips (Mr. Austin) will not prevail.

Mr. SANBORN of South Portland: Mr. Speaker, I believe the subject of this bill is entirely too serious to be bluffed out of court. Personally I feel hardly

qualified to discuss it intelligently, because I have never had the slightest interest in the ownership or management of any hotel, and my style of living is such that I have very little occasion to patronize hotels. I am willing to say just a word upon this matter from the standpoint of the committee to which the bill was referred, and that may possibly answer some of the objections that have been made. As to the drafting of the bill we were credibly informed that it was drawn by a committee representing both the travelling public and the hotel owners, a committee assisted by entirely competent and capable counsel. I believe that to have been the fact, and I do not suppose that the people who drew the bill were fully ignorant of the subject either from the standpoint of the owner or from the standpoint of the patrons of our hotels.

The bill as it was presented to the committee did as a matter of fact have some features in it which were objectionable, some which were objectionable to the hotel keepers and some which were objectionable to the travelling people. These were entirely eliminated, and so far as I know eliminated to the satisfaction of all parties concerned. There was a largely attended hearing, and that attendance was represented fully as largely from the hotel keepers as from the travelling men; and it seemed quite significant to us that there should be such unanimity on the part of the interests which might be supposed to be adverse; the indication being that the travelling people were asking for only what was properly their due, and the hotel men being present acted from the standpoint of the better owners and the reputable owners and the responsible owners of hotels, exhibiting a desire which is seen in all other lines of business and all other professions, to raise the standard and to bring the standard up to that of those who are in the business with a view to conducting it on reputable lines.

It may be true that there are hotels in the State of Maine which are not up to the standard set in this bill, and if there are such hotels it seems to the

committee and it seems to the better classes or hotel men only fair that they should be required to raise their standard. The provisions that are included in this bill—and they have been very fully gone over by the gentleman from Phillips (Mr. Austin) and I will not undertake to repeat them—the provisions contained in this bill relate substantially to two subjects, those relating to the sanitary conditions and those relating to the safety of the patrons of our hotels. The bill seemed to us not to go any further than what was proper and what was desirable in either of these directions; and we felt, and the report was unanimous, and so far as we knew at the time of the hearing which was largely attended, and so far as we have learned since that time, there has been no objection whatever on the part of any except a few of those, as have been characterized by the gentleman from Kittery (Mr. Mitchell) as public benefactors. I do not believe, and I do not believe it will be seriously contended, that that class of people who are catering to the patronage of people of wealth and cultivation and refinement from out of the State, I do not believe that class of people will seriously come before us and ask for a lower standard in conducting their business from that which the commissioner may deem proper and suitable. Does that seem to you to be a reasonable proposition? I believe the matter should be treated seriously, and I believe that the fact that the responsible and reputable hotel people together with the entire traveling public should be given some consideration in what they ask for.

As for the gentleman from Kittery (Mr. Mitchell) and his hotel, the standing of which I do not question, I am only going to say this: We thought we were somewhat generous at the beginning of the session in granting to him the courtesy of retaining his seat in this House, but that should not carry with it the implication that we are to give him everything throughout the entire session that he asks for, something which we have been doing up to this present time. (Applause.)

Mr. MITCHELL: Mr. Speaker, I realize that it is no fault on the part of the

gentleman from Augusta (Mr. Newbert) and some other members of the House that I stayed here. I did not stay with the understanding that I should surrender any of my rights, but I should still have a voice and a vote in the proceedings of the Legislature. I hope that the motion will not prevail.

Mr. DURGIN of Milo: Mr. Speaker, the gentleman from South Portland (Mr. Sanborn) tells us that at the time of the hearing there was no opposition to this bill, and I think he is correct about it; but I am told and credibly informed that there were a large number of hotel men present at the hearing who were opposed to this bill; and the reason they were not heard was because they did not want to antagonize the traveling men who were present there and working for the bill. That has come to me straight, and perhaps that was a reason why they kept what was thought to be at that time a discreet silence. As a matter of fact a great many of the small hotels in this State are opposed to this measure.

I don't know how the originator of this act arrived at the precise length of his sheets and towels. I suppose they stood up some one of the tallest traveling men and measured out a sheet that would fit him and then called that the right length, and so in regard to the towels; and knowing a great many traveling men as I do, and knowing the cheek that they possess, I should say that they require a larger towel than the ordinary man.

Mr. McBRIDE of Mount Desert: Mr. Speaker, I know of a city not a great many miles from here in which are located four large hotels, and the proprietors of those hotels are all opposed to this bill.

Mr. NEWBERT of Augusta: Mr. Speaker, I appreciate the compliment of my friend from Kittery (Mr. Mitchell). Personally I am very glad that my friend retained his seat in this House. We should have lost much had we lost his genial presence, and my only regret is that he could not get his post-office back.

Mr. MITCHELL of Kittery: Mr. Speaker, I will say that I do not know but what I should have got it back if a gentleman of the House had not published a letter.

Mr. KEHOE of Portland: Mr. Speaker, just one word. I have sat here and listened to this discussion, and I have heard the bill explained section by section; I have heard the gentleman from Kittery (Mr. Mitchell) appear against the bill but I have not heard him offer any objection to any part of it. I have not heard anybody opposed to the bill discuss the bill in any particular and point out any objectionable features to it. We have committees in this House, and it is their business to attend to the real business of the House. What encouragement is it for any committee, after considering a matter of this importance, to have the matter remodelled and re-drafted and a bill brought in of this importance before the House and then have members in their seats who have not heard the evidence before the committee, turn down the report of the committee? We are advertising Maine as the great playground of the nation, and we are the playground of the nation. We expect to cater to people from outside of the State, and the class of people who come here are the best class in the country, and we should see that they are served under the very best circumstances. I think this is a matter which should be decided fairly, and I think we should stand by the committee who considered the matter; I think this is in a line of progress, and I hope that the bill will pass.

Mr. O'CONNELL of Milford: Mr. Speaker, the hotel is the home of the travelling man, and it is the only home a great many of the travelling men have. This bill is aimed at the hotel or at the proprietor whose sheets are half an inch short. It is immaterial whether they stood a man up against the wall and measured the sheets, or how they measured them. This is aimed at the man who does not want to run a first class hotel, and still who is willing to charge you a first class price.

The hotel industry of Maine is a great industry, and I tell you that it is the only industry of such gigantic proportions that has not got some kind of a commission over it; and I will say that it will not strike my friend from Kittery (Mr. Mitchell) or any man who is willing to run a first class ho-

tel, but it will hit those people in the small towns where they have only one hotel, and you have got to take what they give you.

Mr. DUNTON of Belfast: Mr. Speaker, the discussion has proceeded thus far in relation to hotels that are patronized by the travelling public. There is a class of hotels and lodging houses that have not in the discussion received any consideration at all, the cheap lodging houses and cheap hotels which we find in all of our cities for the people who want cheap lodging houses and cheap board. I wonder how this bill is going to affect them. I have looked the bill over, and I find that there is an uncertainty in my mind as to what the effect will be on the class of houses denominated in this bill as inns and lodging houses.

Mr. AUSTIN: Mr. Speaker, I will say to the gentleman from Belfast (Mr. Dunton) that even in the case of what he described as the cheap lodging house, I don't think the cleanliness and sanitary conditions are incompatible with cheapness: I don't think because a hotel is cleanly, and the beds must be kept clean and the conditions must be kept sanitary therein, necessarily means that a high price must be charged for the accommodation. It would seem to me that if we can by any such legislation as this—I don't know that we can, but I think it is worth trying—my opinion has been that if we can by any such legislation as this bring about a better condition, not only in the large hotels but also in the small hotels, the better it would be not only for the visitors to this State and the travelling public, but for the owners of these hotels themselves.

No one is finding any fault with Brother Mitchell's hotel at Kittery. I never was there in my life, but I would be willing to bet that that hostelry is clean and well lighted and sanitary, and that the beds are comfortable and that the table is good. I do not need to say anything about the places which are run by the great Ricker Corporation; everybody knows what their condition is. If all the

other hotels in the State were like that, there would be no further need of legislation. You know and I know in a great many of the country communities of this State there is one hotel and one only. Perhaps the proprietor may be slack or careless as to the requirements of such a hotel. It may affect just that class of people, and we may have a good deal of complaint from them for the time being; but I think as long as we are here legislating for the great public of Maine it is worth our while to try and see if we cannot better the conditions of what we all know is not first-class in the matter of the smaller hotels of the State of Maine.

The SPEAKER: The question before the House is on the motion of the gentleman from Phillips, Mr. Austin, that the House recede from its non-concurrent action with the Senate in the indefinite postponement of this bill.

Mr. Austin of Phillips moved that the yeas and nays be called.

The SPEAKER: Consequently those voting in the affirmative will vote in favor of the bill; those opposed will vote no. The gentleman from Phillips, Mr. Austin, has demanded the yeas and nays.

A division being had,

The yeas and nays were ordered.

YEA:—Austin, Bass, Bither, Boman, Bowler, Bragdon of Sullivan, Butler, Clark of Portland, Clark of New Portland, Connors, Cook, Cy, Descoteaux, Donovan, Dresser, Eldridge, Folsom, Gordon, Greenleaf of Auburn, Greenleaf of Otisfield, Harman, Harper, Hodsdon, Jenkins, Johnson, Kehoe, Kelleher of Portland, Kelleher of Waterville, Kimball, Lawry, Leader, LeBel, Mathieson, McFadden, Morgan, Morneau, Morse, Newbert, Nute, O'Connell, Pendleton, Pitcher, Putnam, Reynolds, Sanborn, Sanderson, Scates, Sherman, Skelton, Skillin, Smith of Auburn, Smith of Patten, Smith of Pittsfield, Spencer, Stetson, Stuart, Swift, Thombs, Tobey, Washburn, Wheeler, Winchenbaugh—62.

NAY:—Allen, Benn, Boland, Brennan, Brown, Bucklin, Chadbourne, Churchill, Cochran, Crowell, Currier, Davis, Doherty, Dunbar, Dunton, Durgin, Eastman, Eaton, Elliott, Estes, Gamache, Farrar, Franck, Gallagher, Gamache, Goodwin, Hancock, Harriman, Haskell, Hutchins, Irving, Leary, Leveille, Libby, Mason, Maxwell, Maybury, McBride, Merrill, Metcalf, Mildon, Mitchell of Kittery, Mooers, Morrison, Packard, Peacock,

Peaks, Peterson, Plummer, Price, Quirn, Richardson, Roberts, Robinson, Rolfe, Rousseau, Sargent, Smith of Presque Isle, Snow, Stanley, Stevens, Swett, Trimble, Tryon, Umphey, Violette, Waterhouse, Wise, Yeaton—69.

ABSENT:—Benton, Bragdon of York, Chick, Emerson, Gardner, Haines, Higgins, Hogan, Jennings, Jones, Marston, Mitchell of Newport, Ramsay, Ricker, Sprague, Sturgis, Taylor, Thompson, Twombly—19.

The SPEAKER: Sixty-two having voted in the affirmative and 69 in the negative, the motion is lost.

Mr. Mitchell of Kittery moved that the House adhere to its action in the indefinite postponement of the bill.

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

From the Senate: Ordered, the House concurring, that a committee of five, consisting of two of the Senate and three of the House, be appointed by the President of the Senate and the Speaker of the House to consider the matter of preference for primary election of candidates for President and Vice President, and report by bill to the next Legislature.

The order received a passage in concurrence.

#### Senate Bills in First Reading.

An Act to amend Chapter 193 of the Public Laws of 1909, creating the Maine Forestry District and providing for protection against forest fires therein.

An Act to amend Sections 13, 14 and 15 of Chapter 4 of the Revised Statutes, as amended, relating to the appointment of road commissioners by selectmen.

An Act to revise, collate, arrange and consolidate the inland fisheries and game laws of the State, both General and Public and Private and Special, and the rules and regulations of the commissioners of inland fisheries and game now in force. (Tabled and specially assigned for consideration, tomorrow morning, on motion by Mr. Putnam of Houlton.)

From the Senate: Message from the Governor with regard to failure of the sheriffs or county attorneys to enforce prohibitory law, and evidence upon such matters.

The order was placed on file in concurrence with the Senate.

#### Orders.

Mr. Mooers of Ashland presented the following order:

Ordered, That the secretary of State be ordered to return to the clerk of the House Senate Document No. 575, together with all amendments thereto and all papers accompanying the same, said document being the bill known as the Workmens Compensation Act.

Mr. Mooers moved that the order receive a passage.

The question being on the passage of the order,

Mr. MARSTON of Skowhegan: Mr. Speaker, before voting on the order introduced by the gentleman from Ashland (Mr. Mooers) I should like to inquire through the Chair the reason for having this bill now returned to the House.

The SPEAKER: The gentleman from Skowhegan, Mr. Marston, makes an inquiry of the gentleman from Ashland, Mr. Mooers, to explain the reason for having the bill returned to the House at the present time.

Mr. MOOERS: Mr. Speaker and gentlemen, my reason is simply this, that we wish to reconsider the vote whereby this bill was passed to be engrossed.

Mr. MARSTON: Mr. Speaker, it seems to me the only two reasons for reconsidering the vote whereby this bill was passed to be engrossed are these, one to offer an amendment for the purpose of putting in in a stage where amendments will be offered, and the other to attack its passage. Now I think before the House votes on this order, unless the gentleman from Ashland, Mr. Mooers, agrees to assure us that the bill is to be brought back for the purposes of amendment, I should oppose the passage of the order. I would, however, like to ask the gentleman from Ashland, Mr. Mooers, through the Chair if the gentleman proposes to bring back this bill and reconsider the vote in order that an amendment may be offered.

The SPEAKER: The gentleman from Ashland, Mr. Mooers, hears the request made through the Chair by the gentleman from Skowhegan, Mr. Marston.

Mr. MOOERS: Mr. Speaker, I will simply state that it is not for the purpose of making any amendment.

Mr. MARSTON: Mr. Speaker and gentlemen, that being the case, and in view of the circumstances which have arisen in the last 12 hours it seems to me that this House cannot fairly vote in favor of the passage of the order introduced by the gentleman from Ashland, Mr. Mooers.

I wish to state that last night the workmen's compensation bill, so called, was taken from the office of the secretary of state without authority. I am advised by competent officials of the State that no member of either branch of the Legislature has any authority to take a bill out of the hands of any official in whose custody it is put, except, perhaps, for the purposes of a brief examination. The workmen's compensation bill was in the pocket of a member of this House, as I understand, this morning, and it was expected, I presume, that its engrossment could be prevented by keeping it out of the hands of the engrossing clerk. However that may be, it is of small consequence, excepting in the particular that the ordinary procedure is being interfered with.

It seems hardly fair that the opponents of this measure should ask the House to authorize them to do something which they did, last evening, without authority. It seems only fair that the opponents of this bill should attack it fairly and in the usual procedure of its passage. The bill, as I understand it, cannot be engrossed, today, owing to the tactics which have been used; and it seems to me that it certainly is very wrong and a very wicked thing for any member of the House, with intent to interfere at this stage of the progress of the bill, and if they want to attack it the time to do that is on its passage to be enacted; and I wish to warn not only the opponents of this bill in the House, but that sturdy and reliable band of opponents in the lobby that before you buy the refreshments for the wake, make sure of the corpse.

Mr. MOOERS: Mr. Speaker, I wish to

correct the statement of the gentleman from Skowhegan (Mr. Marston). He states that I had this bill in my pocket last night, which is absolutely untrue. I went down to the office of the secretary of State this morning and found that the bill had not been engrossed, and that the amendments had not been copied, and I asked the privilege of looking the bill over, which privilege was granted me, and I wish now to state frankly that the statements made by the gentleman from Skowhegan (Mr. Marston) are not the facts of the case. I had this bill for about 20 minutes in my pocket this morning, which I consider I had a perfect right to do. I think this answers the remarks of the gentleman from Skowhegan (Mr. Marston).

Mr. SMITH of Presque Isle: Mr. Speaker, I just wish to state that if the gentleman from Skowhegan means to insinuate that the gentleman from Ashland (Mr. Mooers) got this bill from the files last night he is either grossly mistaken or else he is deliberately stating that which is not true and not the fact. The gentleman from Ashland (Mr. Mooers) has stated correctly that he borrowed the bill for a few moments this morning for the purpose of looking it over.

Now I have no question but what there are gentlemen here who, after yesterday, who decided that at some stage they wanted to have a chance to vote upon the proposition. The question did not seem to arise yesterday so that they could vote as they felt they wanted to. I suppose the very purpose of having this bill brought back into this House is to make a motion to reconsider the vote whereby it was passed to be engrossed, and then I have no doubt but what at the proper time a motion to indefinitely postpone the bill will be made.

The gentleman from Skowhegan (Mr. Marston) says that it may be attacked on its passage to be enacted. Well, it can; but I see no reason, if an attack is to be made, why it should not be made before the State has been put to the expense of engrossing the bill. The matter can be disposed of before it is engrossed; and then if the House sees fit to give it a passage then it will come up on its passage to be enacted without any further trouble. I rise simply for

the general purpose of informing the House that the gentleman from Skowhegan (Mr. Marston) is not exactly correct in his information.

Mr. MARSTON: Mr. Speaker, I am very sorry if I have made an incorrect statement. I was informed, as I thought upon reliable information, this morning that the workmen's compensation bill was taken from the office of the secretary of State last evening and was returned this morning. If I am in error, and I presume I am because the gentleman from Presque Isle (Mr. Smith) has stated the facts very plainly, and I regret very much that I made the statement that I did; and I wish to say to the gentleman from Presque Isle (Mr. Smith) that I apologize for anything which may have been wrongly stated, and I assure the House that it was not done with any such intention.

Mr. IRVING of Caribou: Mr. Speaker, in order that the objection of the gentleman from Skowhegan (Mr. Marston) before this House may be removed, and in order in all sincerity and good faith that this may be done, I will ask for a reconsideration of the vote of this House whereby it yesterday declined to adopt House Amendment A to Senate Document No. 575, and will again present House Amendment A for the consideration of this House; and I will say that I do this in the interest of the bill.

The SPEAKER: The Chair will state that there is a motion pending before the House and the Chair cannot at the present time entertain the motion of the gentleman from Caribou, Mr. Irving. The pending question before the House is on the motion that this order presented by the gentleman from Ashland, Mr. Mooers, receive a passage. The Chair will state that if any action is to be taken on this bill the papers should be in the possession of the clerk of the House. Is the House ready for the question, which is on the passage of the order?

Mr. Descoteaux of Biddeford moved that the yeas and nays be called.

A division being had and a sufficient number not having arisen,

The yeas and nays were not ordered.

The question being on the passage of the order,

The order received a passage.

The SPEAKER: The Chair will state that as soon as the papers are returned to the House the Chair will entertain the motion of the gentleman from Caribou, Mr. Irving.

Mr. SCATES of Westbrook: Mr. Speaker, I wish to present at this time and move the acceptance of the report of the committee of conference on the disagreeing action of the Senate and House on resolution for the removal from office by address to the Governor of Lewis W. Moulton, as amended by House Amendment A.

Before that report is read I simply wish to make a statement. This House took the position that if one sheriff was to be investigated then all should be, there should be no favors; and I believe that the people of this State have taken that same position. When that order came in, or that resolution from the Senate to investigate one sheriff, this House amended it and added two more, providing that if one sheriff was to be investigated at least three should be. Now your committee of conference have come to this conclusion, that not only shall three sheriffs be investigated but that five shall be investigated or else none. I believe that will meet with the approval of the people of this State.

I confess that many of us congratulated ourselves that there would be one session of the Maine Legislature when this perennial rum question would not be the principal measure before the Legislature. We were doomed to disappointment, and we probably shall be just so long as the present prohibitory law is allowed to remain on the statute books of this State. In the closing hours of this Legislature when we are tired, worn out and irritable and wanting to go home this eternal rum question was forced upon this House and this Legislature. Now, as long as it has been done, gentlemen, let us stay here and do our duty, and if there is evidence presented to this Legislature whereby five sheriffs of this State should be removed, undoubtedly three more will be added to the list, in order that we may have a general house cleaning, and so, Mr. Speaker, I present the report of the

committee and ask the clerk to read it.

The clerk then read the report of the committee as follows:

The committee of conference on the disagreeing action of the Senate and House on resolution for the removal from office by address to the Governor of Lewis W. Moulton, as amended by House Amendment A, have had the same under consideration and beg leave to report as follows: We recommend that the House recede and concur with the Senate in the indefinite postponement of House Amendment A; and further recommend that said resolution be amended so as to fix the date for appearance and hearing for Saturday, April 5th, 1913, at half past nine o'clock A. M.; and further recommend that in the case of John W. Ballou, the resolution be amended so as to fix the time of his appearance and hearing for Friday, April 4th, at half past nine o'clock A. M.; and in the matter of Adelbert J. Tolman, that the resolution be amended so as to fix the time for his appearance and hearing for Monday, April 7th, at half past nine o'clock A. M.; and that in the matter of Wilbert W. Emerson, the resolution be amended so as to fix the appearance and hearing for Tuesday, April 8th, at half past nine o'clock A. M.; and in the matter of Hewett M. Lowe, the resolution be amended so as to fix the time of his appearance and hearing for Wednesday, April 9th, at half past nine o'clock A. M.; and in the matter of William H. Hines the resolution be amended so as to fix the time of his appearance and hearing for Wednesday, April 9th, at half past nine o'clock A. M. Signed, Albert J. Stearns, H. S. Wing, Ira G. Hersey, John C. Scates, Bertram L. Smith and E. E. Newbert.

Mr. NEWBERT of Augusta: Mr. Speaker, I wish to second the motion of the gentleman from Westbrook (Mr. Scates) that this report of the committee of conference be accepted by the House. This matter was considered at the regular session, yesterday, which lasted more than an hour, and in the conference committee if there is to be agreement both sides must concede something. You have the report before you. The conferees on the

part of the House, I think it is safe to say, did as well as they could; they insisted upon the action of the House as long as they could, and in view of a failure of the whole proposition they were willing to concede to the Senate that much, and agreed to recede and concur with the Senate as to the amendment which we passed in the House; but we did insist upon a schedule being made up, which has been read to the House, a schedule which now gives the Legislature control of all these matters, and it seems only fair that there being four Democrats named and two Republicans, that a Republican officer should be placed on trial first. That is the conclusion of the committee, and I am very sure it will be satisfactory to this House. Like my brother Scates, I had hoped that we should end this session without a discussion of the liquor business in this State.

My position in this State is well known upon this liquor question. I have no use for liquor, and I have no use for a rum seller. I give way to no man on this floor in my respect for law and in my demand for law, and in my desire for clean towns, clean cities, clean men and sober men. I should say nothing further were it not for the fact that some man here in this House, and I think he should be a Democrat, should say a word in answer to the mud-slinging which took place in the Senate, yesterday, when Lord Hersey said in the House of Lords, Lord Hersey of Aroostook, who exceeded all records that were made by him in mud-slinging. I would like to take up his charge, that some of the leaders in this House are playing dirty politics with this question, that we are peanut-politicians, playing peanut politics on this solemn question.

I submit, gentlemen, that no man in this House has played dirty politics yet with this question, and no man will. I submit there has been no peanut politics played in this House in relation to this question. This House has its rights and it will stand upon those rights. I am sorry that the exigency of the occasion calls for a crit-

icism of a ruling of the able Speaker of this House. (Applause.)

You know the story, gentlemen, that to the surprise of every man here a resolve came into this House calling before the bar of this Legislature Sheriff Moulton of Cumberland county. We had at that time no guarantee that any other man in this State would be brought before this Legislature; it looked to us sitting on this floor that Sheriff Moulton of Cumberland county was to be made the scapegoat for the whole situation in this State as viewed by the administration. I think we were entirely within our rights when we called some of the bluff on that question, and enlarged the scope of this investigation; we were entirely within our rights when we named two counties where liquor selling is well known and where liquor selling has always been known; we were entirely within our rights as Democrats or Republicans or Progressives when we named in addition to the sheriff of Cumberland county the sheriff of Sagadahoc county and the sheriff of Penobscot county; and our amendment was entirely in order, and it was ruled to be in order by our Speaker, than whom there is no better authority under the dome of this Capitol. It went back to the Senate, and the Senate did with it what it has been doing all this winter, it has been saying to this House all winter, "You play in our front yard or, damn you, you won't play at all." (Applause.) Now, I have not sworn this morning, but I will say for the Portland Press that I have quoted somebody.

I wonder why it is that somebody has passed over little Sagadahoc; I wonder why it is that the Governor of this State has no information in relation to Sagadahoc county; I wonder why it is that the Civic League interested in the cause of purity in this State has had no report to make to the Governor of this State upon Sagadahoc county. What is the Civic League? At its best it is a very amateurish detective agency whose officials are subsidized by the good people of this State. At its worst it is only a side issue for the Republican party of Maine, the great party whose area is rapidly decreasing.

With all the publicity relating to the city of Bath for the last three or four weeks in the public press of Maine why is it, I ask you, that some man or some body of men or some organization of men have not deemed it wise to report conditions there to the Governor of Maine as well as the conditions existing in the city of Portland? Why should not the county of Penobscot, with its record for 50 years, have been named? Why should not the Governor of our State, if he had men in mind whose names should be mentioned, why couldn't he have the good taste to name a man first from his own party rather than allowing all the power of this great State of Maine against the Democratic sheriff of Cumberland county?

Where are we going to stop in this thing, gentlemen? We have named two Republicans, and this House has named them, and we have named four Democrats. If there are any more Democrats, I say, name them, and if there are any more Republicans, I say, name them. We have named five sheriffs in 16 counties; we have named one county attorney in 16 counties. Shall we stop here, do you think? We will have to stop somewhere, but can we logically here? What about my own county of Kennebec? You know something about it. Are not there other county attorneys in Maine who should be haled before the bar of this Legislature other than County Attorney Hines of Androscoggin? Don't you agree with me that there must be others? What about the county of Aroostook, Lord Hersey's own home? They are supposed up there to go to bed at nine o'clock at night, but they don't; they are supposed to drink buttermilk with baked potatoes, but they don't always drink buttermilk. You know it, and I know it. Do not believe that there is in Maine, today, a sheriff or a county attorney who is really doing all his duty under this prohibitive law? Do you think there is one but what is remiss in his duty? Either he may be accused of malfeasance or non-malfeasance in office. I tell you, that while as a practical proposition we may have to stop somewhere and stop here, that logically we cannot stop until we examine every county attorney and

every sheriff in this State, and then begin at your police courts and go up through your superior courts until you come to the last justice of your supreme bench. And when you do that you have not done; you will have to try half of the people of the State of Maine. What are you going to do about it?

In this matter whether we try them all or turn them all out, do you think conditions in Maine will be any better? You let Governor Haines appoint a sheriff in Penobscot county, and within six months there will be the greatest scandal that Penobscot county has ever known. Now, referring to public officials—and the people of the counties elect their own sheriffs, and the people are not easily going to submit to this sort of procedure, as far as the Democrats in this House are concerned, and so far as the Democrats in this State are concerned, we are willing to go ahead and we are willing to enlarge the scope of this administration measure, and we are willing to add any other men suggested from our party or the other party or from no man's party, until we have gone through the whole process even though it takes us until next winter.

Why, gentlemen, the whole trouble is not with the sheriffs; the whole trouble is not with the county attorneys the whole trouble is not with the courts of Maine; the trouble all comes back to the prohibitory law of this State, which no man can deny. (Applause.) No sheriff in this State can do his whole duty, no county attorney can do his whole duty. You have got a law that you know never can be made to work. Who has taught Maine nullification? I need not go into that. Which party has dominated this State for 50 years? Which party, today, in the State of Maine can be justly accused of teaching the people of this State nullification? It is not the Democrats, they have not been in power; they were so four years ago you could not count them because you could not find them. We didn't give this thing to Maine, but it has been given to Maine and it has become a part of the very fibre

of our social structure in Maine, this nullification of the prohibitory law. The day is coming, gentlemen, and you and I are going to see it, when the people of the State of Maine are going to vote upon some practical proposition which the Legislature will submit to them; and you never can be relieved from the situation until some practical, reasonable way to relieve the cities of Maine out of this trouble now at our doors. Some will say that in Aroostook county the law is being satisfactorily enforced, but we have to face the conditions in cities like Portland, Biddeford, Bangor, and Lewiston. And no matter who your sheriff is or who your county attorney is or who your mayor may be or your city marshal, you are not going to stop him. I say, it is dirty all the way through.

Now, I want to re-affirm what I said before, that the Democrats of this House and Senate are a unit in their willingness to stay until this House cleaning is completed; we have no man to protect, and if you can find a guilty Democrat, that I say charge him with his crime and hale him before this tribunal. (Applause.)

Mr. SMITH of Patten: Mr. Speaker, I simply rise for the purpose of answering the suggestion made by the gentleman on the other side (Mr. Scates) in regard to the desirability of accepting the report of the committee of conference.

I have listened with great interest to the remarks of the gentleman from Augusta (Mr. Newbert), but it seems to me that much of his remarks are hardly germane to the business which we have before us; and I am not going to take up the time of the House in discussing any of the propositions advanced by him at this time. I merely desire to say in passing that I hope now that he has got this thing off of his mind and this speech off of his stomach he will feel better, and that we can now get down to the business which is before us. I do not consider that the House is interested in discussing at any great length at this time, as to whether or not a man who is an official of the state

is violating the law of the State or the Constitution of the State should no be impeached or removed from office because the people of a certain section could have happened to elect him to that position. The people sometimes make mistakes; and if the people have elected a man who is violating his oath of office and of the duties incumbent upon him the Constitution of the State has imposed upon this Legislature the solemn duty of seeing that he is removed from that office.

I don't suppose that it is important to consider with five cases before us whether or not there are other people who are violating the law until after we have attended to the business which we have at hand. I don't suppose that anybody here within the sound of my voice wants to go quite to the length of doing what my brother from Augusta (Mr. Newbert) says should be done, and that is not to stop until we have had proceedings instituted for the removal of the judges of our superior courts and every last justice of our supreme bench of this State. I do not believe that this House is in sympathy with that sort of a proposition, because it is the first time I have ever known, considering the high character and standing of the justices of our superior courts and the supreme court justices of this State, when any man has had the temerity to suggest in public that they ought to be removed. Before the bar of this House we have seen fit to ask for the impeachment of the sheriffs of the counties of Cumberland, Penobscot, Sagadahoc, Knox and Androscoggin, and on that matter a committee of conference was appointed and that committee have agreed as we have seen by their report which has been read before the House. We have had presented here a unanimous report, and we have adopted a schedule which we thought would be satisfactory to everybody, and it ought to convince everybody that we all intend in good faith to try these men and try them upon the charges made against them; and that is all there is to the question at the present time.

I reiterate what I said a few days ago,

that if there are any other charges brought in here against any other man holding office in this State for violation of his official duty, with anything reasonable upon which we can act, I am with the gentleman from Augusta (Mr. Newbert) and the gentleman from Westbrook (Mr. Scates). I think we are all willing that a course of that kind should be followed. I am not afraid to stay here, and I do not care how long we stay here, providing we are attending to the business of the State, and this is business of the State, for the purification of the conditions existing within the State. I know where there is a linen duster and a straw hat within 185 miles from here that I can send for, and the gentlemen of the House will find me in favor of any reasonable proposition which is brought before us here; but that, as I said before, is aside from the question which is before us, which is the motion that the report of the committee be accepted.

Mr. NEWBERT: Mr. Speaker: It is very easy to misquote a man, and sometimes the press likes to misquote a man. I have made no proposition here, today, to try any judge. I simply said it in general, that you logically cannot stop short of that; and my suggestion comes from a Republican member of the supreme bench of this State, who told me this, on Sunday night, in church.

Mr. SMITH of Patten: Logically you cannot continue unless there are some charges instituted against the judges of the superior or supreme courts; logically you cannot investigate those who ought not to be investigated, and there is no other deduction to be drawn from the remarks of the gentleman from Augusta (Mr. Newbert).

The SPEAKER: The question before the House is on the adoption of the report of the committee which has been read by the clerk.

A viva voce vote being taken,

The motion was agreed to, and the report of the committee was accepted.

Mr. Smith of Patten moved that the House recede and concur with the Senate in the indefinite postponement of House Amendment A to the resolve in relation to Lewis W. Moulton, sher-

iff of the county of Cumberland.

Mr. Newbert of Augusta seconded the motion.

The SPEAKER: The Chair will state that these papers are in the possession of the Senate or in the possession of the committee of conference, the Chair is unable to state which; also the House is now operating under reports of committees. The Chair assumes that various other motions will be made by the gentleman from Patten, Mr. Smith, in relation to these matters, which will be treated better under "Orders of the Day" and perhaps the gentleman will withdraw his motion at the present time.

Mr. SMITH of Patten: I withdraw my motion, Mr. Speaker.

The SPEAKER: If the committee of conference has the papers will they return the papers to the House.

Mr. SMITH of Patten: The committee never have had the papers, Mr. Speaker.

The committee on counties to which was referred bill, an Act relating to county libraries, report legislation thereon inexpedient; the report being signed by Messrs. Walker, Clark, Washburn, Benton, Metcalf and Morgan.

The report was accepted.

#### **First Reading of Printed Bills and Resolves.**

Resolve in favor of Stewart & Blunt of Skowhegan, Maine.

#### **Passed to Be Engrossed.**

An Act in relation to the assessment and collection of inheritance taxes.

An Act providing temporary clerk hire for the municipal court of the city of Lewiston.

An Act providing temporary clerk hire for the clerk of court in York county.

An Act to provide temporary clerk hire for the register of probate in Aroostook county.

An Act to amend Sections 2, 3, 4, 5, 6, and 9 of Chapter 17 of the Public Laws of 1905, as amended regulating the practices of veterinary surgery, medicine and dentistry.

The pending question being the adoption of Senate amendment A,

On motion by Mr. Plummer of Lisbon Senate Amendment A was adopted in concurrence.

The pending question being on the adoption of Senate Amendment B,

On motion by Mr. Plummer of Lisbon, Senate Amendment B was adopted in concurrence.

Mr. Plummer then offered House amendment A, to amend by adding thereto the following: "Any veterinarian not a graduate, desiring to render professional services to the State of Maine in any of its departments, shall at the request of the Live Stock Sanitary Commissioner submit himself to examination before said board of examiners as to his fitness to perform the services."

The question being on the adoption of the amendment,

The amendment was adopted.

On further motion by Mr. Plummer the bill was then passed to be engrossed as amended by Senate amendments A and B and by House amendment A.

An Act providing for the inspection of bakeries and confectionaries.

An Act providing temporary clerk hire for the register of probate in Kennebec county.

An Act providing temporary clerk hire for the register of Probate in Penobscot county.

An Act providing temporary clerk hire for the clerk of courts in Aroostook county.

An Act providing temporary clerk hire for the register of deeds in Penobscot county.

An Act providing temporary clerk hire for the register of Probate in Piscataquis county.

An Act providing temporary clerk hire for the clerk of courts in Piscataquis county.

An Act providing temporary clerk hire for the clerk of courts in Cumberland county.

An Act providing temporary clerk hire for the register of deeds in Oxford county.

An Act to establish a neutral automobile zone with adjacent states.

An Act to amend Sections 2 and 3 of Chapter 117 of the Public Laws

of 1905 relating to compensation of county commissioners.

Resolve, making an appropriation for the purpose of obtaining information in regard to wild lands for the purposes of taxation.

Resolve in favor of the commissioners of pharmacy.

Resolve in favor of Mary H. Perkins for services as stenographer to the President of the Senate and Speaker of the House, and for clerical assistance in the office of the Secretary of the Senate.

#### Finally Passed.

Resolve in favor of the State highway department to provide for deficiencies on certain contracts for bridge construction at Old Town, and to legalize the acts of the Governor and Council relating to such contract.

The SPEAKER: This resolve carries the emergency clause and requires on its final passage the vote of two-thirds of the members elected to this House, or 101 votes. All those in favor of the final passage of this resolve will rise and stand in their places until counted.

A division being had,

124 voted in favor of the final passage of the resolve.

So the resolve received its final passage under the emergency clause.

#### Orders of the Day.

On motion by Mr. Kehoe of Portland the vote was reconsidered whereby the House passed to be engrossed bill, An Act in relation to the assessment and collection of inheritance taxes.

Mr. Kehoe then offered House Amendment A, to amend Section 4 by inserting after the words "provisions of this Act" the words "except Section 3"; and by adding to said Section 4 the following: "But the provisions of said Section 3 shall not apply to estates of decedents dying before this Act takes effect."

The amendment was adopted.

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

Mr. Mooers of Ashland moved that the vote be reconsidered whereby the

House passed to be engrossed bill, An Act relative to the compensation of employes for personal injuries received in the course of their employment and to the prevention of such injuries, as amended by Senate and House amendments.

Mr. MARSTON of Skowhegan: Mr. Speaker, it seems to me the only reason there can be for this particular motion is that it gives the opponents of the bill two opportunities to move that it be indefinitely postponed; if after the motion to reconsider is carried, if such motion is carried, it gives them an opportunity to move that it be indefinitely postponed at that time; and if that motion is defeated they would have another opportunity to make the same motion when the bill comes up on its passage to be enacted.

It seems to me that there is no particular change of circumstances over the condition existing yesterday, which would necessitate this interruption of the general course of procedure. The gentleman from Ashland (Mr. Mooers) will have an opportunity after the bill has been passed to be engrossed and when it is on its passage to be enacted to vote upon it, and I believe in all fairness the gentlemen interested in this proposition should be satisfied with that opportunity.

The SPEAKER: The question before the House is on the motion of the gentleman from Ashland, Mr. Mooers, that the vote be reconsidered whereby this bill with its amendments was passed to be engrossed. Is the House ready for the question?

Mr. Austin of Phillips asked that the yeas and nays be ordered.

A division being had, and a sufficient number having arisen,

The yeas and nays were ordered.

The SPEAKER: The question is on the motion of the gentleman from Ashland, Mr. Mooers, to reconsider the vote whereby this bill was passed to be engrossed as amended. All those voting yes will vote in favor of reconsideration; those voting no will vote against reconsideration. The clerk will call the roll.

YEA:—Allen, Benn, Bither, Bragdon of York, Brennan, Brown, Butler, Chadbourne, Churchill, Clark of Portland, Clark of New Portland, Crowell, Currier, Cyr, Davis, Doherty, Dresser, Dunbar,

Eldridge, Elliott, Estes, Farnham, Franck, Gamache, Greenleaf of Auburn, Greenleaf of Otisfield, Hancock, Harriman, Haskell, Hodsdon, Irving, Jenkins, Jones, Kelleher of Portland, Kelleher of Waterville, Leary, LeBel, Leveille, Libby, Maxwell, Maybury, McBride, McFadden, Merrill, Metcalf, Mildon, Mooers, Packard, Peterson, Pitcher, Price, Putnam, Roberts, Rolfe, Sargent, Smith of Presque Isle, Snow, Stanley, Sturgis, Swett, Umphrey, Washburn, Winchenbaugh, Wise, Yeaton—65.

NAY:—Austin, Bass, Benton, Boland, Boman, Bowler, Bragdon of Sullivan, Bucklin, Cochran, Connors, Cook, Desco-teaux, Donovan, Duntun, Durgin, Eastman, Eaton, Farrar, Folsom, Gallagher, Goodwin, Gordon, Harman, Harper, Higgins, Hutchins, Johnson, Kehoe, Kimball, Lawry, Leader, Marston, Mathieson, Mitchell of Kittery, Morgan, Morrison, Morse, Newbert, Nute, O'Connell, Peacock, Peaks, Pendleton, Peters, Plummer, Quinn, Reynolds, Richardson, Robinson, Rousseau, Sanborn, Sanderson, Seates, Sherman, Skelton, Skillin, Smith of Auburn, Smith of Patten, Smith of Pittsfield, Spencer, Stetson, Stevens, Stuart, Swift, Thombs, Tobey, Tryon, Violette, Waterhouse, Wheeler—70.

ABSENT:—Chick, Gardner, Haines, Hogan, Jennings, Mason, Mitchell of Newport, Moreau, Ramsay, Ricker, Sprague, Taylor, Thompson, Twombly—14.

PAIRED:—Emerson, yes; Trimble, no.

The SPEAKER: Sixty-five having voted in the affirmative and 70 in the negative,

The motion is lost.

The SPEAKER: The first matter assigned for consideration on the calendar today is bill, An Act to amend Section 1 of Chapter 7 of the Revised Statutes, relating to the appointment of land agent. The pending question is concurrent action with the Senate.

Mr. Dunbar of Jonesport moved that the House adhere to its former action whereby the bill was indefinitely postponed.

Mr. Austin of Phillips moved that the House recede and concur with the Senate in its action and called for a division of the House.

The SPEAKER: There is a motion now pending before the House upon this matter, which was tabled yesterday. The gentleman from Jonesport, Mr. Dunbar, moved that the House adhere to its former action; Mr. Austin of Phillips moved that the request for a committee of conference be granted; and then on motion by Mr. Dunbar of Jonesport the bill was tabled pending concurrent action. The pending question is on the motion of the

gentleman from Phillips, Mr. Austin made yesterday, to grant the request of the Senate for the appointment of a committee of conference.

Mr. Austin of Phillips called for a division.

Mr. NEWBERT of Augusta: Mr. Speaker, knowing the result of all former conferences, with the exception of one which he had yesterday, it seems to me that it will be futile to send this matter at this stage of the session to a committee of conference. This House by a decisive vote the other day voted to indefinitely postpone, and I hope the motion to concur with the Senate in the matter of the appointment of a committee of conference will be defeated.

Mr. MARSTON of Skowhegan: Mr. Speaker, the last committee of conference we had did mighty good work, and it seems that we are not at the end of the session yet, and as we have got to have sessions every morning for some time, and we will have a lot of time with nothing to do; and it seems to me it is a reasonable suggestion that we appoint a committee of conference, and I think the same committee which we had, yesterday, will be an excellent committee, and if it is in order I would suggest to the Speaker that he name that committee.

Mr. DUNTON of Belfast: Mr. Speaker, the only information that gives us any new light on this question, so far as I know, is that the land agent is ex-officio a member of the fish and game commission, in conjunction with the deputy fish and game commissioner. Against the protests of the chairman of the fish and game commission another warden of that department has been removed since we took this last vote, a warden who was appointed by the Governor. Nine had previously been removed. Now my objection, as stated the other day, to this bill,—or one of my objections was that if we gave a tenure of office to the land agent and forest commissioner we ought to know something about the man who is to occupy that office and to whom that tenure is granted, and if we are to consider the whole question that should be

considered together with the rest. To separate this latest occupant does not help us out any in our favorable judgment as to the granting of tenure at this time. I submit that we have voted upon this question and have decided that it was not wise at this time to grant the tenure of office that this forest commissioner has personally asked for at the beginning of his term of service, and I claim that we should wait until we see some very good reason for making a tenure of office for him.

The SPEAKER: The question is on the motion of the gentleman from Phillips, Mr. Austin, that the request of the Senate for the appointment of a committee of conference be granted. That gentleman also asks for a division of the House upon this question.

A division being had,

The motion was lost by a vote of 29 to 78.

Mr. Dunbar of Jonesport moved that the House adhere to its former action in the indefinite postponement of this bill.

A viva voce vote being taken,

The motion was agreed to.

Mr. Newbert of Augusta then moved that the vote be reconsidered where-by the House voted to adhere.

A viva voce vote being taken,

The motion was lost.

The SPEAKER: The next matter for consideration on the calendar is bill, an Act to establish the Lincoln municipal court.

Mr. Cochran of Edgecomb offered House Amendment A to amend by adding thereto the following: "This act shall take effect whenever the Governor and Council shall certify that a majority of the voters of said Lincoln county have voted for the acceptance of the provisions of this act. The secretary of State shall cause suitable ballots to be prepared for use in the regular election in the year 1914, whereby the inhabitants of said Lincoln county may vote for the acceptance or the rejection of the provisions of this act, and the secretary of State shall arrange the question by appropriate wording to be printed on the ballots issued by him in the sev-

eral towns in the said county of Lincoln."

Mr. THOMBS of Lincoln: Mr. Speaker, I have not any interest in the matter of the establishment of the municipal court in the county of Lincoln. The matter came before the legal affairs committee, and that committee made a favorable report upon the proposition upon what they thought was almost the unanimous desire of those interested in such matters in that county. It is quite evident that here is some opposition in this matter. The gentleman from Edgecomb (Mr. Cochran) does not attack the matter of the establishment of the court except that he goes at its very foundation in the matter of delaying the establishment of any court at all. It seems to me it would be proper to leave this matter to the people of that county. It is merely the establishment of a municipal court of a small jurisdiction in a county where there is no municipal court at this time.

Mr. COCHRAN: Mr. Speaker, I wish to state that there is some opposition in my county to this measure. The county of Lincoln is a very small county, small in the number of its inhabitants and small in the amount of its valuation. This court would be established at one side of the county. I will say that there is not a city in our whole county. The town of Edgecomb in 1850 had a population of 1200 inhabitants, and today we have less than 600. The villages of Wiscasset, Damariscotta and Waldoboro are the three largest villages in the county. In years past there was a considerable business in ship building and in connection with the mills, but you all know that is gone now, and as I say we are decreasing in population; we are one of the smallest counties in the State.

Under the present system of trial justices it is satisfactory to most everybody. Under this system in 1912 it cost us for justice fees something over \$312; under the provisions of this bill they are going to start with a salary of \$700 for the judge of this court. The claim is made that it will be a great saving to our county, but I cannot seem to get it through my head where

there is going to be such a great saving. I ask in this amendment that the people of the county should have a chance to say whether they want this court established or not; and it doesn't seem to me that it will be any great hardship to the county if we do have to wait for one year or for a year and a half. I think there can be no objection to the citizens of the county having a chance to say whether they will have this court or it. (Applause.)

Mr. NUTE of Wiscasset: Mr. Speaker, last week when I went home I was met by quite a number of my people who are very much interested in this matter, any they were very much surprised to learn that the bill had been tabled. The members of the Bar Association of Lincoln county are all in favor of this municipal court. The trial justices are not giving satisfaction, and so far as the expense connected with the matter is concerned it amounts to very little. This amendment proposes to submit this question to the people of Lincoln county, away along ahead in the election of September, 1914, or which will be in November, and that seems quite a ways ahead; it seems to me it would be much better and more satisfactory to the people of my country if we should attach the referendum clause; and I hope the motion of the gentleman from Edgecomb (Mr. Cochran) will not prevail.

Mr. SCATES of Westbrook: Mr. Speaker, you may remember a few days ago I said in this House that my legislative history had been mostly in an endeavor to create offices for Republicans. I am not going to quit now, and I am going to vote for another one, and I am in favor of this bill.

The question being on the adoption of House Amendment A,

The amendment was adopted.

The bill was then passed to be engrossed as amended.

The SPEAKER: The next matter for consideration is bill, an Act to amend Section 50 of Chapter 51 of the Revised Statutes, as amended by Chapter 165 of the Public Laws of 1911, relating to the duties of railroad commissioners.

On motion by Mr. Wheeler of Paris

the bill was laid upon the table and specially assigned for consideration, tomorrow morning.

Mr. SMITH of Patten: Mr. Speaker, I move that the House recede and concur with the Senate in the indefinite postponement of House Amendment A to 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.

The motion was agreed to.

Mr. Smith then offered House Amendment B, to amend the resolve, by changing the date of April 1, 1912, at 11 o'clock in the forenoon to April 5, at 9.30 o'clock in the forenoon.

The amendment was adopted.

Mr. Smith of Patten then offered House Amendment A to House Document No. 694, resolve in relation to removal of Hewitt M. Lowe, sheriff for the county of Androscoggin, by changing the date of April 2 at 11 o'clock in the forenoon to April 9 at 9.30 o'clock in the forenoon.

The amendment was adopted.

Mr. Smith of Patten then offered House Amendment A to House Document No. 695, resolve in relation to removal of John W. Ballou, sheriff of the county of Sagadahoc, by changing the date from April 2 at 11 o'clock in the forenoon to April 4 at 9.30 o'clock in the forenoon.

The amendment was adopted.

Mr. Smith of Patten then offered House Amendment A to House Document No. 696, resolve in relation to removal of Adelbert J. Tolman, sheriff of the county of Knox, by changing the date from April 2, 1912, at 11 o'clock in the forenoon to April 7 at 9.30 o'clock in the forenoon.

The amendment was adopted.

Mr. Smith of Patten then offered House Amendment A to House Document No. 697, resolve in relation to removal of Wilbert W. Emerson, sheriff of the county of Penobscot, by changing the date from April 2nd, 1912, at 11 o'clock in the forenoon to April 8th at 9.30 o'clock in the forenoon.

The amendment was adopted.

Mr. Smith of Patten then offered

House Amendment A to House Document No. 698, resolve in relation to removal of William H. Hines, county attorney for the county of Androscoggin, by changing the date from April 2nd at 11 o'clock in the forenoon to April 9th at 9.30 o'clock in the forenoon.

The amendment was adopted.

Mr. SMITH of Patten: Mr. Speaker, in order that the Legislature may have all the information available, and it having been stated that there is other information, I desire to ask permission of the House to introduce out of order the following order.

Mr. Smith then presented the following order:

Ordered, that the Senate concurring, that Representative E. E. Newbert be requested to furnish the Legislature forthwith the names of all witnesses and any documents or other material evidence he may have in relation to the non-enforcement of law relating to the sale of intoxicating liquors by either the sheriff of Penobscot or of Sagadahoc counties.

Mr. NEWBERT of Augusta: Mr. Speaker, I believe I have a right to resist the passage of this order; it is not in good faith; there is too much animus behind it. I never have said I was going to furnish evidence. I stand here as a juror, in the same position as the gentleman from Patten (Mr. Smith) and the rest of you gentlemen. The order should be killed unanimsously. You have more evidence in regard to Penobscot county than I ever have had. You have been for eight years county attorney of that county, and you know the rum sellers to a man, and you have built a monument there costing thousands of dollars from illegal rum selling, and you know it.

The SPEAKER: The Chair will state that the gentleman from Augusta, Mr. Newbert, should address the other gentleman through the Chair.

Mr. SMITH of Patten: Mr. Speaker, I did not introduce the order with any malice behind it. The gentleman from Augusta (Mr. Newbert) arose in his seat here two or three days

ago and introduced an amendment to a resolution calling for the removal of Sheriff Moulton of Cumberland county, a resolution calling for the removal of John W. Ballou, sheriff of Sagadahoc county; he also introduced as an amendment a resolution in favor of the removal of Wilbert W. Emerson, sheriff of Penobscot county. The gentleman from Augusta (Mr. Newbert) in a loud tone of voice announced his position; he read reports as to the conditions in Sagadahoc county; he read a list which he held in his hand and which he said he would not put into the record, containing information that he said would be of value in the investigation of the sheriff of Penobscot county.

Now then, I think it was fair to assume that no member of this House would rise in his seat and ask to vote for the removal of a sheriff of any county in this State unless he had behind it some information which would justify in that position. I cannot believe, with all the profession of sincerity which the gentleman from Augusta (Mr. Newbert) has made, that he is acting in this solemn occasion, in offering such a resolution which involves the character and the standing of the sheriffs of these counties, I cannot believe that he did that without having something substantial behind it.

While it is true probably, very likely evidence may be obtained, we have a right to insist to the information which was behind the action and the conduct of the gentleman from Augusta (Mr. Newbert). The gentleman has seen fit to make some allusions to the fact that I was once county attorney of Penobscot county, and he made that same allusion the other day in perhaps a sneering way. I do not deem it necessary to make any reply to that proposition. I suppose everybody knows that I have been county attorney in Penobscot county. He says that I built a palace over there out of the receipts gathered from rumsellers. They certainly were punished to that extent; something was being done. The gentleman has seen fit to put his record into the records of this House, but I do not think I have any desire to put my record into the records of this

House. I will say, however, that in one year I had 94 men in jail, many of whom served a sentence of six months. It is part of the record, but it is not proper matter for discussion here, and I do not dwell with any pride upon the matter.

I say that I have a right to assume that this gentleman (Mr. Newbert) rising in his place here and making these charges, has behind him something substantial, some information that will be of value in the prosecution and in making up the evidence in this case; and if he has, it is his duty to produce it; and if he has not, he can say so and I am content.

Mr. NEWBERT: Mr. Speaker, I did rise in my place the other day and present an amendment to the resolve brought down from the Senate. I read such evidence as I had to submit in support of the amendment to this House; and I did not say I had any more; and this House being composed of sensible men, practical men, accepted the amendment and the evidence as far as I was concerned. You know, gentlemen, that there is animus back of all this. The gentleman from Patten (Mr. Smith) seeks to punish me for my attitude here during this session; and if this House wishes to agree with him in giving such punishment, then you will so vote.

The SPEAKER: The question before the House is on the motion of the gentleman from Patten, Mr. Smith, that the rules be suspended and that he be permitted to introduce the order out of order.

Mr. NEWBERT: Just one word, Mr. Speaker. Is it not strange, gentlemen, that the gentleman from Patten (Mr. Smith) representing in this House a minority should put me in the place of the prosecuting officer of this State, the attorney general of this State, who has been designated by concurrent order here as the man to prosecute these cases, and who has the treasury of the State of Maine behind him for the employment of all the assistance which he needs. Why do you put in an order requiring me, a humble servant of this House, to furnish the evidence against two Republican counties? It is bad taste, gentlemen, and absolutely unfair.

Mr. SMITH of Patten: Mr. Speaker, the gentleman from Augusta (Mr. Newbert) evades the issue. Nobody seeks to make him the prosecutor; nobody seeks to ask him to hunt for evidence against these men. I ask him, and I think the House has a right to ask him to produce for the information of this House the material which he held in his hand, and the information which he had as the basis of his action when he introduced these charges in the House.

Mr. BOMAN of Vinalhaven: Mr. Speaker, I would like to ask for information if there is not evidence in the hands of the Governor now in regard to these two men.

The SPEAKER: The gentleman cannot ask that of the Chair because the Chair has no special information about the matter.

Mr. SCATES of Westbrook: Mr. Speaker, I think this matter of personalities has gone far enough. We are here as sensible men, and we have an important duty to perform. Now, let us drop all these personalities and get down to business, and be men and not boys. (Applause.) I move that the whole matter be laid upon the table.

Mr. COOK of Vassalboro: Mr. Speaker, I second the motion.

Mr. DUNTON of Belfast: Mr. Speaker, I was not in the House at the first part of the discussion, and I do not know what was said in relation to the motion previous to my coming in; but it seems to me that it is a novel procedure, to say the least, to bring before this House the evidence that is to be introduced against one of these men or against any of these men. Why at this time should all this evidence be brought before these 150 men and scattered broadcast in the counties from which we expect to call witnesses? If the gentleman from Augusta (Mr. Newbert) or any other gentleman here has any evidence or knowledge of any evidence that will be of assistance to the prosecuting officer who is the attorney general, I trust that he will be willing to furnish it to that officer, who is the proper officer to receive it, and the only person who will know of it previous to summoning the witnesses.

Mr. SMITH of Patten: Mr. Speaker, the gentleman from Belfast (Mr. Dunton), whom I hold in the highest

esteem, must have forgotten that on the floor of this House three or four days ago an order was introduced and passed requesting the Governor of this State to place before this Legislature the information and evidence which he had. After the Governor had done that wholly and completely and had said that he had nothing further, another order was introduced into the House, notwithstanding the solemn statement of the Chief Magistrate of this State, calling upon him to produce further evidence because he had said that he had information about some other county. That was what was done. Nobody objected to that at that time on the ground that that was an improper proceeding; and I think if we ask the Governor of the State of Maine to place before this Legislature evidence in his possession that the gentleman from Augusta ((Mr. Newbert) and all his friends should not feel insulted if we ask the gentleman from Augusta (Mr. Newbert) to place before us on the files of this Legislature anything that he may have in his possession.

Mr. SCATES of Westbrook: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman will state his point of order.

Mr. SCATES: The motion to lay upon the table is not debatable.

The SPEAKER: The point of order is well taken. That motion under the rules of course is not debatable, and if anybody raises the point of order, it will have to be sustained. The question before the House is on the motion of the gentleman from Westbrook, Mr. Scates, that this order be laid upon the table. It the House ready for the question?

A viva voce vote being taken,

The motion was agreed to.

The SPEAKER: The Chair will ask the gentleman from Skowhegan, Mr. Marston, to take the Chair and preside for the balance of this session, today.

(Mr. Marston assumed the Chair amid applause.)

Mr. Mitchell of Kittery moved that the House take a recess until 3 o'clock this afternoon.

The motion was agreed to .

#### After Recess.

(Mr. Marston of Skowhegan in the Chair.)

The SPEAKER (pro tem): The first matter on the calendar for consideration at this time is resolve in favor of the Maine Insane Hospital to liquidate a deficiency in certain accounts. The pending question is the second reading of the resolve.

Mr. SMITH of Pittsfield: Mr. Speaker, I wish to say that I tabled that resolve for the purpose of making some inquiry and investigation. I found upon investigation that the 75th Legislature appointed a committee of ten members, seven members on the part of the House and three members on the part of the Senate, to make some investigation at this institution. I have here a copy of the report of that committee, from which I wish to read something showing the conclusions arrived at by this committee.

In view of the fact that the State auditor has disapproved part of this bill, and also in view of investigations made last Thursday night after nine o'clock by Senator Cole and myself, at which time we found conditions existing in the wards of that institution which are indescribable, I say that it is time that the State of Maine should take some action for the relief of those poor unfortunates; and for these reasons I offer at this time House Amendment A and move its adoption.

Mr. Smith then offered House Amendment A, to amend by striking out the words in the second and third lines and inserting in place thereof the words "thirteen hundred and four dollars and ten cents"; also to amend by striking out all words and figures in lines 9, 10, 11, 12, 13, 14 and 15.

The question being on the adoption of the amendment,

The amendment was adopted.

The resolve then received its second reading and was passed to be engrossed as amended by House Amendment A.

The SPEAKER (pro tem): The next matter of business before the

House is the report of the committee on legal affairs, reporting "ought not to pass" on bill entitled "An Act requiring safeguards for the protection of all persons employed or laboring in manufacturing establishments, and providing civil remedies for all persons so engaged, or their personal representatives, in cases where any such person may be killed or injured while employed or laboring in any manufacturing establishment which is not properly provided with the safeguards required by this act."

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

Mr. THOMBS of Lincoln: Mr. Speaker, this matter was before the House the other day, and at that time I made a statement to the effect that this matter was covered by the public utilities measure; and I understand that the proponents of this measure will be satisfied to have this particular bill indefinitely postponed, providing the workmen's compensation bill becomes a law; and in view of that fact I will ask that this matter be laid upon the table.

The motion was agreed to, and the report was laid upon the table.

The SPEAKER (pro tem): The next matter of business before the House is the report of the committee on judiciary to which was referred bill entitled "An Act to provide for the better supervision of certain charitable and benevolent institutions," reporting "ought not to pass." The pending question is the acceptance of the report of the committee.

On motion by Mr. Trimble of Calais the report of the committee was accepted.

The SPEAKER (pro tem): The next matter of business before the House is bill, An Act relating to the protection of moose, the same being House Document No. 333. The pending question is the passage of the bill to be enacted.

Mr. AUSTIN of Phillips: Mr. Speaker, I move that the bill be laid upon the table, and in the way of explanation for that action I will say that upon the passage of the general game

revision bill my purpose is to move for the indefinite postponement of this moose bill which is before the House. I should, however, like to keep it on the table until the passage of the general revision bill, in which is incorporated the moose bill; and therefore, I move that this bill be laid upon the table.

The motion was agreed to, and the bill was tabled pending its passage to be enacted.

The SPEAKER (pro tem): The next matter of business before the House is bill, An Act to require certain vehicles to carry lights at night on public highways and bridges. The pending question is the adoption of House Amendment A.

Mr. PLUMMER of Lisbon: Mr. Speaker, owing to the absence of the gentleman from Westbrook (Mr. Scates) I move that the bill be laid upon the table.

A viva voce vote being taken,

The motion was lost.

The question being on the adoption of House Amendment A,

On motion by Mr. Irving of Caribou the amendment was adopted.

On further motion by Mr. Irving the bill received its first and second readings, as amended, and was assigned for tomorrow morning for its third reading.

The SPEAKER (pro tem): The next matter of business before the House is the report of the committee on interior waters to which was referred bill, entitled "An Act to amend section 15 of chapter 54 of the Revised Statutes, relating to provisions for safety on inland steamers," reporting "legislation thereon is inexpedient." The pending question is the acceptance of the report of the committee.

On motion by Mr. Peacock of Readfield the report of the committee was laid upon the table and specially assigned for consideration tomorrow morning.

The SPEAKER (pro tem): The next matter of business before the House is bill, An Act to amend section 88 of

chapter 15 of the Revised Statutes, as amended, relating to school holidays. The pending question is the third reading of the bill in concurrence with the Senate.

Mr. Descoteaux of Biddeford offered House amendment B, to amend by striking out in sections 8, 9 and 10 the words "New Year's Day, January one," in the second line thereof; and further amend by adding after the word "follows" in line 41 the following, "New Year's Day, January one"; also further amend by adding after the word "namely" in line 45 the following, "New Year's Day, January one"; also further amend by adding after the word "follows" in line 83 the following, "New Year's Day, January one."

The question being on the adoption of House amendment B,

Mr. COOK of Vassalboro: Mr. Speaker and gentlemen of the House, this is an educational matter, and I have another little matter in mind which I would like to put into the record for the benefit of the people of the town of Dexter. The people of that town have through a resolve introduced here asked for the establishment of a normal school in that town. The report of the committee, I think if I remember rightly, referred the matter to the next Legislature. The people of the town of Dexter requested that the opinion of the committee on education be incorporated as a part of that report, as to where the next normal school to be established in this state should be located, but the request came too late. Now, it seems to me that it will answer every purpose for the people of that town if we can get the statement into the record, that the committee on education was unanimously in favor of the proposition that when the state did build another normal school that it should be built at Dexter. They believed that the town of Dexter was centrally located in a very large industrial area of the State of Maine which is not now served by a normal school, that is, with no normal school located near it. Why, gentlemen, you could take out of the State of Maine a piece as large as the State of Connecticut, with the town of Dexter centrally located in that piece, and not have a normal school located

in that area or anywhere very near its borders. On account of the generous assistance which the town of Dexter was willing to give, and for other reasons which the committee took into consideration, they were unanimously of the opinion that when the state did decide to build another normal school it should be located in Dexter.

So much for that matter. There is another matter to which I wish to call the attention of the House; and I speak at this time with some misgiving at the imminent risk of causing a flood tide in the sea of gas, which has been referred to recently in this House—but as to this bill which is now before the House, it seems to me that the intent and the meaning of the bill is to make New Year's Day a school holiday. I don't know whether the gentleman who proposed this amendment has stopped to think whether New Year's Day does not come in vacation. I am not sure about that myself, but I think it is quite probable that New Year's Day does come in vacation time; but be that as it may, every additional school holiday costs the state of Maine many thousands of dollars. The State of Maine is putting thousands of dollars into its schools every day, every school day, and if we make a new holiday we will lose that much money on that day, and for that reason it seems to me that we ought to hesitate before passing a measure of this nature.

Mr. DESCOTEAUX of Biddeford: Mr. Speaker, my only object in offering the amendment was to have New Year's Day made a school holiday. It has been our custom in my section to observe that day for a number of years, and I don't see any reason why they should strike this out. There are other holidays which they have kept in there, and for my part I would object to having this struck out; and I hope that my amendment may be adopted.

Mr. NEWBERT of Augusta: Mr. Speaker, I think the House should take into consideration the fact that we have nearly 100,000 people in the State of Maine to whom New Year's Day is made the most important holiday of the whole year; and this is so much so that many of our corporations close their establishments on that day in

order to give the operatives the benefit of that holiday; and I think it is for that reason that the gentleman from Biddeford (Mr. Descoteaux) has offered the amendment to include that day among the school holidays.

Mr. BOWLER of Bethel: Mr. Speaker, I wish to say that there seemed to be quite a demand from the country districts to have New Year's Day cease to become a holiday in our schools. In the first place, as has been suggested by the gentleman from Vassalboro (Mr. Cook) it comes in vacation time in most of the cities, and therefore it is in the country districts where it affects the thing most. This day comes as we all know just one week from Christmas, and we have just had a holiday and closed the school, and any of you who have taught school will know the effect of a holiday upon the school; you know that if we have this happen two weeks in succession that it is injurious to the school.

We now have ten holidays in the schools, and it costs this state the sum of \$19,000 a day to run the schools of our state, and when you close school for one day you have lost the sum of \$19,000; when you have closed the schools of the state for ten days you will see that you have lost the sum of \$190,000 of your school money. It has been figured out that we lose on an average of over 20 school days in each year by reason of these holidays and different causes, fairs and such like. We see no reason why we should have New Year's Day made a holiday, coming as it does so close upon the holiday at Christmas, and your committee believed they were acting wisely when they recommended, as I have stated, in answer to this great call from the country districts, that this day be taken from the list of holidays of the state of Maine.

The question being on the adoption of House Amendment B,

A viva voce vote being doubted, Mr. Descoteaux of Biddeford called for division.

A division being had, the amendment was lost by a vote of 38 to 60.

On motion by Mr. Bowler of Bethel the bill then received its third reading and was passed to be engrossed.

On motion by Mr. Smith of Patten the rules were suspended and the House at this time took up out of order message from the Governor, accompanied by resolve, orders and other papers relating to proceedings on the pending question of removal from office of sheriffs. On further motion by Mr. Smith House Document No. 693, the same being message from the Governor to the Senate and House of Representatives, was placed on file.

On further motion by Mr. Smith House Document No. 702 being an order for the appointment of a committee of three on the part of the Senate and such as the House may join 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 Wilbert W. Emerson, sheriff of the county of Penobscot, received a passage in concurrence with the Senate.

The Speaker (pro tem) thereupon appointed as such committee on the part 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.

On further motion by Mr. Smith of Patten House Document No. 701 being order in relation to the removal of John W. Ballou, sheriff of Sagadahoc county, received a passage in concurrence with the Senate.

The Speaker (pro tem) thereupon appointed on the part of the House the same committee mentioned in connection with the previous order.

On further motion by Mr. Smith of Patten House Document No. 700, being order in relation to the removal of Hewitt M. Lowe, sheriff of the county of Androscoggin, received a passage in concurrence with the Senate.

The Speaker (pro tem) thereupon appointed on the part of the House the same committee mentioned in connection with the previous order.

On further motion by Mr. Smith of Patten House Document No. 703, being order in relation to the removal of William H. Hines, county attorney of An-

droscoggin county, received a passage in concurrence with the Senate.

The Speaker (pro tem) thereupon appointed on the part of the House the same committee mentioned in connection with the previous order.

On further motion by Mr. Smith of Patten House Document No. 699, being order in relation to the removal of Adelbert J. Tolman, sheriff of the county of Knox, received a passage in concurrence with the Senate.

The Speaker (pro tem) thereupon appointed on the part of the House the same committee mentioned in connection with the previous order.

On further motion by Mr. Smith of Patten, the House voted to concur with the Senate in the passage of House Document No. 692, order in relation to conduct of proceedings in the matter of removal of sheriffs.

On further motion by Mr. Smith of Patten the House voted to recede and concur with the Senate in the indefinite postponement of House Amendment A to House Document No. 666, being order in relation to the appointment of a committee of three on the part of the Senate and such as the House may join, in relation to order of proceedings in the case of Lewis W. Moulton, sheriff for the county of Cumberland.

Mr. Smith further moved that all the other papers relating to the removal proceedings be taken from the table and sent to the Senate together with these orders.

The motion was agreed to.

The SPEAKER (pro tem): The next business before the House is bill, an Act to regulate the business of dealing in securities. The pending question is the adoption of Senate and House Amendments.

On motion by Mr. Wheeler of Paris the House voted to concur with the Senate in the adoption of Senate Amendments A, B, C, F, I and J.

The pending question being action upon House Amendments A, B, and C., being House Documents Nos. 679, 680 and 681.

Mr. WHEELER of Paris: Mr. Speaker, I move that House Amendment A, being

House Document No. 679, be rejected; and with the permission of the Chair I will make this explanation. I am interesting myself in the bill at this time on account of the absence of the gentleman who introduced the first bill in the House. This bill was heard by the legal affairs committee, and one or two other drafts were heard by the same committee, and as a result of the different views upon the subject of blue-sky legislation, this new draft was prepared by your committee and a unanimous report was handed into the Senate; and we understand this new draft with the amendments now put upon it in the Senate is satisfactory to the various parties who have introduced bills into this Legislature. I understand further that this new draft with the amendments is satisfactory to all bond dealers in the State of Maine; perhaps not entirely without exception, but pretty thoroughly so, and it has been approved by some of the attorneys in Boston who have been asked to examine it and who have given it their approval.

It is my intention as soon as the proper time comes to move the adoption of House Amendment B and to move the rejection of House Amendment C. I will say in connection with House Amendments A and C that your committee having considered the matter thoroughly and, we believe, fairly because we have no personal interest in the matter, and our only interest is to get a good bill. I say we believe that House Amendment A is not necessary; in fact, it is vicious to this extent that it might interfere with the transaction of a legitimate business. Our greatest difficulty all through this matter has been a bar against the transactions of illegitimate and bogus bank business and at the same time not to go too far and interfere with the regular business which is entirely proper; and so, Mr. Speaker, I make the motion that House Amendment A be rejected on the grounds just stated.

The question being on the motion to reject House Amendment A,

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

Mr. Wheeler then moved that House Amendment B be adopted.

The motion was agreed to, and House Amendment B was adopted.

Mr. Wheeler then moved that House Amendment C be rejected.

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

On further motion by Mr. Wheeler the bill then received its first and second readings and was assigned for to-morrow morning for its third reading.

The SPEAKER (pro tem): The next matter for consideration is resolve in favor of the Children's Hospital of Portland. The pending question is the second reading of the resolve.

On motion by Mr. Sanborn of South Portland, the resolve received its second reading and was passed to be engrossed.

The SPEAKER (pro tem): The next matter of business before the House is resolve waiving a forfeiture of the public lots in the north-half of township No. 27, Washington county, eastern division. The pending question is the second reading of the resolve.

On motion by Mr. Plummer of Lisbon the resolve was laid upon the table and specially assigned for consideration to-morrow morning.

The SPEAKER (pro tem): The next business before the House is the report of the Committee on Agriculture to which was recommended bill, entitled "An Act to amend chapter one hundred ninety-five of the Public Laws of nineteen hundred eleven, entitled 'An Act to extirpate contagious diseases among cattle, horses, sheep and swine,'" reporting "ought not to pass." The pending question is the acceptance of the report.

Mr. Peacock of Readfield moved that the bill be substituted for the report.

Mr. PEACOCK: Mr. Speaker, this is a unanimous report from the committee on agriculture, and under ordinary circumstances I would hesitate about attacking such a report, but I have good reasons to believe that a rank injustice has been done to the farmers or breeders of the State of Maine under this report. I want to say at the start that this bill comprises two separate things, one touching upon

the change of method in the testing of cattle, and that I wish to eliminate in this discussion. The other part of the bill, however, I desire to call to the attention of the House, which is section 11 of chapter 195 of the Public Laws of the State of Maine for the year 1911.

I wish to call attention to the inconsistency of that law, which provides that the owners of registered cattle and the owners of dairy and breeding stock must subject their cattle to a test before they can be admitted into any one of the three State shows. At the last fair in Lewiston there were shown 290 oxen and steers, and these were not tested; at that same show there were shown 335 registered animals, and these had to be tested. The object of this law, the test by tuberculin, is for the purpose of preventing the spread of contagious diseases. The registered cattle go down to these same fairs and mingle with these oxen and steers which are not tested, and how can they help being exposed to contagion. That is the very thing I wish to bring to your attention. I represent a large number of breeders in my section, men who have for years shown at these different fairs, men who are very careful breeders and whose aim is to keep their stock in perfect health because it means dollars to them.

I do not mean to attack the committee on agriculture, but I am attacking their report. I want to say to you that several of the members of that committee have told me that it was a great inconsistency to provide that a certain number of cattle shall be tested and the others not.

Mr. RICHARDSON of Canton: Mr. Speaker, I simply want to say that this law applies only to the three State fairs held in Waterville, Lewiston and Bangor, and at these fairs no grade stock is exempt. Another thing, tuberculosis is a disease peculiar to dairy cattle; oxen and steers very seldom have the disease, they are mostly all killed at the age of four years, and it has been found that they are very free from the disease; and in view of those facts we thought it was unnece-

essary that every man who had a pair of oxen not used for breeding purposes should be compelled to have them tested.

The question being on the motion that the bill be substituted for the report.

A viva voce vote being taken,

The motion was agreed to.

Mr. Peacock then offered House Amendment A, to amend by striking out all the sections in said bill after section one.

The question being on the adoption of House Amendment A,

The amendment was adopted.

On further motion by Mr. Peacock the rules were suspended and the bill received its three several readings and was passed to be engrossed as amended.

The SPEAKER (pro tem): The next business before the House is bill, An Act to provide for the care and treatment of tubercular patients. The pending question is concurrent action with the Senate.

On motion by Mr. Putnam of Houlton the bill was tabled and specially assigned for consideration to-morrow.

The SPEAKER (pro tem): The next matter before the House is bill, An Act to provide for the re-construction of Portland Bridge. The pending question is the adoption of House Amendments B and C.

On motion by Mr. Scates of Westbrook the bill was tabled and specially assigned for consideration on Friday of this week.

The SPEAKER (pro tem): The next business before the House is 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. The pending question is the third reading of the bill.

Mr. Peacock of Readfield moved that the bill be laid upon the table and specially assigned for consideration to-morrow.

A viva voce vote being taken,

The motion was lost.

On motion by Mr. Clark of Portland

the bill then received its third reading.

On motion by Mr. Higgins of Brewer the bill was tabled pending its passage to be engrossed.

On motion by Mr. Irving of Caribou the rules were suspended and that gentleman was permitted to introduce out of order bill, bill, an Act to empower the county of Aroostook to aid in the construction of a railroad through said county and to acquire and hold preferred stock of the company building such railroad.

On further motion by Mr. Irving the rules were suspended and the bill received its three several readings and was passed to be engrossed.

The SPEAKER (pro tem): Coming up under orders of the day and specially assigned for this afternoon is bill, an Act to establish a municipal court in the town of Readfield.

Mr. PEACOCK of Readfield: Mr. Speaker, it is permitted to me today to take a last look at this bill before it is carried to its last resting place. I want just for a moment to give you a little of the history of this municipal court to show you that the matter was germinated in good faith, and that it was carried through this House in good faith, and that not a bit of harm was intended or would have resulted to the people of the towns which it covered. The people living in those towns are my constituents and I stand for their interests. This matter was launched on the fifth day of February and was advertised for two weeks. No opposition appeared excepting the county commissioners, who did not appear in person but who telephoned to me, and the opposition which they manifested was in regard to the salary attached. I told them there was no salary attached, and they are satisfied. Now that bill was drawn not for my benefit but for the benefit of the people in my section; and for the purpose of gathering in all the local business as you might be given to understand, I will say, that that bill would be a benefit.

We have in Readfield at the present time a trial justice court that permits only actions under \$20 to be taken care of, and what is the result? A short time ago a gentleman from Augusta called

one of my clients clear over to Augusta for a bill of \$3.43. If that municipal court had been established they never could have compelled my client and myself to travel down here. Only last summer a poor fellow from the town of Mount Vernon was called clear to Waterville, a distance of 30 miles, on a debt of \$7.00. That would not have happened if this municipal court had been in existence. Another client on a matter involving the small amount of \$5.00 was called down here to Augusta, and that would not have happened if this municipal court had been established. These are illustrations to show you that if this municipal court had been established there would have been no hardship upon the people of this section, but there would have been some hardship on some of the attorneys who live down here in Augusta and in Waterville.

I have no grievance against anybody. This court has gone and I shall survive and I presume we all shall, and I now move that the House adhere.

The question being on the motion that the House adhere to its action,

The motion was agreed to.

On motion by Mr. Plummer of Lisbon the rules were suspended and that gen-

tleman was permitted to introduce out of order bill, an Act defining intoxicating liquors within the meaning of the constitution, and providing for the regulation and sale of certain liquors containing alcohol.

On further motion by Mr. Plummer the bill was laid upon the table for printing.

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 in a new draft and "ought to pass" resolve in favor of James W. Harvey, document clerk, for preparing weekly printed indexes.

Same gentleman from same committee reported "ought to pass" on resolve in favor of T. M. Rollins, mail carrier of the House of Representatives.

Same gentleman from same committee reported "ought to pass" on Resolve in favor of Helen Gaffney.

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

On motion of Mr. Dunbar of Jonesport, Adjourned.