

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-First Legislature

OF THE

STATE OF MAINE

1923

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**HOUSE**

Wednesday, March 21, 1923.

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

Prayer by the Rev. Mr. Robinson of North Anson.

Journal of previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Bill, An Act to amend Chapter 204, Public Laws of 1917, authorizing the Treasurer of State to negotiate a temporary loan.

In the Senate, read twice under suspension of rules and passed to be engrossed.

In the House on motion by Mr. Houghton of Fort Fairfield, the rules were suspended, the bill given its three several readings and passed to be engrossed in concurrence.

From the Senate: Report of the committee on legal affairs on bill, An Act to amend Sections 1 and 5 of Chapter 169 of the Public Laws of 1919, as amended by Chapter 183 of the Public Laws of 1921, relating to the support of dependents of soldiers, sailors and marines, reporting same in a new draft, under same title, and that it "ought to pass."

In the Senate, report read and accepted, and the bill passed to be engrossed.

In the House, report read and accepted in concurrence, the bill read twice, and tomorrow assigned.

Mr. Clarke of Stonington offered House Amendment A and moved its adoption as follows:

House Amendment A to Senate Document 249.

Senate 249 is hereby amended by striking out the words "provided, however," in the eleventh line thereof, and inserting the word "marine," and by inserting after the word "who" in the twenty-third line thereof, the words "was or."

The question being on the adoption of the amendment, the House voted to adopt the amendment and tomorrow assigned for third reading.

From the Senate: Bill, An Act to amend Section 36 of Chapter 67 of the Revised Statutes, relating to jury trials in probate appeals.

This was passed to be engrossed in the House, March 15.

In the Senate, recommitted to the committee on judiciary in non-concurrence.

In the House, it was voted to recede and concur with the Senate in the recommitment of this bill to the committee on judiciary.

From the Senate: Bill, An Act to prohibit the conferring of degrees without special authorization.

This was passed to be engrossed as amended by House Amendment A in the House, March 15.

In the Senate, passed to be engrossed without amendment in non-concurrence.

In the House, on motion by Mr. Sanders of Portland, it was voted to recede and concur with the Senate in the passage of this bill to be engrossed without amendment.

The following resolves were presented and upon recommendation of the committee on reference of bills were referred to the following committee:

**Appropriations and Financial Affairs**

By Mr. Beckett of Calais: Resolve in favor of L. A. Burlleigh, Jr., for services as clerk for the committee on bills in third reading.

By the same gentleman: Resolve in favor of Mellen Tryon, clerk to the committee on public utilities.

By the same gentleman: Resolve in favor of Louise Stratton, stenographer to the committee on public utilities.

**Reports of Committees**

Mr. Saunders from the committee on judiciary reported "ought not to pass" on bill, An Act to amend Section 34 of Chapter 64 of the Revised Statutes, relating to return of divorces.

Same gentleman from same committee reported same on bill, An Act to amend Section 5, Chapter 64, Revised Statute, relating to marriage and its solemnization.

Same gentleman from same committee reported same on bill, An Act relating to costs in civil actions in the supreme judicial and superior courts.

Mr. Weeks from same committee reported same on bill, An Act relating to the subordinate officers of the Senate and House of Representatives.

Mr. Morrison from the committee

on legal affairs reported same on bill, An Act providing for the regulation and taxation of certain advertising signs.

Mr. Clarke from the same committee reported same on Bill "An Act to repeal the Act organizing the Plantation of Elliottsville."

Mr. Baker from the committee on sea and shore fisheries on Bill, An Act to amend Section 18 of Chapter 45, revised statutes, as amended by Chapters 23 and 233 of the Public Laws of 1917, as amended by Section two, Chapter 98, Public Laws of 1921, relating to sea and shore fisheries, reports that the same ought not to pass.

The same gentleman from the same committee on Bill, An Act to amend Section 35, Chapter 45, revised statutes, as amended by Section 8 of Chapter 184 of the Public Laws of 1919, relating to buying and possession of lobsters, reports that the same ought not to pass.

Reports read and accepted and sent up for concurrence.

Mr. Wood from the committee on education on the following resolves:

Resolve in favor of Anson Academy.

Resolve in favor of Aroostook Central Institute at Mars Hill, Aroostook County, Maine.

Resolve in favor of Berwick Academy.

Resolve in favor of the Bluehill George Stevens Academy.

Resolve in favor of Bridgewater Classical Academy, Bridgewater, Aroostook County, Maine.

Resolve in favor of Bridgton Academy in North Bridgton for a deficit in maintenance.

Resolve in favor of Cherryfield Academy.

Resolve in favor of Eastern Maine Institute for general maintenance.

Resolve in favor of Erskine Academy for general maintenance.

Resolve in favor of Freedom Academy.

Resolve in favor of Fryeburg Academy in the county of Oxford for equipment, repairs and general maintenance.

Resolve in favor of Gould Academy.

Resolve in favor of Hampden Academy for general maintenance and repairs.

Resolve in favor of Hartland Academy.

Resolve in favor of Higgins Classical Institute, town of Charleston, Penobscot County.

Resolve in favor of Leavitt Institute for general maintenance.

Resolve in favor of Lee Academy for maintenance.

Resolve in favor of Limerick Academy for general maintenance.

Resolve in favor of Limington Academy for general maintenance.

Resolve in favor of Lincoln Academy, Newcastle, for maintenance, repairs and improvements.

Resolve in favor of Litchfield Academy for general maintenance.

Resolve in favor of Maine Central Institute, Pittsfield, Maine.

Resolve in favor of Monmouth Academy.

Resolve in favor of the trustees of Nasson Institute.

Resolve in favor of Nasson Institute for maintenance.

Resolve in favor of the trustees of North Yarmouth Academy.

Resolve to appropriate money for the maintenance of Oak Grove Seminary in Vassalboro.

Resolve in favor of Parsonsfield Seminary for general maintenance.

Resolve in favor of Ricker Classical Institute, Houlton.

Resolve in favor of Robert W. Traip Academy at Kittery.

Resolve in favor of St. Joseph's Academy and College for Women, Deering, Portland, Maine.

Resolve in favor of St. Mary's College at Van Buren.

Resolve in favor of Washington Academy for the sum of twenty-five hundred dollars for maintenance for the year 1923; and the sum of fifteen hundred dollars for maintenance for the year 1924.

Resolve in favor of Westbrook Seminary, Portland, Maine.

Resolve in favor of East Corinth Academy.

Reported same in a new draft under title of "Resolve in favor of several academies, institutes, seminaries and colleges for maintenance, repairs and improvements," and that it ought to pass.

Mr. Heal from the committee on public utilities on Bill "An Act to

create the North Village Water Co. in town of New Portland" reported same in a new draft under title of "An Act to incorporate the North Village Water Company" and that it ought to pass.

Reports read and accepted and the new drafts ordered printed under the joint rules.

Mr. Stevens from the committee on library reported ought to pass on Bill "An Act to provide for the preservation of archaeological objects and sites, and for the appointment of a commission of archaeology."

Mr. Gamage from the committee on sea and shore fisheries on Bill, An Act to amend Section 7, Chapter 293 of the Public Laws of 1917, relating to the director of the sea and shore fisheries, reported that the same ought to pass.

Reports read and accepted and the bills ordered printed under the joint rules.

#### First Reading of Printed Bills and Resolves

House 420: An Act to amend Section 29 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 244 of the Public Laws of 1917 and Chapter 196 of the Public Laws of 1919, relating to transportation of fish under tag without the owner accompanying the same.

House 425: An Act to amend Section 15 of Chapter 55 of the Revised Statutes, relating to Public Utilities.

House 426: An Act to amend Section 10 of Chapter 118 of the Revised Statutes, relating to costs to be taxed for parties and attorneys.

House 427: An Act to amend Section 30 of Chapter 55 of the Revised Statutes, relating to preference or rebate as to rates for service.

House 428: An Act to amend Section 63 of Chapter 219 of the Public Laws of 1917, as amended by Chapter 196 of the Public Laws of 1919, relating to the employment of guides by non-residents in certain cases.

An Act to constitute Ganeston Park, in the cities of Augusta and Hallowell, in Kennebec County, a game sanctuary.

House 421: Resolve in favor of the Penobscot Tribe of Indians for re-drafting plan book.

House 422: Resolve in favor of the State Park Commission.

House 423: Resolve in favor of the

State School for Boys for maintenance and other purposes.

House 424: Resolve appropriating money for the construction and equipment of an industrial building at the State Reformatory for Men.

Senate 243: An Act to amend Section 43 of Chapter 117 of the Revised Statutes, as amended by the Public Laws of 1919, relating to the compensation of Register of Deeds of Knox County.

Senate 244: An Act to amend Section 37 of Chapter 117 of the Revised Statutes, relative to the salary of county attorney of Somerset county.

Senate 246: An Act to amend Section 18 of Chapter 135, Revised Statutes, relating to bail.

Senate 247: An Act to amend Section 24, Chapter 128, Revised Statutes, relating to conspiracies.

House 264: An Act to amend Section 56 of Chapter 16 of the Revised Statutes, as amended by Chapter 188 of the Public Laws of 1917, and by Chapter 26 of the Public Laws of 1921, relating to the time of electing superintendents of schools in towns comprising school unions.

Senate 239: Resolve in favor of the Maine Railroad Committee.

Senate 245: Resolve in favor of Northern Maine Sanatorium at Presque Isle, Aroostook County, for personal services, maintenance, repairs and improvements.

Senate 248: Resolve in favor of the Augusta State Hospital for maintenance during the years July 1, 1923 to June 30, 1924 and July 1, 1924, to June 30, 1925.

On motion by Mr. Winn of Lisbon, the House voted to reconsider its action whereby House Document No. 264, an act to amend Section 56 of Chapter 16 of the Revised Statutes, as amended by Chapter 188 of the Public Laws of 1917, and by Chapter 26 of the Public Laws of 1921, relating to the time of election of superintendents of schools in towns comprising school unions, was passed to be engrossed; and on further motion by the same gentleman, the bill was tabled pending its passage to be engrossed.

On motion by Mr. Edwards of Bethel, the House voted to reconsider its action whereby Senate Document 243, an act to amend Section 43 of Chapter 117 of the Revised Statutes, as amended by the Public Laws of 1919,

relating to the compensation of register of deeds of Knox County, was passed to be engrossed; and on further motion by the same gentleman the bill was tabled, pending its passage to be engrossed.

On motion by Mr. Edwards of Bethel, the House voted to reconsider its action whereby Senate Document 244, an act to amend Section 37 of Chapter 117 of the Revised Statutes, relative to the salary of county attorney of Somerset county was passed to be engrossed; and on further motion by the same gentleman, the bill was tabled pending its passage to be engrossed.

The SPEAKER: The Chair presents, out of order, veto message from the Governor.

STATE OF MAINE  
Office of the Governor

Augusta, March 21, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:—

I return herewith without my approval:

An Act to amend Chapter 206 of the Private and Special Laws of 1907, relating to the West Branch Driving and Reservoir Dam Company.

This Act grants to the West Branch Driving and Reservoir Dam Company one of the most valuable water storage franchises in the State of Maine. It gives the said company the right to raise the water level of Chesuncook Lake 8 1-2 feet above its maximum level and the right to take or flow out any water power belonging to private individuals below the Chesuncook dam, or below the dam authorized by the Act. The right of eminent domain always has been jealousy guarded by the Legislature, but this Act gives it away without restriction. The storage developments in this region are solely for private profit, and although a great industry has located there the fact remains that most of the rights of the people in water storages have been parted with forever in this vast section of Northeastern Maine.

The West Branch Company in the years gone by has been granted everything it has asked for and now seeks further privileges. In my opinion before any such grant is made the rights of the State should be taken into consideration, and the people of the State should share directly in the benefits that will accrue by reason of this increased storage capacity.

This franchise is very similar to that asked for by the Kennebec Storage Reservoir Company and my reasons for disapproving the latter franchise apply with equal force to the present. In the case before us the State already has parted with many valuable rights and certainly a halt should be called. Before any additional privileges are granted the rights of the people should be defined and a halt should be made in the granting of storage franchises until the proposed constitutional amendment is placed before the people. It is easy to give away these great franchises, but once alienated they never can be recalled. The chain of lakes that already has been deeded forever to the West Branch Driving and Reservoir Dam Company comprises one of the greatest water storage reservoirs in Maine and its value runs into millions of dollars. It will not work a hardship upon the company in question if the charter it seeks is postponed until the people of the State are given the right to decide what they themselves desire to do in the water storage question. I shall not give my approval to any great water storage projects at this session of the Legislature, for the time has come when all these franchises should be denied until the people come into their own.

Respectfully submitted,  
(Signed) PERCIVAL P. BAXTER,  
Governor of Maine.

On motion by Mr. Curtis of Brewer, it was voted that the foregoing veto message be tabled and specially assigned for Friday, March 23.

The SPEAKER: The Chair presents veto message from the Governor.

STATE OF MAINE  
Office of the Governor  
Augusta, March 21, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:—

I return herewith without my approval,

"AN ACT to amend Section Four of Chapter One Hundred and Ninety seven of the Public Laws of Nineteen Hundred and Seventeen, as Amended, Relating to the State Department of Health."

This bill provides that the Governor "on or before the first day of May in the year nineteen hundred and twenty-three shall appoint a

dentist as a member of" the Public Health Council. As the Act in question will not take effect until ninety days after the adjournment of the Legislature the Governor cannot lawfully make the appointment referred to. In other words the Legislature is directing the Chief Executive to take action under an Act that will not become a law until more than sixty days after the date of the appointment the Governor is ordered to make.

Another clause of the law provides that the Governor "at the same time shall make another appointment to said board for the term of five years from said first day of May, nineteen hundred twenty-three." The reasoning in the first paragraph of this communication applies with equal force to this latter provision. I cannot approve an Act that instructs me to make an unlawful appointment and so am returning it to your honorable body.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,  
Governor of Maine.

On motion by Mr. Sturgis of Auburn, the foregoing message was tabled and specially assigned for Friday, March 23.

The SPEAKER: The Chair presents veto message from the Governor.

STATE OF MAINE  
Office of the Governor  
Augusta, March 21, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:—

I return herewith without my approval,

"RESOLVE, Providing for the purchase of 'History of Aroostook.'"

This Resolve calls for the expenditure of \$525 and is one of several that are before this Legislature. In my opinion it is unwise for the Legislature to pass these special resolves calling for the purchase of books, because in our general appropriation bill a liberal amount is provided for the purchase of such books as the State Librarian may deem proper. When the Legislature orders the purchase of these special volumes it is usually done for the purpose of aiding those who publish them and, in my opinion, in very few instances, would the State Librarian himself purchase the books if the matter were left to his discretion.

It is an easy matter for the Legislature to spend several thousand dollars on special book resolves, but my experience has been that most of these books after being delivered to the State Library find their way into the dome of the Capitol and remain there until some general house-keeping takes place or until space is required for the ever increasing procession of volumes that pour in upon us.

It is not an unusual sight to see a truck drawn up by the side door of the Capitol, there to be loaded with reports and volumes of one kind or another to be taken away to the dump because there is no use for them in the State House. I believe our State Librarian is thoroughly qualified to purchase the books our State Library really needs. Maine has wasted enough in printing during the last ten years to almost have built a new wing for the Library.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,  
Governor of Maine.

Mr. KITCHEN of Presque Isle: Mr. Speaker, in a way I suppose this is a small matter; but, as I remember it, I introduced the resolve calling for \$150, to purchase one hundred volumes of the History of Aroostook, a complete and full history of Aroostook county from the beginning to the present day. Knowing as I did for twenty years the author of this history, I felt that it must be reasonably accurate. I feel that in spite of the objections of the Governor this history should be placed in the Library of the State.

The SPEAKER: The question is, shall this resolve become a law notwithstanding the objections of the Governor? It being a Constitutional question the yeas and nays are necessary. Is the House ready for the question?

Mr. ADAMS of Liberty: Mr. Speaker, please explain what we are voting on.

The SPEAKER: The resolve returned from the Governor with objections to its becoming a law is entitled, "A resolve providing for the purchase of the history of Aroostook." This resolve calls for an expenditure of \$525. The question is, shall this resolve become a law notwithstanding the objections of the Governor? As many as are in favor of the resolve becoming a law notwith-

standing the objections of the Governor, will vote "yes" when their names are called and those who wish to sustain the veto of the Governor will vote "no" when their names are called.

Mr. ROUNDS of Portland: Mr. Speaker, I would like to ask this question. Didn't they cut down the appropriation \$2,000 for books in the library? I suppose some of the Library Committee can tell, and I would like to ask the question.

The SPEAKER: The chairman of the Library Committee on the part of the House may answer the gentleman from Portland (Mr. Rounds.)

Mr. MOODY of York: It is a fact as the gentleman has stated.

The SPEAKER: Is the question plain, and is the House ready for it?

The clerk will call the roll.

YEA—Adams of Litchfield, Archibald, Atwood, Ayer, Baker, Bartlett of Hanover, Bartlett of Waterville, Barwise, Beckett, Benoit, Bisbee, Blaisdell, Boulter, Bradbury, Brett, Brewster, Brown, Burns, Cates, Cherry, Clarke, Conant, Cummings, Curtis, Dilling, Dudley, Dunbar, Farley, Finnell, Gagnon, Gardiner, Gaurin, Goldthwaite, Granville, Hallett, Hamilton, Hammond, Hayford, Heal, Hobbs, Hodgkins, Holmes, Houghton, Hutchinson, Jacobs, Johnson, Jones, Jordan of Cape Elizabeth, Jordan of Westbrook, Keef, Kitchen, Lamson, Leland, Lord of South Portland, Lord of Wells, Ludgate, Maher, Martin, McDonald, Melcher, Moody, Morrison, Nadeau, Newcomb, Oakes, O'Connell, Overlock, Perkins, Perry, Pinkham, Piper, Plummer, Ramsdell, Ray, Rounds, Rowell, Sanders, Sayward, Sibley, Smith, Storm, Story, Thomas of Chesterville, Thomas of Leeds, Tilden, Towne, White, Willis, Wing,—90.

NAY—Adams of Liberty, Bickford, Chalmers, Crafts, Crowley, Dain, Downing, Drake, Dunbar, Edwards, Foss, Gagne, Gile, Gilmour, Gordon, Hale, Hayes of Chelsea, Jewett, Keene, Leathers, Littlefield, Macomber, Melheron, Morse of Bath, Nevins, Nichols, Nickerson, Palmer, Pendleton, Phillips, Pierce, Reed, Rogers, Saunders, Small, Sparrow, Staples, Stillham, Stratton, Sturgis, Tarr, Weeks, Whitney, Williams, Winn, Winslow, Wood—48.

ABSENT—Belliveau, Boman, Douglas, Fickett, Greenleaf, Hayes of

Gorham, Knight, Morse of Green, Owens, Ranney, Stevens, Teague.—12.

Affirmative—90.

Negative—48

Absent—12

Immediately at the close of the roll call, the Speaker instructed the clerk to again call the name of Johnson, who voted as appears in the roll call.

The SPEAKER: Ninety having voted in the affirmative and 48 in the negative, the veto of the Governor is sustained the necessary number for passing it over the Governor's veto being 92. (Applause.)

The SPEAKER: The Chair presents veto message from the Governor.

#### STATE OF MAINE

Office of the Governor

Augusta, March 21, 1923.

To the Honorable Senate and House of Representatives of the 81st Legislature:—

I return herewith without my approval,

"RESOLVE in Favor of a Bridge Between Howland and Enfield."

This Resolve is one of several relating to bridges that doubtless will be presented to me. There are certain features involved in one case that are not found in others. In the case before us the bridge is between two towns bordering on the Penobscot River. Repeatedly during the last two years these towns have applied to the Governor and Council for aid to repair this bridge. The Councilors and myself have gone into the matter carefully on each occasion, have looked into the valuation of the towns and have made inquiries as to their ability to raise money to keep the bridge in proper repair. We have been satisfied that the towns are in a position to handle this situation and consequently did not take money from the Contingent Fund as requested.

In one of the towns there is a large pulp mill and its heavy trucks cause most of the wear and tear on the bridge. It of course would be helpful if the State would assume the burdens of this bridge, and the towns thereby would be relieved either from increasing their taxes or issuing bonds. This, however, applies in every case where a town is unfortunate enough to have a large number of bridges within its borders



Gradually the State is taking over control and responsibility of bridges, and every one that is added to the State's already heavy burdens makes it more difficult for the taxpayers to carry the load. Any thoughtful citizen can see what the future will be if the practice of placing these bridge bills upon the State continues without interruption. A community with a strong representation in the Legislature can avoid its responsibilities, while other communities not so favored must get along without assistance. I believe a principle is at stake in these bridge resolves, and although it hardly can be expected that the Legislature will consider each one on its merits I feel under obligation to withhold my approval in cases similar to the one now before me. Of course if the emergency is sufficiently pressing, money can be appropriated by the Legislature out of the special \$112,000 fund which the Legislature has in hand for just such cases as the one before us.

During this legislative session I have felt it my duty to veto an ever increasing number of Acts and Resolves and have done so without any personal feeling or prejudice. Doubtless I shall be called upon to continue the course that I have entered upon. I want the legislators to understand that a Governor's position is very different from theirs. When he affixes his signature to a law it is made effective by his affirmative act. It is his law and he assumes a personal responsibility for it.

Legislators in passing laws give their approval as a rule in mass formation and each member takes but a fraction of a share of the responsibility for its enactment. No matter how trivial or how important, I shall not sign any measure unless I really approve, and am willing to accept full responsibility for it. In doing this I am but performing the duties imposed upon me by the Constitution of our State. I have no pride of opinion in these matters but am acting solely within my constitutional rights.

A Governor should not hesitate to take the lead and certainly he should not become a mere trailer in the procession. Perhaps it would be more comfortable for him if he should sit complacently in his office and say to himself that the Legislators having passed certain laws he need not go against their wishes. This is the

easier course to follow, but not one that appeals to the present Chief Executive. I have no patience with those who would avoid full responsibility for their decisions.

As the days go by and as Acts and Resolves are brought to me I shall consider each upon its merits and act accordingly. There will be no feeling of resentment on my part in case some of these are passed over my disapproval. I, however, am thinking of the folks at home and am doing my best to protect their interests. They are the ones who in a few months will be called upon to pay the bills that are now being enacted. If every Legislator could make a trip home between the time of the Governor's veto and the date that it comes before the House or Senate on the question of overriding his action, I believe there would be but few cases in which the Executive and Legislative branches finally would disagree. It should not be overlooked that overriding the Governor's veto does not necessarily close an incident. If any measure is of sufficient importance those interested in it easily may invoke the referendum and then the people themselves will decide whether they will sustain the Governor or the Legislature. The final decision on any such matter in such an event would be withheld until September, 1924.

Respectfully submitted,

(Signed) PERCIVAL P. BAXTER,

Governor of Maine.

Mr. GRANVILLE of Parsonsfield: Mr. Speaker and members of the House: As a member of the Ways and Bridges committee, I desire to say that this bill and the bill for the Eastport bridge vetoed here the other day are the only two matters that we passed from that committee that are not provided for by law. We have no money available to provide for these emergency cases except by direct taxation. Now these are emergency cases, and the committee felt in each instance that these towns were worthy and desirous of this aid, and that it would place an impossible burden upon them to repair these long bridges.

Mr. AYER of Lincoln: Mr. Speaker and Members of the House: I doubt very much if the members of the House understand the circumstances of the Enfield and Howland bridge. In the first place, the towns are very small and the bridge is a very large bridge for them to take care of. The

bridge, as I understand it, is about 1000 feet long, and so far as the pulp mill town is concerned—Howland—they do use quite a few heavy trucks over the bridge, and perhaps that right is due them by reason of the fact that they pay a heavy tax. On the other hand, the State road does not go over this bridge; but in the past year while the construction was going on about the town of Milford, the most of the travel from Bangor through to Aroostook, through to the town of Houlton and up that way over the State highway, passed over this bridge on account of that construction at Milford. And, of course, there is quite a heavy travel up through there over the trunk line. For that reason, I would say that the cause is a very good one, and I hope the Governor's veto will not be sustained.

Mr. WHITNEY of Corinth: Mr. Speaker, I would like to say one word on this bridge. It is 920 feet long, built in 1896. The town of Howland is in debt \$26,000 under a four per cent. rate. Enfield is 4.7 and they have lost \$100,000 by fire and taxation. If the towns do not get this money under this emergency clause, I shall be obliged to telephone to Howland to close that bridge.

The SPEAKER: The question is—

Mr. HALE of Portland: Mr. Speaker, will the Chair inform the House the amount appropriated by this resolve?

The SPEAKER: Will the gentleman from Parsonsfield, Mr. Granville, answer the question of the gentleman from Portland, Mr. Hale, relative to the amount named in the resolve?

Mr. GRANVILLE of Parsonsfield: Twenty-one thousand dollars, Mr. Speaker.

The SPEAKER: Twenty-one thousand dollars is the answer. Is that satisfactory to the gentleman from Portland, Mr. Hale?

Mr. HALE: Entirely so, Mr. Speaker.

The SPEAKER: The question is, shall this resolve become a law notwithstanding the objections of the Governor? As many as are in favor of the resolve becoming a law notwithstanding the objections of the Governor will answer yes when their names are called. As many as wish to sustain the veto of the Governor will answer no when their names are called. Is the House ready for the question?

The question being called for, the Clerk thereupon called the roll.

YEA—Adams of Liberty, Adams of Litchfield, Archibald, Atwood, Ayer, Baker, Bartlett of Hanover, Bartlett of Waterville, Barwise, Beckett, Belliveau, Benoit, Bickford, Bisbee, Blaisdell, Boman, Boulter, Bradbury, Brett, Brewster, Brown, Burns, Cates, Chalmers, Cherry, Clarke, Conant, Crafts, Crowley, Cummings, Curtis, Dilling, Downing, Drake, Dudley, Dunbar, Dunn, Edwards, Farley, Fickett, Finnell, Foss, Gagne, Gagnon, Gamage, Gardiner, Galvin, Gile, Gillespie, Gilmour, Goldthwaite, Garden, Granville, Hale, Hamilton, Hammond, Hayes of Gorham, Heal, Hobbs, Hodgkins, Holmes, Houghton, Hutchinson, Jacobs, Jewett, Johnson, Jones, Jordan of Cape Elizabeth, Jordan of Westbrook, Keef, Keene, Kitchin, Lamson, Leathers, Leland, Littlefield, Lord of So. Portland, Lord of Wells, Ludgate, Macomber, Martin, McDonald, Melcher, Moody, Morrison, Morse of Bath, Nadeau, Nevins, Newcomb, Nichols, Nickerson, Oakes, O'Connell, Overlock, Owens, Palmer, Pendleton, Perkins, Perry, Phillips, Pierce, Pinkham, Piper, Plummer, Ramsdell, Ray, Reed, Rogers, Rounds, Rowell, Sanders, Saunders, Sayward, Siddall, Small, Smith, Sparrow, Staples, Stevens, Stitham, Stern, Story, Stratton, Tarr, Thomas of Chesterville, Thomas of Leeds, Tilden, Towne, Weeks, White, Whitney, Willis, Wing, Winn, Winslow, Wood—136.

NAY—Dain, Hayes of Chelsea, McIheron, Sturgis, Williams—5.

ABSENT—Douglas, Greenleaf, Hallett, Hayford, Knight, Maher, Morse of Greene, Rannev, Teague—9.

The SPEAKER: One hundred and thirty-six having voted in the affirmative and five in the negative the objections of the Governor are not sustained.

#### Orders of the Day

The SPEAKER: Under orders of the day, the first matter for us to work upon are those tabled and specially assigned for today; and the first on the calendar today assigned is veto of the Governor, on an act relating to lien on vehicles, tabled by the gentleman from Auburn, Mr. Wing, March 15, pending reconsideration. The Chair recognizes the gentleman from Auburn, Mr. Wing.

Mr. WING of Auburn: Mr. Speaker and Members of the House: In view of the number of veto communications from the Governor, it seems to me it would be well at the outset of the consideration of this measure

to determine exactly what a veto is. The Constitution provides in Article 4, entitled, "Legislative Power," Sec. 2, that, "Every bill or resolution having the force of law, to which the concurrence of both houses may be necessary, except on a question of adjournment, which shall have passed both houses, shall be presented to the Governor, and if he approve, he shall sign it; if not, he shall return it with his objections to the house, in which it shall have originated, which shall enter the objections at large on its journals, and proceed to reconsider it. If after such reconsideration, two-thirds of that house shall agree to pass it, it shall be sent together with the objections, to the other house, by which it shall be reconsidered, and, if approved by two-thirds of that house, it shall have the same effect, as if it had been signed by the Governor." The voting on such reconsideration is always by yeas and nays.

The effect of this provision is to give the Governor a voice in legislation only to the extent of recording his objections to a proposed measure and to compel a measure which would ordinarily pass by a majority vote, to be passed, if at all, by a recorded two-thirds vote of both branches. It is simply one of the checks and balances of our Constitution and is designed to make it certain that wisdom and care be displayed in the enactment of Statutes. The Governor is but the Executive who carries out, not his will, but the will of the Legislature as set forth in law.

Section 12 of Article 5 of the Constitution provides, and it is the key note of the position of the Governor in the State, as follows: "He shall take care that the laws be faithfully executed," and in a government of law, not a government of men or an individual. In exercising the veto power a Governor is well within his rights and exercises a Constitutional function, and one which should be treated with respect and careful consideration by the Legislature to whom he submits his objections. The question on the reconsideration of a measure which has not met the approval of the Governor is whether his objections are sound and well taken as to the merits of the measure under consideration.

The objections in this instance, as I recall them, are to the effect that as Governor he vetoed a measure

providing for a jewelers' lien, and the bill in question invokes a similar principle. My connection with the bill under discussion came from a desire of automobile repair men to be secured by lien for their labor and material used in the repair of motor cars. An automobile is different from a watch. The record of its ownership is with the State. It is an expensive vehicle. The cost of its repair is large and involves a heavy outlay for parts and labor. Motor car repairing is a recognized business of many of our citizens. Its necessity and usefulness is apparent to all. In looking up the matter, I found that Section 56 of Chapter 96 of the Revised Statutes provides for a lien for labor and repairs on wagons, carts, sleighs and other vehicles. The exact language of the Statute is: "Whoever performs labor by himself or his employes in manufacturing, or repairing the ironwork or woodwork of wagons, carts, sleighs and other vehicles by direction or consent of the owner thereof, shall have a lien on such vehicle for his reasonable charges for said labor and for materials used in performing said labor, which takes precedence of all other claims and incumbrances on said vehicle, not made to secure a similar lien."

I thought the word "vehicle" should be made plain in its meaning, and I brought forward the bill under consideration by inserting in the now existing Statute the words "automobiles, motor cars and tops and parts thereof." You will observe that the Statute as now existing undertakes to make this lien take precedence of all other claims, but this feature was remedied by amendment in the bill under consideration, so that the mortgagee of a vehicle will have full protection and the measure as thus amended passed both branches of this Legislature.

In considering the objections of the Governor to the measure I looked into the history of the Statute, and I found it originated in Chapter 57 of the Public Laws of 1905, and was approved March 15, 1905. If you will take pains to look on Page 249 of the Maine House Journal for 1905, you will discover that the bill, the foundation for Chapter 96, Section 56 of the Revised Statutes, was referred to the committee on Legal Affairs, who later reported favorably because the record shows it to be the law. One member of that committee on Legal Affairs in 1905, which

must be presumed to have considered very carefully the bill, was the present Governor, then a member from Portland, and who now complains that the Statute which the bill under consideration seeks to make plain, is unsound on principle. If it is unsound now, it must have been unsound in 1905, when our Governor was a member of the legislative committee which became sponsor for the Statute, and the principle which it invokes. It seems to me that the Governor's reasoning should date from 1905 instead of from his connection with the jewelers' bill, so-called.

Now if you will pardon me a quotation from our Maine-born Artemus Ward. I wish to add this:

"I'm not a politician and my other habits air good,  
I've no enemys to reward nor friends to sponge."

I hope this House will give the mechanic who sends us on our way rejoicing in a repaired automobile, with the mortgagee thereof fully protected, the protection which the mechanics deserve, and that the veto will not be sustained. (Applause.)

(Mr. Phillips of Orrington assumes the Chair.)

The SPEAKER pro tem: The question before the House is on the veto of the Governor. This is a Constitutional question and calls for a yea and nay vote.

Mr. HAYES of Chelsea: Mr. Speaker, may we have the amendment read? (Cries of "No, No.")

The SPEAKER pro tem: In answer to the gentleman from Chelsea, Mr. Hayes, this is House —

Mr. HAYES: I mean his objection to the bill.

The SPEAKER: The objections have been printed. Do I understand the gentleman to wish the veto message read.

Mr. HAYES: That is what I ask. (The clerk reads the veto message referred to.)

Mr. WINN of Lisbon: Mr. Speaker, I intended to have nothing to say on this matter, but I believe we should bear in mind one thing and that is that we are amply provided with laws now in nearly every direction, and I hope the members who vote on this matter will bear this in mind.

Mr. STURGIS of Auburn: Mr. Speaker, I hope also that people will bear that in mind when they are voting.

I do not see why the motor vehicle repairer should have any better rights than the jeweler. My friend the lawyer, says that there is a difference. He says that the motor vehicle is different from a watch. Well, the watch is different from a motor vehicle, and although I am not a lawyer, I feel that it would give the lawyers a good job to fix these things up, and I am in favor of sustaining the Governor.

The SPEAKER pro tem: The question before the House is on the veto of the Governor on —

Mr. BECKETT of Calais: Mr. Speaker, I would merely like to ask the gentleman from Auburn (Mr. Wing) through the Chair, his reason for not feeling that the present Statute does not cover it sufficiently. That says "vehicle" and certainly an automobile or a motor truck is a vehicle. I presume that he feels that "vehicle" is not sufficiently broad. If I am not mistaken, the present Statute includes "vehicle."

The SPEAKER pro tem: The gentleman from Auburn, Mr. Wing, hears the question and may answer through the Chair or not.

Mr. WING: I am much pleased to answer the gentleman from Calais (Mr. Beckett), Mr. Speaker, if I can make the situation more plain. I did feel, and I think I said, that I wanted to make plain just what was included in a vehicle. It would take a law student to determine whether or not a vehicle is within the present Statute or not.

Mr. HAMILTON of Caribou: Mr. Speaker, I have been interested in this measure, and was the first one, if you remember, to put it on the table for consideration. In looking the measure over I found it had been fixed so that it was harmless, and in fact better than the Statute which was passed apparently in 1905. Now the Statute says "other vehicles" and late decisions have included the automobile, so that the garage man has been protected in many sections. Possibly, among the good lawyers some of the sections have not been properly protected, but the last part of that Statute gives the opportunity to the automobile owner, if he desires, or is more or less of a shyster, to take and sell the automobile before the garage man can put the amount of his bill on record in the town records, so that his lien will not be lost. That has been eliminated, and to my mind the Statute is

now clear, allowing the automobile men to have their liens, which we believe they had anyway, and omitting that disagreeable feature. I feel that this measure is better than the Statute law that we have, and that it makes it clear so that there is no uncertainty, and there will not be one lawyer on one side and one on the other in reference to this law.

Mr. SIDDALL of Sanford: Mr. Speaker, the gentleman from Auburn (Mr. Wing) states that the mortgage is fully protected. Not having the bill before me, and in order that I may vote intelligently, I would like to know the form which the bill takes.

The SPEAKER pro tem: Does the gentleman from Sanford (Mr. Siddall) ask the question through the Chair?

Mr. SIDDALL: I do.

The SPEAKER pro tem: The gentleman from Auburn, Mr. Wing, may answer through the Chair.

Mr. WING of Auburn: The Statute as now existing states that the lien takes precedence of all other claims. The Supreme Court has held within a year that that feature of the State is of no avail; in other words, the mortgagee has an underlying claim that cannot be taken away from him—assuming a mortgage,—and this amended Statute recognizes that feature, and any lien that an automobile repair man would have on an automobile would be subject to the mortgage lien. I trust I have made myself clear.

The SPEAKER pro tem: The question is, shall this bill become a law notwithstanding the objections of the Governor. This is a Constitutional question and calls for a yea and nay vote. Those wishing the passage of this law notwithstanding the veto of the Governor will vote yea when their names are called. Those who wish to sustain the veto of the Governor will vote no. Is the House ready for the question.

The question being called for, the Clerk called the roll.

YEA—Archibald, Atwood, Ayer, Baker, Bartlett of Hanover, Bartlett of Waterville, Barwise, Beckett, Belliveau, Bickford, Blaisdell, Boman, Boulter, Brett, Brown Burns, Cherry Clarke, Conant, Cummings, Curtis, Dain, Dilling, Downing, Dunbar, Farley, Foss, Gagnon, Gardiner, Gauvin, Gile, Gillespie, Granville,

Hale, Hamilton, Hammond, Hayford, Houghton, Hutchinson, Jacobs, Jewett, Jones, Jordan of Westbrook, Keef, Leathers, Lord of South Portland, Lord of Wells, Ludgate, Maher, McDonald, Moody, Morrison, Morse of Bath, Nadeau, Newcomb, Oakes, O'Connell, Overlock, Owens, Pendleton, Perkins, Piper, Ranney, Rogers, Rowell, Sanders, Saunders, Sayward, Siddall, Staples, Stevens, Story, Thomas of Chester-ville, Thomas of Leeds, Tilden, Towne, White, Willis, Wing.—79.

NAY—Adams of Liberty, Adams of Litchfield, Benoit, Bradbury, Brewster, Cates, Chalmers, Crafts, Crowley, Drake, Dudley, Dunn, Edwards, Fickett, Finnell, Gagne, Gamage, Gilmour, Gordon, Greenleaf, Hallett, Hayes of Chelsea, Hayes of Gorham, Heal, Hobbs, Hodgkins, Holmes, Jordan of Cape Elizabeth, Keene, Kitchen, Lamson, Leland, Littlefield, Macomber, Martin, McTheron, Melcher, Nevins, Nickerson, Palmer, Perry, Phillips, Pierce, Pinkham, Plummer, Ramsdell, Ray, Reed, Rounds, Small, Sparrow, Stitham, Storm, Stratton, Sturgis, Tarr, Weeks, Whitney, Williams, Winn, Winslow, Wood.—62.

ABSENT—Bisbee, Douglas, Goldthwaite, Johnson, Knight, Morse of Greene, Nichols, Smith, Teague,—9.

Affirmative—79.

Negative—62.

Absent—9.

Mr. AYER of Lincoln: Mr. Speaker, I would like to have the Clerk call the name of Bisbee.

(The Clerk called the name of Bisbee and there was no response.)

The SPEAKER: Seventy-nine having voted in the affirmative and 62 in the negative, the veto of the Governor is sustained. (Applause.)

(At this point Mr. Phillips retired from the Chair, amid the applause of the House, and Speaker Holley resumed his seat.)

Mr. LAMSON of South Portland: Mr. Speaker and members of the House: This is a bill to abolish the present Sea and Shore Fisheries Commission as it now exists and to substitute therefor a single commissioner or head. It does not in any way interfere with the present laws governing the Sea and Shore Fisheries. In making this statement the way I have, I am reminded of the young lawyer who was trying his

first case in court and after every point he would quote the law. It somewhat irritated the judge and he said, "Young man, would it not be well for you to assume that the Court knows a little law?" "Your Honor," the young lawyer replied, "I made that mistake in the lower court and the verdict was against me."

Now, gentlemen, I shall try to present to you some of the facts as I know them to exist in the department. At present it consists of four men who are holding down one man's job. It cost the State of Maine \$88,801.78 in 1922. It maintains a navy of twenty-five boats. For many years the department was handled by a single commissioner to the entire satisfaction of the entire State, at a cost of less than one half of this enormous sum. The largest industry in the State—and I refer to agriculture—is handled by a single commissioner.

Chapter 203 of the Public Laws of 1917, Section 3, with your permission, I would like to read:

"The Governor, with the advice and consent of the council shall, upon the taking effect of this act, appoint a commission of three persons to be known as the Sea and Shore Fisheries Commission who shall have general supervision of the sea and shore fisheries and shell-fish regulated by Chapter 45 of the Revised Statutes. Each commissioner except as hereinafter provided shall hold office for a term of three years, unless sooner removed. Two of said commissioners shall belong to the political party casting the largest number of votes for Governor at the last preceding election and one from the political party casting the second largest vote for Governor at the same election. They shall exercise supervision over all the fisheries (and I want this to be made very plain) and their products taken from the tide waters within the State, including the proper enforcement of all laws relating to the catching, packing, curing, manufacturing, selling, branding and transportation of all kinds of pickled, salt, smoked, fresh, canned or frozen shell or other fish. They shall have authority to make rules and regulations governing the time, manner and conditions of taking fish, shell-fish and lobsters and may declare a close time on such varieties and in such localities as they may determine; but such rules and regulations shall be

made and such close time declared only after hearing, reasonable notice of which shall have been given by publication or otherwise to all parties interested. Rules and regulations so made and close time so declared shall be held to take precedence over any then existing provisions of statute inconsistent therewith."

Section 5, and this is a brief one:—"The commissioners shall be sworn to the faithful performance of their duties and shall receive a per diem of five dollars while engaged in the work of the commission and their actual expenses incurred in the performance of their official duties."

Now you business men, you agriculturists, you lumbermen, you manufacturers, how would you like to be hampered by a thing like that? Our fishermen on the coast of Maine are honest, industrious, law-abiding citizens, who gain a livelihood by the hardest kind of hard work, and they are entitled to all the protection and assistance that the State can reasonably bestow.

Now I realize that very many of you gentlemen, from the nature of the case, know very little concerning the hardships which these men undergo. A fisherman's outfit consists of a small boat and a string of fifty, more or less, traps which he baits and sets anywhere from five to ten miles off shore, and some other equipment, and his whole outfit has cost him, perhaps \$350 to \$400, and some where this morning, at some time, gentlemen, on our coast, these fishermen were out pulling their traps. There are four thousand of those men engaged in this business between West Quoddy Head and Kittery Point, taking in the whole coastline of Maine. They have not come here to you asking for favors. All they expect is a square deal, and that, I am sure, the Legislature is only too eager to grant them.

The Governor in his inaugural calls attention to this in flowing words. He says:

"In 1922 this department spent \$88,801.77 but at present, except for its work in the lobster fisheries, has done but little to develop the boundless natural resources of our coastal waters. This is unfortunate, for here are great possibilities. The present system is cumbersome, for the Governor appoints three commissioners, who elect a director, who

employs wardens who watch the fishermen. This divides responsibility and makes for inefficiency in the public service. A department properly organized and in the confidence of the fishermen could be of great assistance to them, especially in finding a market for their catches. The life of the fisherman is a lonely one and he is inclined to shun contact with others. He especially needs recognition and encouragement.

"A single commissioner with vision and with practical experience could stimulate our salt water fishing industry and soon the coast of Maine would be furnishing an unlimited supply of sea food to the fish markets of New York and New England."

Now, gentlemen, this bill asks you to change this cumbersome commission, as recommended by the Governor, and put it under a single head which will be directly responsible to the Governor and his Council.

Mr. BAKER of Steuben: Mr. Speaker and members of the House: I would like to give you a little history of this bill which is now under consideration before I make my few remarks. This is a bill originating with the Governor and the reason for its being introduced by him, or through him, was because of some friction which he had with Director Crie. Now I hold no brief for Director Crie. He is just a plain, ordinary, hard-working man, coming from the fishermen, and in whom the fishermen have great confidence. The friction of which I speak dates back to two years ago. Mr. Crie, advocating a good, liberal appropriation for the Sea and Shore Commission for them to spend for the benefit of that great industry, went to the Governor and objected to it being cut down very materially by the committee, and I suppose he was a little over-zealous, or perhaps a little energetic, and he incurred, not the animosity, but a small amount of ill-will from the Chief Executive. And since that time, things that Director Crie has wanted have been frowned upon by the Governor. He refused to pay certain bills of the Director which by law the Director was entitled to incur and he refused to buy seed lobsters which had been bought under the director of Mr. Crie in all good faith. We have just reported out from our committee a bill to take

care of that shortage which was incurred in good faith under the laws of this State.

This bill went along in its regular course and came before the committee and there it had very careful consideration. Quite a lot of opposition developed and quite a number of people appeared as proponents of the bill, among them my good friend from South Portland, Mr. Lamson, who, on being asked if he was a candidate for the office of commissioner if the bill went through, very firmly and energetically denied it, as I have not the slightest doubt, in all good faith. Another gentleman appeared as a proponent of this bill, a Mr. Harrison, of Mr. Lamson's own town, and I understand that when he was asked if he was personally interested he replied that he was not, but at a later time he said that he would be a candidate for the office if this went through. Still another man appeared there as a proponent of this measure, evidently a disgruntled man who had been connected with the Sea and Shore Fisheries and was later disconnected from that service.

Now, gentlemen, it all comes down to a matter of whether the fishermen would want a word in this matter. They are the ones interested, and my good friend, Mr. Lamson from South Portland, says that they have great hardships. They do have great hardships but let me tell you, gentlemen, that their greatest hardship is their desire and constant effort all the time to try to change the existing statute. They are not of legal minds and have not the power to interpret the statutes, and they simply ask to be let alone. It costs the State nothing to do that and there are 4000 of them and nearly all of them are asking to be let alone. It would seem to me that that is not an expensive thing, and when the majority of those men come up here and ask you—the fishermen, with their wives and children—come here and ask you to be let alone, and the great majority of them want that, why can it not be done?

I have a letter here from the President of the Fishery Protective Association of America, dated from Swan's Island. I will not read it all. He says, "There are approximately 800 inhabitants on Swan's Island, practically every man owns his own home. We have good schools, and a

fine church. The people are law abiding citizens, interested in the only business they know and that is lobster fishing. From this source alone we must earn, to feed and clothe our families and educate our boys and girls; so you see we are firmly rooted here, and solely dependent upon lobster fishing for our existence.

"We appeal to you to protect our business which has prospered so under the present Commission form of the Sea and Shore Fisheries. Surely the fishermen themselves must be the best judges of what is for their best interests. We are happy and prosperous under the present law, then why make a change, which will mean going back to the old methods, and ruin to the lobster industry of this State."

Now the expenses have sometimes been made quite a great deal of in many ways, but from October 1st to October 11th of this last year, the commissioners—four commissioners, who are entitled to \$5 per diem—drew from the State \$25.00 in total for their services and \$80.93 for their expenses. Their efforts have been good. They have gone about meeting in various places throughout the year and deciding upon various matters which came before them, and they decided them to the entire satisfaction of the people who called upon them to so decide. Now, gentlemen, if the majority of those people want the law to remain as it is, why not let them have it that way and let it stand as it is?

Mr. LAMSON: Mr. Speaker, I did not intend to inject anything of a personal nature into this talk. It is true that there were candidates who appeared before the committee and I expect that if the present law should be abolished that there would be candidates from all over the State. I hold no promise and I have made no promise to any candidate whatever may happen. That is entirely up to the Governor. But there is one thing that I would like to say and that is that the Governor had absolutely nothing to do with this bill. I presented it myself.

It is also true that the commissioners have not charged a very high price for their services. Someone has said they are high-minded men who are working for the good of the State, and that perhaps may be so. However, the Auditor's office hardly bears that out. Now there is nothing in this law which

can prevent the four commissioners from going to work at \$5.00 a day and expenses, continually if they choose to do so, and perhaps the next commissioners might not be so high-minded.

Gentlemen, there is nothing personal intended in this but I do want to see a fair presentation of the facts as I know them to exist. The present law is a cumbersome thing. It is an unwieldy proposition and the appointment of a single head does not take away from the fishermen one iota of their rights at the present time. It does not take anything away from them. They will sacrifice nothing. But instead of having a four-headed, cumbersome, unwieldy proposition, it brings it back to where one man will be in charge, and I can understand how one man can go there to those fishermen and say, "I have been appointed Commissioner and you and I together are going to enforce the laws of the State of Maine. You are going to get a square deal every day in the year and I will help you in your market and all along the line. Now you and I will work together." I can see that man working with them in such a way that the law would be almost automatically enforced.

Now, gentlemen, there is nothing in this except, as I say, a fair, honest, economical measure, and I think it should be passed so that our fishermen can have one man to look to and only one man, who shall be directly under the control of the Governor of the State of Maine and his councillors.

The SPEAKER: The Chair would remind the gentlemen of the discussion that the matter was tabled pending acceptance of either report. There is no motion as yet.

Mr. BAKER: I move, Mr. Speaker, that the majority report be accepted.

The SPEAKER: The gentleman from Steuben, Mr. Baker, moves the acceptance of the majority report. The gentleman may speak to the motion.

Mr. BAKER: Mr. Speaker and gentlemen of the House: July 1st, 1921 to June 30th, 1922 being a fiscal year, the State Auditor gave me these figures: A per diem expense of \$380.00 for the Sea and Shore Fisheries commission and expenses amounting to \$298.58 for the three men for that year.

I wish to apologize to my good friend from South Portland, Mr. Lamson, for seeming to take away any of the credit for the introduction of this bill. If it is his bill I will simply say that I misunderstood the Governor.

Mr. BOMAN of Vinalhaven: Mr.



Speaker and gentlemen: I cannot understand why a law satisfactory to the vast majority of the fishermen should be changed. A majority of the committee reported that the bill for a one-man commission ought not to pass. The vote was eight to two and I am very sure that the evidence brought out at the hearing justified the same.

The lobster laws have been made a football for a great many legislatures, and it has been a fight most every session, to pass laws which would meet with the approval of those most directly concerned, namely, the fishermen. And it seems to me that when the law is satisfactory to a vast majority of the fishermen it would be well to let it alone. I represent about five hundred lobster fishermen and they are practically unanimous in favor of retaining the present law.

I was of open mind in this matter when I came to the Legislature, but I cannot in the face of the conclusive evidence established, vote to abolish the present form of commission, which I sincerely believe is for the best interests of the fishermen, and the enforcement of the laws regulating the same.

In the last five years laws have been passed which are very beneficial to the fishermen, which if the present commission were abolished, would be automatically annulled. One of the first things said to me after this session opened was that the present laws are the best we have ever had. The industry has increased under them and the laws are better enforced than ever before.

Gentlemen, do not make any change. Leave well enough alone. Members of the Legislature, there is no doubt in my mind that the abolishment of the present commission would be a misfortune and that it would undo a great deal of what has been done for the lobster industry for the last thirty years. This is a matter that I feel should be kept out of politics absolutely. I sincerely hope that the members of this House will vote to sustain the majority report.

Mr. CLARKE of Stonington: Mr. Speaker and gentlemen of this House: I feel that I should not conceal my interest at this time in any proposition that pertains to the welfare of our Sea and Shore Fisheries, important as the industry is,—one of the most important industries in our State. As has been said, the fishermen from Kittery Point to

Quoddy Head are engaged in the great fishing industry off our Maine coast and thousands more are dependent upon them, and the amount of capital that is represented in this industry at the present time may well be estimated in millions of dollars.

Now, I believe that much of the opposition to the present law is due to auto suggestion. A few have taken up that suggestion and repeated it over and over again until they sincerely believe that there is something really wrong every day in every way in connection with the Sea and Shore Fisheries Department. I submit to you that that is not true. Now it has been my privilege to become personally acquainted with at least two members of the Sea and Shore Fisheries Commission, one a Mr. Farnsworth who is not a banker, nor a lawyer, nor a farmer, nor a manufacturer, but a fisherman, a fellow who was reared in a fishing town, fished in his youth and has made good in the fishing business and in the canning business, a man whose influence and suggestions would be valuable to any body of men in the fishing industry. Again, it was my privilege as a member of the Sea and Shore Fisheries Committee of the 80th Legislature of two years ago to become personally acquainted with Dr. Gould and I say to you at this time that Dr. Gould has given more attention for years to the welfare of the fishing industries in the State of Maine than he has given to his practice and if you had the privilege of knowing him as well as I do you would find that he is a man who has given the important and technical side of the fisheries proposition careful attention. His ideas may be a bit in advance of the time but his idea of a college of fisheries and other suggestions in connection with the welfare of the fishing industry are altogether valuable.

I do not understand that the proposition for a commission which appoints a director to look after the welfare of the fishing interests along our coast is any different than that of a highway commission which provided for a highway engineer to look after the supervision of our highways. It is true, as has been mentioned this morning, that Director Crie has some enemies. I submit that any man who endeavors to enforce the law will have some

enemies, but on the whole the fishing industry which, thirty years ago was just a few fishing shacks along the coast with the fishermen making out in small boats and keeping principally under the lee of the shore, today has grown to be one of the most important industries in our State, and I submit to you at the present time without fear of contradiction and speaking for ninety or ninety-five per cent of the fishermen along our coast, that their industry has been built up and placed on a substantial basis and any act in connection with abolishing the Sea and Shore Fisheries Commission and to appoint a director to look after their affairs, would upset the whole system which is working so efficiently at the present time.

The SPEAKER: Is the House ready for the question?

Mr. JORDAN of Cape Elizabeth: Mr. Speaker and gentlemen: I look at this matter from the angle of a farmer, not a fisherman, and I think that there has been a misapprehension on the part of some people in regard to this bill. The gentlemen have referred this morning to the changing of the law and I do not understand that it is the intention of the bill to do that at all. It is to do away with having three or four men do the work that one man can do well, and to only pay one man. I think that is the only object of this bill.

Four years ago I was on this same committee and I watched this matter fairly closely then and have since, and through this session. Now perhaps you might say that I am on the outside looking in, but I am sincerely and thoroughly in favor of abolishing this commission and having only one man at the head of it.

The SPEAKER: The question is on the motion of the gentleman from Steuben, Mr. Baker, that the majority report "ought not to pass," be accepted. As many as are in favor—

Mr. McILHERON of Lewiston: Mr. Speaker, what does the report indicate?

The SPEAKER: The Chair stated, and will reiterate, that the majority report is "ought not to pass." The motion before the House is that the majority report be accepted? Is it plain to the gentleman?

Mr. McILHERON: Mr. Speaker, what is the majority report?

The SPEAKER: It is "ought not to pass."

Mr. McILHERON: Does it abolish the commission, Mr. Speaker, or retain it?

The SPEAKER: It retains the present commission. "Ought not to pass" means to leave the statutes as they are. Is the House ready for the question? As many as are in favor of the adoption of the majority report "ought not to pass" on the motion of the gentleman from Steuben, Mr. Baker, will say "Aye" when their names are called. Those opposed will say "No."

A viva voce vote being doubted

A division of the House was had

Fifty-seven having voted in the affirmative and 55 in the negative, the majority report "ought not to pass" was sustained.

The SPEAKER: The next matter to be laid before the House and today assigned, is Veto message from the Governor on Resolve appointing Committee on State Library Building, tabled by the gentleman from York, Mr. Moody, March 19th.

On motion by Mr. Moody of York it was voted to take the above veto message from the Governor from the table.

Mr. MOODY: Mr. Speaker, I suppose that you, as well as the members of the House, are getting a little tired of hearing vetoes from the Governor and of hearing them discussed, but I would like to take up perhaps five minutes of the time of the House on this matter. I have not filled up many pages of the Kennebec Journal thus far.

I introduced this measure into the House—"Resolved that a committee of five, consisting of the following: one appointed by the Governor, one member of the Senate to be appointed by the President of the Senate, one member of the House to be appointed by the Speaker of the House, the State Librarian, and the Governor who shall be the Chairman of said committee, shall be appointed to investigate and report to the next Legislature in regard to plans, estimates, and specifications for a State library building. The committee, subject to the approval of the Governor and Council may employ such assistance and incur such expense as it deems necessary, not exceeding \$5000. The committee shall serve without pay."

My reason for introducing this re-

solve was that in 1921 a resolve was passed for a committee of investigation and the Governor speaks of that in his message, and the word "may" was used. There was \$5000 appropriated at that time. That resolve was not vetoed. The \$5000 was appropriated and went into the contingent fund and possibly if the Portland Pier veto had been sustained part of that \$5000 might have been taken to patch up the Franklin shed. I don't know about that.

Now the Chief Executive says in his message, "In my opinion it is unwise to start a project that will cost in the neighborhood of \$500,000." Whoever thought or imagined the sum of \$500,000 being required for library accommodation? Why, Mr. Speaker, this magnificent building which was remodelled by those good men, Mr. Hichborn, Don Powers and Charles Mullen, only cost \$350,000. Then the Governor further goes on to say that it was a good plan to take care of the insane and feeble-minded and the prisoners at Thomaston. Well, gentlemen, if we keep the ten commandments we will not need Thomaston and we won't need these feeble-minded schools.

Now, Mr. Speaker, the first time that I came to the City of Augusta, more than fifty years ago, the library, the State library, was up in the attic of the old State House. Later on in the good days of that revered man, Governor Burleigh, an addition was put on to the State House in the rear, and the library was established in the quarters now occupied by the agricultural department. Then, when this splendid building was done the library was provided for below, but the library has grown, until as the Governor said in one of his messages this morning, some books have been put up in the cupola. Apparently the book that he was referring to is not going to be there anyway—the History of Aroostook. (Laughter.)

Now, this bill has fallen into a very queer situation. It has been vetoed twice, once legally and once illegally, at the other end of the Capitol, and if I had not been frank enough and conscientious enough to have told the Secretary of the Governor the position that this bill was in, the bill today would have been a law, and that is a fact and the Speaker of this House knows it.

Now this bill calls for \$5,000 which

cannot be expended unless the Governor and his Council agree to it. This little sum of \$5,000 for a laudable purpose, for a necessary purpose, has been vetoed. This Capitol today is in danger by fire and those documents in the library are in danger of fire, and this postpones anything being done for two years. This commission, if it were appointed, would not build a \$500,000 structure. They would not build anything. They would only report to your successors and mine as to what could and should be done in their opinion.

Of course, this resolve is doomed to defeat, but I do hope that there will be a few to stand by the ship if the ship goes down. Gentlemen, I thank you. (Applause.)

Mr. ROUNDS of Portland: Mr. Speaker, and gentlemen: We have lately heard a good deal about economy and false economy. Now, right across the river here—I don't mean up on the hill but down under the hill—we had a fire and it has burned up as I understand, the vitally important statistics of this State, so that they are lost.

Now, gentlemen, are you going to let this library burn up and say, "Oh, we ought not spend \$5,000." Take it home to yourselves. Your insurance cannot get this library back if it is burned. Take it home to yourselves and vote to have a fireproof library two years from now.

The SPEAKER: The question is a constitutional one. Yea and nay votes are necessary. As many as are in favor of this resolve becoming a law notwithstanding the objections of the Governor will answer "Yes" when their names are called. Those who wish to sustain the veto of the Governor will answer "No" when their names are called. Is the House ready for the question.

The question being called for the Clerk called the roll.

YEA—Archibald, Atwood, Ayer, Baker, Bartlett of Hanover, Bartlett of Waterville, Barwise, Belliveau, Benoit, Boulter, Bradbury, Brett, Brown, Eurns, Cherry, Clarke, Conant, Cummings, Dain, Dilling, Downing, Dunbar, Finnell, Foss, Gagne, Gagnon, Gauvin, Gillespie, Gordon, Granville, Greenleaf, Hallett, Hammond, Hayes of Gorham, Hayford, Hedgkins, Holmes, Hutchinson, Jacobs, Jones, Jordan of Westbrook, Keel, Kitchen, Littlefield, Lord of South Portland, Ludgate, Maher,

Martin, McDonald, Moody, Nadeau, Nevins, Newcomb, Oakes, O'Connell, Overlock, Perkins, Pierce, Pinkham, Piper, Ranney, Ray, Rogers, Rounds, Rowell, Sayward, Siddall, Small, Stevens, Thomas of Chesterville, Tilden, Weeks, Willis, Wing—74.

**NAY**—Adams of Liberty, Adams of Litchfield, Beckett, Bickford, Bisbee, Blaisdell, Brewster, Cates, Chalmers, Crafts, Crowley, Dudley, Dunn, Edwards, Farley, Fickett, Gardiner, Gile, Gilmour, Hale, Hamilton, Hayes of Chelsea, Heal, Hobbs, Jewett, Jordan of Cape Elizabeth, Keene, Knight, Leland, McIlhenn, Melcher, Morrison, Morse of Bath, Nichols, Nickerson, Owens, Palmer, Pendleton, Perry, Phillips, Plummer, Ramsdell, Reed, Sanders, Saunders, Smith, Sparrow, Staples, Stitham, Storm, Stratton, Sturgis, Tarr, Thomas of Leeds, White, Whitney, Williams, Winn, Winslow, Wood—60.

**ABSENT**—Boman, Curtis, Douglas, Drake, Gamage, Goldthwaite, Houghton, Johnson, Lamson, Leathers, Lord of Wells, Macomber, Morse of Greene, Story, Teague, Towne—16.

Seventy-four having voted in the affirmative and 60 in the negative the veto of the Governor was sustained.

The **SPEAKER**: The next matter to come before the House and today assigned is Resolve amending Constitution to limit appropriations for sectarian institutions, which is House Document 233, tabled by the gentleman from Bangor, Mr. Barwise, March 20th.

On motion by Mr. Barwise of Bangor it was voted to take the above resolve from the table.

Mr. **BARWISE**: Mr. Speaker, as I tabled this matter at the request of the gentleman from Lewiston, Mr. Holmes, I will yield to that gentleman.

The **SPEAKER**: The Chair recognizes the gentleman from Lewiston, Mr. Holmes, and will state to the House that there is an error on the calendar. It is marked as the pending question being reconsideration. The pending question is not reconsideration. It is final passage. The gentleman may speak to the motion.

Mr. **HOLMES** of Lewiston: Mr. Speaker, do I understand now that the question before the House is the final passage?

The **SPEAKER**: There is no motion before the House but the bill is in the position now to have its final passage. The Chair awaits a motion.

Mr. **HOLMES**: Then, Mr. Speaker, I

move that this resolve be indefinitely postponed and, Mr. Speaker and gentlemen, this resolve coming now on its final passage, I wish to remind the members of its original state. If I fail in my recollection I will yield to the gentleman from Bangor, Mr. Barwise, for correction. My recollection is that this resolution was originally reported into the House on a divided report, a majority report "ought not to pass" signed by seven members of the Judiciary committee, and a minority report of "ought to pass under new draft" signed by three members of the Judiciary Committee, and the new draft is House Document No. 233.

Now, the important point to which I wish to address myself for a few moments, is this: that it is provided that after December 31st, 1930, neither the Legislature nor any branch of the State government nor any sub-division of the State, political or otherwise, shall appropriate any money for, lend credit or contribute any property or thing of value to, any denominational, sectarian, parochial, or religious school, institution, association, corporation, cause or purpose. Those words are broad and inclusive. For many years we in this State have conducted our political campaigns upon issues involving questions of economics, questions of finance, questions of taxation, but if this resolve passes both branches of this Legislature—by a two-thirds vote in each branch, according to the Constitution—it proposes to submit to the people a new and different kind of issue. In my opinion it proposes to submit to the people a question of sectarianism versus non-sectarianism. Secondly, it will evolve into a question of one kind of sectarianism against another kind of sectarianism.

What is a sectarian? The word appears in this resolve. If my recollection is correct, Webster's Dictionary defines a sectarian in words like this: One who is a member of any particular religious denomination. What is a non-sectarian? If a non-sectarian means anything, a non-sectarian is one who is not a member of any religious denomination whatsoever. Now, then, a non-sectarian—and I use the word not in a disrespectful sense, but in the sense used always in logic and philosophy—a non-sectarian is an infidel, meaning one without faith. Now we are being told in this great country of ours by words and by the papers and magazines that the ideal State is the non-sectarian State; in other words,

that the ideal State is the infidel State. Truly, then, if the ideal State is the infidel State, it ought not to have a religious or denominational institution. The infidel State ought to be the father of infidel's institutions. Now following along in the line of my argument. I wish to state that this is absolutely clear if my major premise is taken. The major premise is that the non-sectarian State is the ideal State, but the major premise is not true for the reason that a confusion arises in the minds of people. When they speak of the State we are liable to think of the State as existing separately from the people of the State. It does not. The State of Maine is the people of Maine. Now the people of Maine are not non-sectarian. On the contrary, they are enthusiastically sectarian. Now, then, if such is the case, it is unwittingly and unthinkingly proposed in this resolve to submit to the people of Maine a question which, as they are not non-sectarian, but sectarian, must inevitably divide them upon sectarian lines,—one kind of sectarian against another kind of sectarian. Now judging from what we have read and from what we have heard in the debates in the two branches of the Legislature so far what kind of sectarianism would we expect to look for? Why, naturally, an alignment of the Catholic sectarian on the one hand and the Protestant sectarian on the other. Now was that in the minds of the proponents of this bill when they proposed it? No, never. Let me forever disavow it, but unknowingly, unwittingly, unthinkingly, with the most patriotic motives in the world, they have set fire to a flame which, if it is not extinguished here in this Legislature will burn and destroy in the coming political campaign every question of economic, every question of finance and taxation, and the minds of the people of Maine will be centered willy nilly, in spite of themselves purely upon a question of one kind of sectarianism against another kind of sectarianism.

Do not be deceived by the cheerful optimism of the gentleman from Bangor, Mr. Barwise, when he tells us that we will approach this great question with calm nerves and steady pulse. I respect the legal learning of the gentleman from Bangor; I admire his magnetic personality. I hope that the acquaintance that I have formed with him here in this

Legislature will be but the beginning of a friendship that will carry us both down the shady side of life; but, however the gentleman from Bangor, or I, or others of you members of this Legislature may be able to discuss this question in a political campaign with calm nerves and steady pulse, however it may be that some of us are hardened and seasoned campaigners and old trial lawyers and know better than lose our tempers, can we be assured that there will not be some fanatical fire-brand who will hurl into the campaign some allusion to the temporal power of the Pope which will have nothing to do with the issue in this case, and which will be said in innocent ignorance, the party saying it being totally ignorant of the true meaning of the words they use, totally ignorant of the fact that the temporal power of the Pope is purely a question of Italian politics and is meaningless in any other country in the world outside of Italy. But it is human nature that when a man or woman's faith is attacked, falsely and scandalously slandered, that faith which he received at his mother's knee, and which has become flesh of his flesh and bone of his bone, it is only human nature that he will reply in kind, and the battle is on and no man or woman here today can foresee the outcome. And there is a worse element which is liable to be given its opportunity. We have all read in the press of the fact that within the last year in Canada eleven Catholic cathedrals, basilicas, churches, schools and orphan asylums have been burned. No one in Canada doubts that the fires were incendiary; but have you read of one single Catholic of high degree or low degree, who has laid the blame upon the good, loyal, faithful Protestant people? No, they know better; and the trouble in this State will be caused, not by those sensible, calm-speaking people, but by the other kind that I referred to, the element what is sometimes called the submerged tenth, sometimes called the sub-stratum of society. It exists. It is with us all the time. It is for those unfortunate beings that we have our jails, our prisons, our reformatories, born into the world, as it were, with some primal curse upon their souls, perhaps paying the penalty for the excesses, and physical and moral diseases of near

or remote forefathers. They grope their way through life in spiritual darkness, and they know full instinctly that the enemy of society which they want to attack is the Catholic church, because they know instinctively that she stands as the rock of conservatism and the defender of civilization and the opponent of Bolshevism, socialism and communism, disorder, and the contrary of peace,—warfare. There are other elements not belonging to them, but whose minds are so constituted that they are easily affected by a sort of effluvia or noxious outpouring at such times of which the following is an example. I cannot vouch for it myself, but it was told to me by a friend of mine, a member of this Legislature, and he assured me that he heard the words; that he was travelling in a car from Gardiner to Augusta, and he overheard the conversation of two women. One said to the other, "Have you read the morning paper?" And the other said, "No, I was in too much of a hurry to catch the car." "Well," said the first woman, "I see that another Catholic school has been burned." "Is that so?" said the other. "Well, I guess it is the only way we can get rid of them." The poor, mentally unfortunate, benighted woman did not realize the awfulness of what she said. She did not realize the terrible thought to which she was giving voice. If she had stopped to think of what it meant, had stopped to think of the terror and the fright of the midnight alarm, of the strenuous efforts of the good Sisters to get their little charges out of the burning building in safety, the good Sisters who themselves never harmed a man or woman, a soul in the world, and the possible deaths of the little children—innocent children—she nor anyone else would ever say such a thing, realizing that there are elements in society who will take advantage of a political situation which will give them their chance, realizing the danger of just such events happening.

It would seem as though the world was passing through a twilight of hate and suspicion following the war. We all believe, we all hope and trust and pray that it will not last long; but hate walks abroad in the land, it is consuming the hearts and souls not only of people in Europe, but of American people and American citi-

zens here; and we see such strange manifestations of it in different parts of our country. In the name of Christianity they defy the teachings of Christianity and denounce the Catholic, the Jew and the negro in the name of Americanism. They would close the gates, the ports of the country to the downtrodden and oppressed of foreign nations. In the name of the great Constitution they would deny free speech, free press, free assembly, and free religion. Am I exaggerating?

You have seen in the press but a short time ago that in the coming month of May on a hillside beyond the suburbs of the beautiful city of Portland, the spirit of hate will summon a great crowd of the votaries of hate, and there they will naturalize free-born American citizens into an invisible empire, where they will swear allegiance to an invisible emperor; and on the side of the hill, amid fire and flame, on a wicked Cross, they will crucify the spirit of Christ.

We read in history that many years ago Gustavus Adolphus, called the great Protestant champion of the North, had a great prime minister by the name, Mr. Speaker, if I can pronounce it correctly, of Oxenstiern. One day Oxenstiern was presiding over a meeting of his cabinet and his little boy was playing out in the corridor and he would come to the open door and peep in, and Oxenstiern seeing him said "Come in, my boy, come in and see for yourself with what little wisdom the world is governed."

Far away from here, Mr. Speaker, on the edge of the great northern forest, there is a little hospital, one of the wards of the State. It is called, I think, the Northern Maine General Hospital. It is conducted by some order of religious Sisters, the Sisters of Mercy or the Franciscan Sisters, I know not which; and one day during this session I had the pleasure, and I will say the honor, to be introduced to the little doctor who is giving his life up there in that hospital to the service of those lumberjacks and other lads who get hurt and who get diseases in that country. The moment I looked that man in the face, I said to myself I am in the presence of a better man than I; and I heard that he told the committee—I did not hear it myself—that during the last year they had performed in that hospital two hun-

dred operations and had lost but one, and that one they lost because of the lack of a proper and up-to-date sterilizing apparatus, and he was here to ask the Legislature of the State of Maine to give them that in order that they might save life. Now I am not a woodsman, but I have worked in the woods, and I know the risks and hazards of that occupation and the diseases those men are liable to fall heir to; and I know, and you members of the House know that when they suffer an accident or a sudden serious attack, like appendicitis, they must be as promptly as possible got to the nearest hospital. Now suppose that this resolve passes this Legislature, and suppose that it is ratified by the people of Maine after a political campaign, and suppose that the time comes when that hospital can get no more aid, and suppose that it is bound and obliged to close its doors, what will those people do? Those woodsmen and others up there must be transported 89 miles to another hospital in Houlton, called, I think, the Madigan Hospital; but that also is conducted and served by religious women who give their lives to the service of God and their fellowmen, without pay, and the State will say, we do not approve of that kind of service, we want persons who will draw pay. So the poor woodsman finds no Madigan Hospital there, and if he cannot get into the other little hospital which is not cared for by Sisters, they will take him another long distance, to Presque Isle, I believe.

In my own city of Lewiston there is the Healy Asylum, and there is the Girl's Orphanage; and I can say as a lawyer—and I think that there are one or two other lawyers in this House who have had a similar experience—that the Judges of the Supreme Court and of the Superior Courts for a long time have been delighted when they learned that the good Sisters of Charity would take wayward boys that were brought before them, take them into the Healy Asylum and care for them and try to straighten them out and get them started in life right. And if this resolve is passed and ratified, the Poor Department of the city of Lewiston cannot give those boys one pair of shoes, nor can the Water Department of the city of Lewiston give them one glass of water. The same with the Girl's Orphanage in Lewiston; the same with the Holy In-

nocents Home in Portland. I presume that we are all Christians in a way. If there are any Jews in the House, I apologize to them, I respect their religious faith. We all know that the holy innocents were, as we read in the Bible, the children who were slaughtered by Herod in his anxiety to get hold of and kill the child born into the world which the Wise Men of the East said would become King of the Jews. That Holy Innocents Home is the only one of its kind in the State. It takes the abandoned babes and cares for them as a charity and it is aided by the State, and if it has to close its doors, tell me where there is another one, and tell me where those babes will go?

It was different in 1917, members of the House. If this Legislature to which I have the honor to belong, and hope I appreciate, if this Legislature had been sitting in 1917, tell me would it have proposed such a resolve as this. No, you know it would not. Now has anything changed between 1917 and 1922? Has the country changed? Have the Eagle Lake Hospital, the Holy Innocents Home and the Healy Asylum changed? Then what has changed? In 1919, I think it was, when the most of the boys came back from Europe, I stood on the corner of Lisbon and Ash Streets in Lewiston, and I watched the parade of returning soldiers, and I saw in particular the 161st United States Trench Mortar Battery, Volunteers, every man of them recruited in Lewiston, and I knew probably half of them. The Kelleys and the Burkes and the Sheas were there and the Gagnons and the St. Pierres and the Poulins, and then those strange names ending in "ich" and "visky"—Poles, Lithuanians and Austro-Hungarians—Catholics, nine out of every ten of them. The Captain of that Company, marching at the head, down that street, was a young man by the name of Walsh, and his uncle, by the way, is the Catholic Bishop of Portland, himself a son of Massachusetts. Another lieutenant, I think, bore the other dangerous name of McCarthy. Now those boys were not tin soldiers. They saw real fighting in the Argonne and at St. Mihiel and at the second battle of the Marne. They were volunteers, and they were American citizens, and we cheered them and many of those boys were graduates of the parochial schools which are mentioned in this resolve.

In Arlington, the great burial ground of the Nation's heroic dead, in Washington, they have erected a

beautiful sarcophagus to contain the remains of what the country calls with profound respect "The Unknown Soldier." Who was he? Nobody knows. Perhaps he was a Jew of the Lost Battalion; perhaps he was a Catholic lad who had laid in the mud and the filth, with perhaps by his side a Catholic chaplain kneeling, holding to his dying eyes the crucifix to remind him that he must forgive his enemies. Perhaps he was a good loyal, faithful Protestant lad whose ideal of a soldier was the great Gustavus Adolphus of Sweden. But, whoever he was, it was not asked of him when he enlisted whether he was a graduate of a parochial, a private or a denominational school. And such boys as that lie buried under the sod all the way from the Swiss Frontier to Belgium. Side by side the Protestants and the Jews and the Catholics lie in their nameless graves,—the unknown dead "Over There." The snows of winter and the soft rains of summer fall upon their union in the grave, comrades in war; and, colleagues in the halls of government. Are we to be told now that our hospitals are not wanted, that our schools are a menace, and that we Catholics are a dangerous foreign element? Tell me that I worship images; tell me that I defy the Virgin Mother and the Son, and I will bear the falsehood and the slander in silence, but do not tell me that we are lacking in loyalty to our country and our State.

The school authorities of this State have again and again been invited to inspect parochial schools, and to inspect the situation in Aroostook county. If they do not see fit to accept that invitation, it is their fault; it is not the fault of the schools.

Last summer or spring the learned and eloquent gentleman who is now the Chief Executive of this State visited the parochial schools in Lewiston, and it was told through the press how delighted he was at the lessons of patriotism and virtue and the good manners that were taught in those schools. Ah, Mr. Speaker and members of the House, there is no need for any man or any woman to fear the teachings of patriotism and the teaching to the scholars and pupils in the parochial schools and in the other schools of different kinds,—religious and denominational schools of any denomination. If the public school will do as well, the future of our country is safe.

Back in the archives of history of our country we read that when the

Declaration of Independence was to be signed, and they came down the list to the C's, Charles Carroll wrote his name there, and somebody said to Carroll, "There is more than one Charles Carroll in the colonies, and when we are beaten and the British Government starts looking for the signers they will not know what Charles Carroll to hang," and so he wrote his name "Charles Carroll of Carrolton," and his first cousin was the first Bishop of Baltimore. And when "Mad Anthony Wayne" climbed the rocky side of Stony Point, did anybody then know or care that he was a Catholic? And when the bitter winter of Valley Forge was upon the Continental army, and Philadelphia was in the hands of the British forces and the Continental Congress had fled, and the fortunes of the young Republic were at their lowest ebb, who came to the front? The Irish Catholics of Pennsylvania organized the Hibernia Bank, still existing, raised six hundred thousand dollars, and gave it to the Continental Congress to put their finances on their feet; and then, as though the blessing of the God of battles was showered upon the infant colonies, there came the young and enthusiastic Catholic, Lafayette, and the Catholic, Rochambeau, and the Catholic soldiers from France. And the debt from then until now that his Republic owes the Catholic citizens can never be repaid, and their schools ought not to be insulted. As in the beginning, before and during the Revolution, as throughout the history of the country down to the present day, I can say to you that our children, our sons and our daughters, will take up the good work of guarding the great American Republic so long as there shall exist upon the face of the earth a United States of America. Mr. Speaker, I again renew my motion. (Applause.)

Mr. HALE of Portland: Mr. Speaker and gentlemen of the House: I realize that we debated this question at some length when it was before the House a little while ago on the question of accepting the minority report; but it seemed to me at that time that we only scratched the surface of the considerations which appear to me to make this measure so dangerously inexpedient. I would like to say a few words to-day, and I think possibly a contribution might come appropriately against this motion from a Protest-



ant, and one who has no connection and no interest, except a purely impersonal one, in the present or the future of the Roman Catholic Church.

Before I go further, Mr. Speaker, I should like to trace the genesis and the evolution of this resolve on which we are to vote, and I shall not go back to the Constitutional Debates of 1820, but I shall ask the House to turn with me to the fourth day of January in the year 1923, when the Governor of Maine came before a joint convention of these two Houses and said,—the words can be found on Pages 31 and 35 of his printed inaugural address,—as follows:

"The private institutions in Maine that receive public money present a problem. It has become the custom for Legislatures to appropriate money for private corporations, such as hospitals, children's homes, homes for aged men and women, hospital aid and "heart work" societies, and certain other private institutions. \* \* \*

"The State is now asked to appropriate for these private purposes \$648,000 for 1924 and 1925. There are many private institutions in the State doing educational and charitable work similar to that done by those receiving State aid that do not ask it. \* \* \*

"After close study of this question I believe the principle is sound and fundamental that public money should be used exclusively for public institutions."

A few days later, Mr. Speaker, I think it was in the neighborhood of the 24th of January of the present year, the gentleman from Bangor, Mr. Barwise, introduced a resolve into this Legislature which is printed as Senate Document No. 9, and it provides in Section one that "after December 31, 1930, neither the Legislature nor any other branch of the State government, nor any subdivision of the State, political or otherwise, shall appropriate any money, lend credit, or contribute any property or thing of value, to any denominational, sectarian, parochial," (thus far the words in the resolve we are voting on) then the words "fraternal, charitable, eleemosynary, religious or private school, institution, association, corporation, cause or purpose, or to any such school, institution, association, corporation, cause or purpose, not wholly mapped and controlled by officials

appointed by the proper authorities of the State or of some political subdivision thereof."

And the succeeding sections apply a graduating scale in which those appropriations were to be cut down. About a fortnight after that the Chief Executive again appeared before a Joint Convention of these houses and called attention to the fact that the budget for these institutions had been built "around State Aid and time should be allowed them to readjust their financial affairs and make themselves self-sustaining. There is a proposal before you," he says, "to allow a considerable period for this readjustment, and such a plan seems reasonable," referring, I think it is fair to assume, to the resolve of the gentleman from Bangor, Mr. Barwise, printed as Senate Document No. 9.

Now the proposition made to the Joint Convention of these houses by the Chief Executive was a proposition for public funds for public purposes only, and private funds and nothing but private funds for private institutions; and that proposition is an almost faultless one, logically, and a very tenable proposition, practically; but it involves consequences which were exceeding unpalatable to many of the people, I think to most of the members of this Legislature. It involves taking over institutions like the Children's Hospital in Portland by the State or else closing its doors, and I think the most of the members of the Judiciary committee, and I think the most of the members of the House, felt it was better to conduct those charitable institutions on their present private charitable endowments, with the assistance of such state-aid as the State saw fit to give; and no member of the Judiciary committee, as I understand it, was in favor of Senate bill No. 9, the original bill introduced by the gentleman from Bangor, Mr. Barwise, and spoken of with approbation by the Governor. I think I need pay no tribute to the wisdom of the Judiciary committee because it is well known to be a strong committee, so there was no hope for the resolve in the form in which it was presented. The sponsors of the resolve, by leaving out a few words, changed the whole nature and color of the resolve, and they now think to secure its passage on a straight sectarian and religious vote, based,

I think it is fair to say, on religious lines.

Now what is the question before this House? It is not whether we shall appropriate private funds for religious or sectarian institutions. That is not the question before this House, and I think it cannot be too much emphasized. If that were the question before this House, I must say that I would be as much in support of it as anybody; but the question before this House is a Constitutional question, purely and simply, as the Chair will rule when it comes to a vote. I read again, although it was read the other day, Article IV, Section 2 of the State Constitution: "The Legislature, whenever two-thirds of both houses shall deem it necessary, may propose amendments to the Constitution." The only question before this House today is whether it is necessary to pass that resolve on to the people, and I ask you gentlemen,—the Constitution does not say "When in doubt have a referendum." It puts the responsibility squarely on this House to say it is necessary, and there has not been one particle of evidence produced in this House that it was necessary. The nearest approach to it was a remark about which there was some controversy, said to have been made by the Roman Catholic Bishop of Portland to the Mayor of Portland asking for money. Maybe he did make that remark, and maybe he did not. I do not care. There is no controversy whatever about what the Mayor of Portland said to the Roman Catholic Bishop of Portland. He said no, and if I know my native city, the Mayor of Portland, and his successors, will continue to say no.

Now then, what about the necessity of the legislation? As far as the policy of the present Legislature goes, it is within our power to make these gifts or to deny them; and, if I understood aright, this morning we accepted a report incorporating an appropriation to two Roman Catholic institutions, and there was not a murmur in the House, either from the gentleman from Bangor (Mr. Barwise) or from anybody else. Now, then, what about future Legislatures? Can we trust them? It seems to me we can, Mr. Speaker. It seems to me that we have a right to assume that the gentlemen who succeed us in this room will be our equal in intelligence and fair-

mindedness, and I do not understand that the gentleman from Bangor (Mr. Barwise), or any of the gentlemen who support him in this motion, think it is really necessary to put the Legislatures of future years under guardianship. But I understand that they do say, "Oh, look at the towns! We are afraid the towns will not stand up against the onslaught of the Roman Catholic church. You cannot trust the towns, the church will control some of them," and it is the Roman Catholic church. Do not be deceived by anything about sectarianism. This is entirely a matter between Protestants and Catholics and it will be so understood by everybody. Well, if the time ever comes when we cannot trust the towns, then I think the matter can probably be taken care of by legislation in this room, and this House, charged with this responsibility, can do its duty, and I do not think it will be necessary to have amendments made to the Constitution then.

I should like to ask whether the gentleman from Bangor, Mr. Barwise, and those who are associated with him in this resolve, want to go up to the valley of the St. John next summer and say to those honest, God-fearing, loyal, Christian citizens, "You are Roman Catholics, and we cannot trust you. We have got to put something in the Constitution so you will never get any money from the State." Do you want to do that? Does anybody want to do that?

This measure, Mr. Speaker, is conceived in the intolerance of a Roman Catholic Church and dedicated to the proposition that you cannot trust a Roman Catholic, and I do not think there is much room in Maine for that kind of spirit. I do not want to get hysterical; I do not mean to say that Androscoggin and Kennebec and Penobscot are going to be dyed blood red by this thing, but I do say, very solemnly, that this sort of intolerance is an ugly spirit to get started in a community. Amidst all the differences of opinion among the leaders in Europe today, amidst all the controversies of economists and other experts, there is one thing that is generally agreed on, and that is that the condition of Europe is due to its enormous accumulation of religious and racial hatred. I, myself, in Eastern Europe, have seen a man taken out from among his fellows

and beaten and shot for no reason in the world except that he was a Jew. Now do you want to let the thin edge of a wedge of that kind be entered into this community?

Mr. Speaker, I would now like to read selections from stuff that is to be found in our newspapers a good deal. This happened to come from the Press-Herald of last Saturday. It is a speech of a gentleman named Farnsworth, who is a professor, and I read extracts of it only. Talking about a meeting in Bangor he said: "The Knights of Columbus have 200 lined up to march into our meeting tomorrow night. One of my men telephoned me that the tickets are all sold out and we are going to have about a fifty-fifty audience. I can tell you that I am going to beat this thing or it is going to beat me."

"When those 200 gentlemen sit in that hall tomorrow night, I'll have them covered ten to one. They don't know that."

"But the men who are manipulating their political machinery don't like me a little bit. When I say anything about the Catholics I use their own words. I defy anyone to show me a treatise on organized Catholicism but what is 100 per cent true. Don't think for a moment they would let an author get away with anything where there was a comeback. I am against organized papalism. I maintain that the United States of America is a Protestant nation and belongs to the Americans, but they do not agree with me. We have 85 per cent of the voting power in America, and they have 15 per cent. How can 7,000 men intimidate 150,000 as they have in this State? . . . Can any man ever say that parochial schools teach Americanism?"

"If you could get an honest vote among the common Catholic families three-fourths of them would hold up their hands to have their children educated in our public schools." And I may say parenthetically that more than half of them are educated in our public schools. If we do not have compulsory public school education in twenty years this country will be dominated by the Catholics.

"If a government official is violating a law you are up against a pretty tough proposition. If the government officials stand in the ring and accept a rake-off you can't stop bootlegging in the State of Maine. . . . The Protestant Ameri-

can represents the highest type of civilization the world has ever known. The time has come when men and women must choose sides. They must be one thing or another. I never think of our public school situation without blushing for shame. We let them take the Bibles out of our schools and then they came back and said the public schools were Godless and not fit to educate their boys and girls. The same Jesuit Society was responsible for the taking of the Bible out of the schools. We opened the doors to the riff-raff of the rotten countries of Europe."—the same riff-raff, Mr. Speaker, that fought for us five years ago—six years ago. "We didn't invite them over here to give them the country. We just offered to share our home with them and they gave us the kiss of Judas. Then we turned the other cheek. Now I'm giving them the solar plexus. . . ."

"This so-called infamous Ku Klux Klan is going to elect the next Governor of the State of Maine and we are not going to stop there."

Now, Mr. Speaker, I would like to inquire of this House whether this is the sort of spirit that we wish to encourage in the State of Maine, whether that impresses the members of this House as statesmanship, or whether it impresses them as it impresses me as being the clap-trap of an ignorant demagogue and an irresponsible bigot. It is my best wish that the gentlemen who appear in behalf of this resolve may in the fullness of time come to be Kleagles and Klokhardts and Klingolds in the holy and invisible Empire of the Ku Klux Klan. The only invisible Empire I want to see in this country is the holy and invisible empire of conscience in the hearts of men, and I think that is good enough. (Applause.)

THE SPEAKER: The question —

Mr. BARWISE of Bangor: Mr. Speaker, I would ask, through the Chair, if Mrs. Pinkham intends to speak.

THE SPEAKER: The representative from Fort Kent, Mrs. Pinkham.

Mrs. PINKHAM of Ft. Kent: Mr. Speaker, I require no introduction from the gentleman from Bangor (Mr. Barwise) and I do not know why he thinks I do. I wish to say, however, that I did plan to say something, and I will say it, but I thought another speaker was to precede me.

I agree with other opponents of this

measure that it is unwise, unnecessary, unfair, and in the last analysis, uneconomical. But my principal objection to the measure is on account of the harm it would do, and has already done, in a more indirect way, by emphasizing the differences in men's religious beliefs, by fanning the flame of fanaticism—always an easy thing to do. It happens that I live in a community where the adherents of one church are greatly in the majority and where we have nearly always lived side by side in peace and mutual tolerance. This bill has already caused more trouble than all other religious or unreligious disturbances we have ever had, and I realize perhaps more keenly than anybody else in this House how uncomfortable a minority can be made to feel. We cannot now undo all the harm that has been done by this measure, but at least we can show that the majority is not always unfair enough to impose its will on the minority, and I trust that the motion of the gentleman from Lewiston, Mr. Holmes, prevails. (Applause.)

Mr. BARWISE of Bangor: Mr. Speaker, there has been almost nothing brought out that is new in the discussion this morning. Nothing has been said but what is covered wholly and completely by the discussion heretofore. The argument this morning, reduced to clear statement, is the argument of fear. No other proposition has been put forward this morning except the argument of fear. The gentleman from Lewiston (Mr. Holmes) as he always does, spoke very entertainingly and couched in the finest diction. He referred to "firebrands." Now he have been hearing a great deal about firebrands not only from laymen but high ecclesiastical sources in the last few weeks. We even read in the Press-Herald yesterday morning that it was doubtful whether a large section of our people could be held in check, and that if the Right Reverend Bishop simply raised his hand, they would not be held in check. We have just listened to the gentleman from Portland (Mr. Hale) in which he emphasizes still more the gospel of fire. I cannot see in any possible way—I have traveled around America a little, over the northwest, over the Southwest, over the Central West. I was in Pennsylvania when this very campaign was on there. A personal friend of mine was the leading attorney for the Sons and Daughters of the American Revolution and the Grand Army, and all the patriotic societies

that reformed their constitutional amendment. I was there reading the papers and talking with the people. I never saw one drop of blood—let alone rivers of blood that we heard about the other day. I never saw any confusion in the business world. I visited two or three colleges. Everybody was studying as usual; nobody was unduly excited. It was the real issue and it will be a real issue in the State of Maine, no matter what this House does this morning. This issue is in the air and it will be settled by the people of the State of Maine, either in accordance with this resolve or in accordance with some resolve, within the next few years. This question will be met in Maine just as it was met in all the other thirty states of America, embodying more than three-fourths of the American people, more than 77 per cent. of the American people are living now under Constitutions such as this that is proposed, including Massachusetts, New York, Pennsylvania, Illinois, Indiana, Colorado, California, Virginia,—all of the big states have this amendment now, and I will venture to say that outside of one or two learned lawyers in the House, not ten members of the House knew anything about when these amendments were passed by the other States. So little ripple did they make upon our American life that we of this Legislature did not know anything about it outside of half a dozen exceptions, perhaps.

Now the bugaboo of fear can always be raised. Fear is something that is pristine in our nature. It comes down from a long past, perhaps from the days of the caveman; but from the very long past men have been cringing and cowering all down through the ages in fear of one thing or in fear of another. But with the advancement of knowledge our fears gradually recede. With the advancement of civilization we change, we change our ideas, we speculate upon different things, we speculate upon religious matters. It is unfortunate that some of the opponents of this bill seem to feel that myself, and others who vote with me, have any spirit of religious intolerance. Let me assure you, Mr. Speaker,—I do not imagine the gentleman from Portland (Mr. Hale) really meant to say that this bill was conceived by me in a spirit of intolerance, but if he did. I wish to assure him that he is utterly mistaken. Nobody in the world has any greater liberality of mind or any

greater vision of friendship toward those who have differing opinions than I. I know that a universe like this, made up of two hundred million suns and all of their attendant planets, made up of illimitable spaces and an incomprehensible mass of matter,—I know that with such a universe as this, speculations upon the nature of that universe by finite minds like ours may very well bring differences of opinions, but whatever religious opinion a man may have has nothing to do with this bill, this question. This is a question as to whether or not we shall propose to the people of the State of Maine a constitutional amendment gradually eliminating appropriations until December 31st, 1930 to denominational, sectarian, parochial and religious schools, institutions, causes and purposes, and after that time prohibiting them. There is no other question before us. There is no institution that will be closed, not one in the State of Maine but what will be running just the same after this amendment passes as before, not one in the State of Maine but what ought to run, not one in the State of Maine but what is doing good work, but the question is on the fundamental proposition whether we shall ask the people to decide in the State of Maine, as the 30 other great states of America that have adopted this have asked their people to decide, and all those people have voted in the affirmative.

The question, I say, is whether we shall decide as a people that hereafter, within a few years, public money shall be taken for denominational, sectarian and parochial purposes. That is the question, that is the only question and that is the whole of the question. Mr. Speaker, I think that it is unnecessary for me to go into the merits of this bill. That has been thoroughly discussed. I simply want to bring the minds of the gentlemen of the House back over this entire matter and I ask you to vote on this question fearlessly and honestly, just as you would if you were voting in the booth under the Australian ballot.

Mr. ARCHIBALD of Houlton: Mr. Speaker and gentlemen: I was one of the seven members of the Judiciary Committee who signed the majority report "ought not to pass." If there were any virtue or any merit in any draft or any bill that has been pro-

posed touching this matter it was the original draft itself. But we were told by the proponents of the measure, we were told plainly, squarely and unequivocally that were that bill reported in along the lines of the original draft it had no more chance of passing this Legislature than of getting into the next world. And no sooner had the time been set for a hearing on that original resolve than were prepared amendments which were a marked change of front over what was originally intended.

I do not believe that the question of fear has got anything to do with this question. If it is pertinent at all it is because there may be some who are in favor of this measure who are afraid that if some constitutional restriction is not placed by the Legislature to come that the public treasury will be gradually trespassed upon, that representatives of sectarian or private institutions will be gradually putting their hands into the public treasury far and beyond what they have been doing up to the present time. I think that is one of the things that is inspiring the proponents of the measure.

Now I am not at all partisan in this matter; not the slightest. I have no interest from a denominational or sectarian point of view; not in the very slightest. But it strikes me that if this measure is entitled to serious consideration that the proposition that public funds should be used for private purposes alone is the only sane solution of this problem as a practical proposition. I think it can be safely stated that if this resolve is adopted in its present form it will probably remain in our Constitution unchanged for a period of time that we shall never live to see the end of.

Under the present stress of conditions, the new draft of this bill, I cannot help but believe it is unwise and is inopportune. I say that it is not a matter for consideration, as the crazy notion appears to be in some people's heads, that blood is going to be shed or that racial or religious lines are going to come into direct personal contact and that blows will be struck, but it is a question of maintaining a calm, tolerant attitude throughout all sects and by all religious people, and I do not think that, under present conditions, this resolve is going to have that effect.

Now, on the other proposition. If I am correct in assuming that if this resolve is adopted in this form it will remain upon our statute books and in our Constitution for some time to come unchanged, can you tell me why a religious institution—I care not what it may be whether Catholic, Protestant, Jew or otherwise—if that religious institution is maintaining a charitable institution or an educational institution, should it, because it happens to be aligned with, or affiliated with, any particular sect, be barred from State aid when all other institutions of a like character, doing a similar work, doing as much good in the State and no more, can come before any session of this Legislature and be at perfect liberty to ask for anything they want to, and be within their constitutional rights if they get it?

An institution that is today sectarian can very easily, if it sees fit so to do,—and nobody knows what influence may be brought upon that institution to do so if they please,—that sectarian institution can, if this resolve is adopted, change its character, make some modification in its corporate existence, drop its religious affiliation, and become a private institution that is still entitled to State aid. And I think, in the mind of any person who has thought upon this subject, it must have occurred to them that the class of institutions that would be most likely to do that would be those who are of the Protestant denominations. Now you do not know whether that inducement will ever be held out to them but that may be an argument that may have been used or may be still being used somewhere, somehow, as a reason for maintaining this resolve.

Now if these non-sectarian institutions, doing their charitable and educational work, are entitled to such aid, are we going to say that because some other private institution has aligned itself with a religious body, with a denomination that teaches Christianity and Christian principles, is by that very fact alone going to be barred from receiving the benefit of the State? That is the whole question and it is the meat of the question, and that is the fundamental proposition.

There is just one other question involved and that is whether or not it is wise for this Legislature, by action of this kind, to take a position which will prevent in any future time to come,—no matter what the emergency may be, no matter how crying the de-

mand may be,—to prevent any institution, placed by unfortunate circumstances in an emergency condition, from coming before the Legislature of this State and getting that necessary, essential relief which might very probably be its absolute and only salvation. That is a question that you have got to answer; as to whether or not you people will tie absolutely the hands of future legislators so they will not be able to do those things.

It seems to me that those are the crucial points, and taking into consideration the fact that this thing is now changed and is turned entirely and absolutely from the original, reasonable, safe and proper line that it originally had of public funds for public purposes only so that it is susceptible of these other criticisms at this time, it seems to me that it is rather unwise.

THE SPEAKER: The question is on the motion of the gentleman from Lewiston, Mr. Holmes, that this bill be indefinitely postponed. As many as are in favor of its indefinite postponement will say "Aye." Those opposed will say "No."

A viva voce vote being doubted.

A division of the House was had.

Eighty-seven having voted in the negative and 51 in the affirmative, the motion to indefinitely postpone was lost.

THE SPEAKER: The question now is on the final passage of a constitutional amendment.

MR. MAHER of Augusta: Mr. Speaker, I ask for the yeas and nays.

THE SPEAKER: The gentleman from Augusta, Mr. Maher, calls for the yeas and nays. As many as are in favor of the yeas and nays will rise.

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

THE SPEAKER: The question is on the final passage of a Constitutional amendment and requires for its passage a two-thirds vote of the House.

The Chair will state that those who wish that the Constitutional amendment be passed will vote "Yes" when their names are called. Those who wish that it shall not be passed will vote "No" when their names are called. Is the House ready for the question? The Clerk will call the roll.

YEA—Adams of Liberty, Adams of Litchfield, Barwise, Beckett, Bickford,

Bisbee, Blaisdell Boman, Boulter, Bradbury, Brett, Brewster, Brown, Chalmers, Cherry, Clarke, Conant, Crafts, Cummings, Dain, Dilling, Drake, Dudley, Dunn, Farley, Fickett, Foss, Gagnon, Gamage, Gile, Gordon, Granville, Greenleaf, Hayes of Chelsea, Hayes of Gorham, Hayford, Hobbs, Hodgkins, Hutchinson, Jacobs, Johnson, Jones, Jordan Cape Elizabeth, Jordan of Westbrook, Keef, Knight, Lamson, Leathers, Leland, Littlefield, Lord of South Portland, Lord of Wells, Ludgate, Moody, Morse of Bath, Nevins, Newcomb, Nichols, Nickerson, Oakes, Palmer, Pendleton, Perry, Phillips, Pierce, Plummer, Ranney, Reed, Rogers, Sanders, Saunders, Sayward, Siddall, Small, Sparrow, Staples, Stevens, Stitham, Stratton, Sturgis, Tarr, Thomas of Chesterville, Thomas of Leeds, Tilden, White, Whitney, Williams, Willis, Wing, Winn, Winslow, Wood.—91.

NAY—Archibald, Atwood, Ayer, Baker, Bartlett of Hanover, Bartlett of Waterville, Belliveau, Benoit, Burns, Crowley, Downing, Dunbar, Edwards, Finnell, Gagne, Gagnon, Gardiner, Gauvin, Gillespie, Gilmour, Hale, Hamilton, Hammond, Heal, Holmes, Houghton, Jewett, Keene, Kitchen, Maher, Martin, McDonald, McHeron, Melcher, Morrison, Nadreau, O'Connell, Overlock, Owens, Perkins, Pinkham, Piper, Ramsdell, Ray, Rounds, Rowell, Smith, Storm, Weeks.—49.

Absent—Cates, Curtis, Douglas, Goldthwaite, Hallett, Macomber, Morse of Greene, Story, Teague, Towne.—13.

Yes—91.

No—49.

Absent—10.

Ninety-one having voted in the affirmative and 49 in the negative, the resolve failed of final passage.

The SPEAKER: The Chair presents out of order, bills on their first reading. The first is House Document No. 326, Resolve in favor of the State Reformatory for Men for maintenance.

This resolve had its first reading and tomorrow assigned for its second reading.

The SPEAKER: The Chair presents out of order, House Document 431, An act relative to the duties of the superintendent of public buildings.

This bill had its two several readings and tomorrow assigned for its third reading.

The SPEAKER: The House is still operating under Orders of the Day and under "Tabled and Assigned" the first matter to come from the table is House Document No. 347, An act to repeal Chapter 183 of the Public Laws of 1919, entitled, "An act to assist in the commercial utilization of the dog fish." This comes from the table automatically, it being Wednesday, and the act having been tabled by the gentleman from Rockland, Mr. Rogers, March 14th on its passage to be engrossed.

Mr. ROGERS of Rockland: Mr. Speaker I move to indefinitely postpone this act.

The SPEAKER: The gentleman from Rockland, Mr. Rogers, moves the indefinite postponement of this act, now on its passage to be engrossed. The Chair recognizes the gentleman from Rockland, Mr. Rogers.

Mr. ROGERS: Mr. Speaker and Members of the House: This bill, according to the heading is an act to assist in the commercial utilization of the dog fish. That is not what it intends to do. It is to repeal the law for the commercial utilization of dog fish, as it says later on, and, Mr. Speaker, I have quite a number of reports here and a law that I could read, to show that this was a good law when it was passed. There was a great deal of agitation for the law to utilize the dog fish and I will read the last report of the commission. This commission has been making investigation in the utilization of dog fish and at the end of its report it says:

"With all of the foregoing by-products that merit careful study and investigation, with the thought always present, of placing them on a remunerative commercial basis, it is not beyond the possibility of human development, that in the time to come, grayfish, instead of being execrated by the fishermen be considered the most valuable fish that visit the coast of Maine waters. One of the lessons that is prominent in each section of this report, is, that it is absolutely essential, in order to insure successful work under the Department of Sea and Shore Fisheries, and the Sea Food Protective Commission, that there be a fully equipped State Marine Biological

Laboratory established on the coast, under the direction of a competent chemist, one thoroughly conversant with the different fish oils and by-products. The measure of success attending the investigation of gray-fish and by-products commenced by this commission gives encouragement to the idea that the work which is only begun, should be actively continued."

Therefore, Mr. Speaker, I ask for the indefinite postponement of this bill so that this work may go on.

The SPEAKER: The question is on the motion of the gentleman from Rockland, Mr. Rogers, that the bill be indefinitely postponed. Is this the pleasure of the House?

The motion to indefinitely postpone prevailed.

The SPEAKER: The next matter to come from the table is House Document No. 353, An Act to amend Section 19 of Chapter 37 of the Revised Statutes, relative to the sale of milk, tabled by the gentleman from Greenville, Mr. Crafts, March 14th, pending its passage to be engrossed, and the Chair recognizes the gentleman from Greenville, Mr. Crafts.

Mr. CRAFTS: Mr. Speaker, I now move that this bill be indefinitely postponed.

Mr. WINN of Lisbon: Mr. Speaker, I certainly hope that the motion of the gentleman prevails.

Mr. WING of Auburn: Mr. Speaker, I hesitate, in view of the lateness of the hour, and in the face of such formidable opposition, to say a word in favor of this bill. This is a measure requiring that ice cream cans, milk cans, etc., be washed after they are used. There is in the community where I live a great commercial enterprise having to do with varied interests. They are interested in this bill and they are interested in putting before the people and on the market a clean healthy article. The measure only asks that those who use ice cream receptacles, milk cans, etc., shall after they are used, in the ordinary words of a housewife, be rinsed out. That is all there is to it. If the House wants to go on record against rinsing out milk cans, I am perfectly agreeable, but I am in favor of cleanliness and I hope that the motion will not prevail.

Mr. STURGIS of Auburn: Mr. Speaker, as a member of the agricul-

tural committee which handled that bill I will say that that bill was re-drafted so the cans could be cleansed. In the first place it was to be sterilized but as it is now it is only to rinse them out so that the flies may be kept away from them. And in view of some cases where the ice cream cans stand outdoors on hot July days, you can imagine whether you would eat ice cream or not after seeing flies around those cans. I feel that this measure should have passage.

Mr. HAYES of Chelsea: Mr. Speaker, I think there has been something misconstrued in this bill. Section 19 reads "all cans or other receptacles used in the transportation or milk or cream shall be cleansed and sterilized." That does not mean rinsed out. That means sterilizing and it means quite a lot when it comes down to that. I hope that the motion prevails.

Mr. WINN of Lisbon: Mr. Speaker, I will say that I do not want to take the time of the House but part of the bill says, "Whoever by himself, clerk, servant or agent, ships or transports or causes to be shipped or transported, any cans or other receptacles not cleansed and sterilized as provided in this section shall be punished by a fine not exceeding fifty dollars for each offense." Mr. Speaker, it seems to me that when it comes to sterilizing there are a great many of us who might have ice cream from some sociable or some other affair, and we would not be able to do any more than rinse them out with water, and I doubt if that would pass for sterilization. I certainly agree with the gentleman who has made the motion to have it indefinitely postponed, that it is placing an undue hardship upon the people and that it is unnecessary at the present time to put any such restriction as that on the people who might purchase ice cream, milk and such things as that.

Mr. STURGIS: Mr. Speaker, I think that the gentleman from Lisbon (Mr. Winn) has misconstrued the meaning of this act. In regard to sterilization, that is to be done by the creameries shipping out the cans to the producer. Looking on the second page, the 4th line you will see, "All cans or other receptacles used in the transportation of ice cream, sherbert or frozen milk products shall be washed and cleansed with warm or cold water immediately upon the contents thereof being used, and before being returned and forwarded to the producer or distributor of such ice cream, sherbert or frozen milk products for use."



The SPEAKER: The question is on the motion of the gentleman from Greenville, Mr. Crafts, that the bill be indefinitely postponed. As many as are in favor of the indefinite postponement of the bill will say "Aye." Those opposed will say "No."

A viva voce vote being doubted,

A division of the House was had.

Thirty-two having voted in the affirmative and 60 in the negative, the motion to indefinitely postpone was lost.

The SPEAKER: The question is now on the passage to be engrossed.

On motion of Mr. Wing of Auburn the bill was passed to be engrossed.

Mr. CLARKE of Stonington: Mr. Speaker, I move to take from the table House Amendment A to bill, An Act to incorporate the towns of South Thomaston and Owl's Head into a single town.

The SPEAKER: The Chair will ask the gentleman from Stonington, Mr. Clarke, if he will withdraw the motion that we may proceed in an orderly way with the matters that are to be taken up.

Mr. CLARKE: Mr. Speaker, I gladly withdraw the motion.

Thereupon unanimous consent was given to the gentleman from Stonington, Mr. Clarke, to withdraw the motion.

SPEAKER: The Chair will ask the privilege of laying before the House at this time an act to change the jurisdiction of the Supreme Judicial and Superior Courts, tabled by the gentleman from Auburn, Mr. Wing, March 14th, pending its reference, and the Chair recognizes the gentleman from Auburn, Mr. Wing.

Mr. WING of Auburn: Mr. Speaker, I yield to Mr. Oakes of Portland.

Thereupon on motion by Mr. Oakes of Portland the above act was referred to the committee on legal affairs.

The SPEAKER: The Chair presents Senate Document No. 155, An Act making it unlawful to have intoxicating liquor in possession in public places, tabled by the gentleman from Portland, Mr. Rounds, March 14th, pending its second reading.

Upon motion of Mr. Rounds of Portland the above act received its second reading and was assigned for its third reading tomorrow morning at ten o'clock.

The SPEAKER: The Chair presents House Amendment A to bill, An Act to incorporate the towns of South Thomaston and Owl's Head into a single town, it being Senate Document No. 228, tabled by the gentleman from Stonington, Mr. Clarke, on March 15th, pending adoption of the amendment.

Mr. CLARKE of Stonington: Mr. Speaker, I move the adoption of Amendment A.

The SPEAKER: The question is on the adoption of the amendment. Is it the pleasure of the House that the amendment be adopted? The Chair recognizes Mr. Rowell of South Thomaston.

Mr. ROWELL of South Thomaston: Mr. Speaker and members of the House: This is not a case of uniting two strange towns. This is a case of reuniting a town divided by the 80th Legislature under suspension of the rules and against a majority report of the committee on towns. A referendum was suggested at that time which would have been voted on by the original town as a unit, amounting to the same thing as this bill in new draft. For some reason the referendum was not allowed two years ago but this bill in a new draft, if allowed with a referendum to the two towns at this time, will have the same effect as a referendum would have had in the original town two years ago.

Now the line as run cuts 15 farms so that about 20 residents of South Thomaston now own property in Owl's Head. The line was so run that it took in sixty per cent of the valuation of the original town including practically all of the valuable summer property, and took less than 14 miles of the 36 miles of road of the original town, leaving 22 to South Thomaston; and took 2 miles out of 4 of the State aid improved road which had been built in the last 15 or 20 years.

This agitation can be traced in almost every instance to petty and trivial grievances between neighbors, and disputes with town officials on matters certainly not of sufficient importance to divide a town, and the agitation has been fanned and fostered by summer residents of Crescent Beach who have been dissatisfied ever since the State aid road passed Crescent Beach corner and continued on toward the main village of South Thomaston; the program of the State Highway Commission and

the town officials being to have the State aid road where it would accommodate the greatest amount of traffic.

This new draft is the unanimous report of the committee on towns and for that reason it should have some consideration. Now I was the author of both of the bills which were introduced, and for a period of four years I have been a selectman of the town of South Thomaston; the new town of South Thomaston is left with a valuation of \$200,000 and a population of less than 500. The tax rates have increased two mills in the town of South Thomaston and in the town of Owl's Head, four mills, since the separation.

Now it seems to me that if these two towns were reunited there should be no reason why those petty jealousies and frictions should not be straightened out and everything go along as before. This amendment does away with the combined majority of both towns as incorporated in the new draft of the bill and it leaves it so that if a majority of the town of Owl's Head or a majority of the town of South Thomaston fail to ratify this bill, the bill is killed. Now the committee thought that in all fairness it should go to the town as a whole in view of the fact that it should have gone to the town as a whole two years ago. In Owl's Head there are probably three times the floating voters that there are in the town of South Thomaston. Owl's Head has the only available rental places along the shore for fishermen; in days past I have seen the M. T. Jameson Company's team being into the village a group of 40 to 50 voters who voted as they were directed. Therefore the proponents of this measure justly fear a vote by the town of Owl's Head alone.

Now at the committee hearing just past, five petitions were submitted and upon examination after the hearing I discovered that three of those petitions were signed by non-residents. The word "non" was inserted above the typewritten portion, so there was not such a majority after all when you get down to the voters of the town.

The year that the town was divided it was my duty to assess the entire town, under the law, that incorporated the town of Owl's Head, as the law did not go into effect until July 9th and the assessors of the

original town had to assess the whole town. At the town of Owl's Head I found many property owners who were against the division, the old, reliable inhabitants. With one or two exceptions the majority of the people over there were in favor of the division and those who oppose this reunion were newcomers to the town and not many of them, in my estimation, were the reliable substantial property owners. I trust, gentlemen, that this amendment will not be adopted.

Mr. CLARKE of Stonington: Mr. Speaker, I will not take much time as the time is getting short but I am interested in this just as I was two years ago and if my mind serves me well,—and if I am in error I know some of you who were in this House two years ago will correct me,—but if I remember correctly we considered at that time the usual number of important matters including our schools, roads, river conservation, etc., but there was no particular measure, no single measure that occupied more time than this question of the division of South Thomaston into two parts. We first adopted it and then reversed our decision, then we went ahead and reversed again, and finally we did just the opposite of what we started out to do in the beginning. The matter was weighed thoroughly and carefully by both branches of the legislature and finally the divorce decree was granted and the town of Owl's Head was set off from the town of South Thomaston. That little town of Owl's Head, a summer resort principally, took to itself the task of functioning as a town and has endeavored to do so since that time, and I say that it is a great injustice at the present time to vote that Owl's Head shall be now reunited with the town of South Thomaston. They are just getting their feet placed down there. The non-residents took up their tax bills, as I understand it, ahead of time in order to have some money with which to work and they have repaired their school house and made other improvements and have remedied those evils of which they complained two years ago and which they stated to you would not be remedied by the town of South Thomaston, while they were a part of that town.

Now, it is true that the matter before the House at the present time

is not strictly on the reuniting of the towns. This Legislature has already gone on record as opposing the reuniting of the town of South Thomaston with Owl's Head, because you will recall some two weeks ago a bill was reported ought not to pass and was accepted whereby the proposition to reunite Ingraham's Hill and Ash Point was rejected. The proposition is that the matter has been before the committee, and with all due respect to the Committee on Towns, I feel that they have not sensed the real significance of this amendment. This amendment states that under the referendum, the majority of the combined votes of both towns shall decide this proposition.

Now it is evident to you that two hundred votes, approximately, in the town of Owl's Head, added to four hundred and fifty, approximately, in the town of South Thomaston, with a total of six hundred and fifty votes, gives a majority of the combined votes of some one hundred and twenty-five against Owl's Head, and Owl's Head, the moment you vote to accept this amendment, is forced back into the town of South Thomaston before they have a chance to vote. In fact, it would be useless for them to vote. The amendment merely provides a fair proposition—I believe it is fair to both places—that if a referendum is had that Owl's Head may vote by its majority vote to decide whether or not it will reunite with South Thomaston, and South Thomaston may vote by its majority vote to decide whether or not it will take them back, and that is a fair and logical proposition.

Mr. ATWOOD of Portland: Mr. Speaker and gentlemen: I happen to be a member of the committee on towns and I joined in this report, and I do not think it is inconsistent with my position in signing that report to approve of an amendment which I think improves the bill as reported. The gentleman from Stonington, Mr. Clarke, has said about all that I intended to say on this matter and I merely wish to say in addition that I think this is an amendment which insures the inhabitants of both towns absolute fairness in the whole proposition, and I hope that the amendment will be adopted.

Mr. ADAMS of Liberty: Mr. Speaker, I was a member of the 1921 Legis-

lature when this matter came up and it was carried by one or two majority, but I remember that some of those who voted in favor of dividing that town were very sorry afterwards that they had not voted against dividing the town, and I think it is the wish of the town to be reunited. I am opposed to the amendment.

(At this point Mr. Weeks of Fairfield assumed the Chair.)

The SPEAKER pro tem: The question is on the adoption of House Amendment A to bill, An Act to incorporate the towns of South Thomaston and Owl's Head into a single town. Those in favor of the adoption of the amendment will say "Aye." Those opposed will say "No."

A viva voce vote being doubted,

A division of the House was had.

Forty-four having voted in the affirmative and 17 in the negative, the amendment was adopted.

Mr. ROWELL: Mr. Speaker, I would like to inquire if a quorum is present.

At this point Speaker Holley resumed the Chair.)

The SPEAKER: Does the Chair understand that the gentleman from South Thomaston, Mr. Rowell, raises the question of quorum?

Mr. ROWELL: For information.

The SPEAKER: The gentleman, in order to get the information, may raise the question of a quorum if he wishes to.

Mr. ROWELL: Mr. Speaker, I raise the question then.

The SPEAKER: The gentleman from South Thomaston, Mr. Rowell, raises the question of a quorum. Mr. Clarke will act as monitor in the first section, Mr. Siddall in the second section, Mr. Adams for the third section, and the monitor for the fourth section is present. The monitors will return the count.

Mr. CLARKE of Stonington: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman will state his point.

Mr. CLARKE: Does the question of a quorum relate to the present time?

The SPEAKER: The question is, with reference to the present time, the motion having been entertained by the Chair. The monitors will return the count.

A division being had, and eighty-four being present, the Chair ruled that that was a quorum.

Mr. HAYES of Chelsea: Mr. Speaker, I move that the rules be suspended so that these gentlemen at my left may smoke.

Mr. WING of Auburn: I object, Mr. Speaker.

The SPEAKER: As many as are in favor of the rules being suspended for the purpose of smoking will rise and stand in their places, and the same monitors will return the count.

A division being had, and twenty-two arising, the Chair declared that the sufficient two-thirds had not arisen and that the rules were not suspended. (Applause.)

The SPEAKER: House Amendment A having been adopted to bill, An Act to incorporate the towns of South Thomaston and Owls Head into a single town, the question is now on the assignment of the bill for third reading.

On motion by Mr. Clarke of Stonington, this bill was assigned for its third reading tomorrow morning at ten o'clock.

Mr. CUMMINGS of Portland: I move that this House adjourn until to-morrow morning at nine o'clock.

The SPEAKER: A motion to adjourn is not debatable. As many as are in favor of adjourning until to-morrow morning at nine o'clock will say aye, those opposed no.

A viva voce vote being doubted,

A division of the House was had. Thirty-three having voted in the affirmative and 37 in the negative, the motion to adjourn was lost.

Mr. WING of Auburn: Mr. Speaker, I rise to a question of personal privilege. I ask that the Chair instruct the Messenger and Assistant Messenger to invade the corridors and induce the members of this House to attend to its business.

The SPEAKER: The Chair is of the opinion that the gentleman is in order and will so instruct the Messenger and the various officers. (Applause.)

The SPEAKER: The next matter to be taken from the table, which the Chair presents, is House Document No. 116, an act relating to marriage, tabled by the gentleman from Augusta, Mr. Maher, March 15, pending assignment for third reading.

On motion by Mr. Maher of Au-

gusta, the rules were suspended and the bill received its third reading and was passed to be engrossed.

The SPEAKER: The next matter that the Chair presents is House Amendment A to bill, an act pertaining to the right to kill dogs, being House Document No. 381, tabled by the gentleman from Chelsea, Mr. Hayes, March 15, pending the adoption of the amendment.

Mr. HAYES of Chelsea: Mr. Speaker, I move that the amendment be adopted, and I yield the floor to the gentleman from South Portland, Mr. Lord.

Mr. LORD of South Portland: Mr. Speaker, I hesitate to take any of the time of this body owing to the lateness of the hour, but I would like briefly to call your attention to this bill and to this amendment. When this original bill had its hearing, practically the only opposition to it came from the committee. However, a new draft was submitted. House 381, and after careful consideration by the Judiciary committee this act was taken care of, and they returned a unanimous report of ought to pass.

Now if you will pardon me and let me read this bill, it will show you how many different officers can lawfully kill a dog at the present time. He can be lawfully killed by "any game warden, sheriff, deputy sheriff, or constable" when he is found chasing or worrying a moose, caribou, or deer, or "wounding or killing any domestic animal when said dog is outside of the enclosure or immediate care of its owner or keeper. Any owner of sheep, or any member of his family, or any person to whom is intrusted the custody of sheep shall have a right to kill any dog attacking any of said sheep. Any person having any evidence of any dog hunting or chasing moose, caribou or deer, or of any dog kept and used for that purpose or any dog worrying, wounding or killing any domestic animal, when said dog is outside of his enclosure or immediate care of his owner or keeper, may present said evidence to any Trial Justice or Judge or Recorder of any Municipal Court, which said Trial Justice or Recorder shall have power to issue a warrant against the owner of said dog, ordering him to appear before him and show cause why said dog should not be killed; and upon hearing the evidence in said case,

said court may order said dog killed." Now it would seem to me that all citizens are fully protected against this ferocious beast in this bill, and if Amendment A is adopted it will destroy the very reason for the bill being introduced at all. It will take away what few rights the dog has, and allow him to be killed by anyone for the most trivial cause. I think we will all admit that the dog is the closest friend we have. He is a member of 75 per cent of the homes of this State, and regardless of whether his owner be rich or poor, high or low, he will return their kindness with a life of fidelity and devotion. I believe he is worthy of what little consideration this bill shows him, and I ask you gentlemen to vote not to accept this amendment, which practically gives everybody an open season of 365 days a year on the dog.

Mr. HAYES of Chelsea: Mr. Speaker, in regard to this dog law, it is all right on the Statutes book at the present time and was put there some years ago so that the people could protect their property. This bill was reported in here that men may have a right to kill a dog when sheep are killed. Now this amendment is "the words domestic animal as used in this section shall not include dogs or cats." Now I contend that it is just as necessary to protect your poultry or your calves as it is your sheep, and I see no reason why there should be any objection to that amendment, although if that amendment is adopted, it will destroy what the original bill is made out for. Now, that being the case, it must be amended so that they can have a right to go around killing sheep, calves and poultry according to the argument of the proponents of the bill. Now so far as that is concerned, if a man is raising poultry, it seems as though he ought to have a right to protect it from the dog. The dog is a good friend when he is a friend, but there are dogs that are not friends; and when a dog comes around onto a man's farm, killing his property or destroying it in any way, he is not a friend to anyone. I think that amendment should stay right in there. The farmers are having an awful time to get a living, anyway, with the protection that they have, and as far as the officer's killing the dog, it would be all right, if the officer was on the spot at the time to

kill the dog; but the dog comes and does the damage and gets away and you cannot find the dog or the owner of it. The only way to kill him is to get him right there, and I hope that this has a passage.

Mr. JORDAN of Cape Elizabeth: Mr. Speaker, I would say that I hope this amendment will not pass. It puts it back, if the amendment goes through, just about where the law is now. There would be so little change that it would be of no consequence whatever. It seems to me that the dog should be protected in a measure, and I certainly am not in favor of the amendment.

The SPEAKER: The question is on the adoption of House Amendment A--

Mr. GREENLEAF of Auburn: Mr. Speaker, this is a question of the value of the dog against the value of hens and other domestic animals outside of sheep. Of course we admit that the sheep ought to be protected. When a dog gets to killing sheep, he, to all appearances, gets wild. Now in the handling of chickens, it does not very often happen, and when it does happen the man has redress; but when a man's dog is killed it is a different matter. That is something that cannot be paid for in money. It is a question of the commercial value of the sheep against the sentimental value of the dog. As this thing is going now, the dog is not going to have a single chance. Now I am not going to stand here and talk in my feeble way about the sentimental value of the dog. Instead of that I will read you Senator Vest's tribute to the dog as follows:

"The best human friend a man has in the world may turn against him and become his enemy. His son or daughter that he has reared with loving care may prove ungrateful. Those who are nearest and dearest to us, those whom we trust with our happiness and our good name may become traitors to their faith. The money that a man has he may lose. It flies away from him, perhaps, when he needs it most. A man's reputation may be sacrificed in a moment of ill-considered action. The people who are prone to fall on their knees to do us honor when success is with us may be the first to throw the stone of malice when failure settles its cloud upon our heads. The one absolutely unselfish friend that a man can have in this selfish world, the one that never deceives him, the one that never proves ungrateful and treacherous, is his dog.

"A man's dog stands by him in pros-

perity and in poverty, in health and in sickness. He will sleep on the cold ground where the wintry wind blows and the snow drifts fiercely, if only he may be near his master's side. He will kiss the hand that has no food to offer. He will lick the wounds and sores that come in encounter with the roughness of the world. He guards the sleep of his pauper master as if he were a prince. When all other friends desert, he remains. When riches take wings and reputation falls to pieces, he is as constant in his love as the sun in its journeys through the heavens. If fortune drives the master forth an outcast in the world, friendless and homeless, the faithful dog asks no higher privilege than that of accompanying, to guard against danger, to fight against his enemies, and when the last scene of all comes and when death takes the master in its embrace and his body is laid away in the cold ground, no matter if all other friends pursue their way, there by the graveside may the noble dog be found, his head between his paws, his eyes sad but open in alert watchfulness, faithful and true even in death."

Gentlemen, this is the friend of man that we are asking protection for. (Applause).

Mr. PERKINS of Orono: Mr. Speaker and Gentlemen: Just one word in behalf of the committee who gave careful consideration to this measure, and we consider that the farmers of Maine are amply protected at this time, and I sincerely hope that the amendment will not be adopted.

The SPEAKER: The question is on the adoption of House Amendment A. As many as are in favor of the adoption of that amendment will say **aye**, those opposed no.

A viva voce vote being taken,

The amendment failed of adoption.

On motion by Mr. Hayes of Chelsea, the bill was assigned for its third reading tomorrow morning at 10 o'clock.

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Mr. ROUNDS of Portland: Mr. Speaker, I move that we now adjourn until 10 o'clock tomorrow morning.

A viva voce vote being doubted,

A division of the House was had,

Forty-seven voting in the affirmative and 36 in the negative, the motion prevailed, and the House adjourned until 10 o'clock tomorrow morning.