

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

SENATE

Wednesday, March 14, 1923.

Senate called to order by the President.

Prayer by the Rev. Mr. Dunnack of Augusta.

Journal of previous session read and approved.

Papers from the House disposed of in concurrence.

From the House:

An Act to amend Section 2 of Chapter 197, Public Laws of 1921, relating to the taxation of shares of stock of trust companies organized under the laws of this State and banking institutions formed under the laws of the United States. (House Doc. No. 222)

Which came from the House, that branch insisting upon their former action in referring the bill to the committee on Taxation and asking for a committee of Conference, the Speaker having appointed as members of such a committee:

Messrs. Stitham of Pittsfield
Winn of Lisbon
Hamilton of Caribou

In the Senate on motion by Mr. Allen of York, the Senate voted to insist and join a committee of conference.

The Chair appointed as such a committee on the part of the Senate:

Messrs. Allen of York
Eaton of Oxford
Wadsworth of Kennebec

The PRESIDENT: The Chair desires to make the inquiry of the Senate whether any one desires to make a motion that when we adjourn we adjourn until tomorrow morning at 9 o'clock, or to the regular time, before assigning bills.

Mr. HINCKLEY of Cumberland: Mr. President, there are several matters assigned for tomorrow morning, and I move that when we adjourn that we adjourn until tomorrow morning at 9 o'clock.

The motion was agreed to.

House Bills in First Reading

H. 332. Resolve authorizing the treasurer of State to accept from the executors of the will of John Prescott, two five hundred dollar United States Liberty bonds in lieu of the

legacy of one thousand dollars left by said Prescott to the Western Maine Sanatorium at Hebron.

H. 329: Resolve granting the consent of the State to the building of a bridge between "Big Five Island" and "Hen Island" in the town of Georgetown.

House 330: An Act to amend Chapter 69, Public Laws of 1921, relating to the Fiscal Year of the State.

House 214: Resolve in favor of the erection of a State of Maine Building on the grounds of the Eastern States Agricultural and Industrial Exposition Inc., at West Springfield, Mass.

House 328: Resolve in favor of a bridge over the St. Croix River between Vanceboro, Maine, and St. Croix, New Brunswick.

House 331: Resolve authorizing acceptance of donation to Blaine Memorial Fund.

The following resolve was presented and on recommendation by the committee on reference of bills was referred to the committee on Appropriations and Financial Affairs

By Mr. Croxford of Penobscot: Resolve in favor of L. Mae Richmond, for special and extra work for aiding the members of the 81st Legislature.

Reports of Committees

Mr. EATON, from the committee on Appropriations and Financial Affairs, on Resolve, in aid of The Maine Institution for the Blind. (Senate Doc No 35) reported that the same ought not to pass.

Mr. MORRISON, from the same committee, on Resolve, for appropriating money for the erection of a memorial monument in honor of the Mayflower Pilgrims in Maine, reported that legislation thereon is inexpedient.

Mr. WADSWORTH, from the same committee, on Resolve, in favor of the General Knox Chapter, Daughters of the American Revolution, a corporation organized and existing under the laws of the State of Maine and located at Thomaston, in said State, reported that legislation thereon is inexpedient.

Mr. PHILLIPS, from the committee on Salaries and Fees, on An Act to amend Section 39 of Chapter 67

of the Revised Statutes relating to fees to be paid by executor or administrator. (Senate Doc. No. 87), reported that the same ought not to pass.

The same Senator, from the same committee, on An Act to amend Section 41, Chapter 117, Revised Statutes as amended by Chapter 167, Public Laws of 1917, Chapter 214, Public Laws of 1919 and Chapter 219, Public Laws of 1921, relating to salaries of sheriffs, reported that the same ought not to pass.

The same Senator, from the same committee, on An Act to amend Section 43 of Chapter 117 of the Revised Statutes as amended by Chapter 219 of the Public Laws of 1921, relating to the salary of the Register of Deeds for the County of Androscoggin, (House Doc. No. 31), reported that the same ought not to pass.

The same Senator, from the same committee, on An Act to amend Section 18 of Chapter 118 of the Revised Statutes, relating to the fees payable to Registers of Deeds. (Senate Doc. No. 88), reported that the same ought not to pass.

The reports were accepted and sent down for concurrence.

Mr. WADSWORTH, from the committee on Appropriations and Financial Affairs, on Resolve, in favor of the Maine Railroad committee, reported the same in a new draft, under the same title, and that it ought to pass.

Mr. EATON from the same committee, on Resolve in favor of W. M. Stuart, Postmaster of the Senate of the 81st Legislature, reported the same in a new draft, under the same title, and that it ought to pass.

Mr. MORISON, from the same committee, on Resolve, in favor of George A. Dow, Postmaster of the House of the 81st Legislature, reported the same in a new draft, under the same title, and that it ought to pass.

Mr. HUSSEY, from the committee on Judiciary, on Resolve authorizing Warren Prouty to bring suit at law against the State of Maine, reported the same in a new draft, under title of "Resolve, in favor of Warren Prouty," and that it ought to pass.

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

Passed to be Engrossed

House 83: An Act to amend the charter of the City of Calais providing for biennial elections.

House 155: An Act to amend Sections 92 and 94 of Chapter 82 of the Revised Statutes, relating to procedure in civil cases in Superior Courts.

House 161: An Act to amend Section 29 of Chapter 9 of the Revised Statutes as amended by Section 1 of Chapter 71 of the Public Laws of 1921, relating to time of payment of excise tax on railroads.

House 252: An Act directing the State Board of Veterinary Examiners to issue certificate to Joseph R. Waller to practice veterinary surgery, medicine or dentistry.

Senate 228: An act to incorporate the towns of South Thomaston and Owls Head, in the county of Knox, into a single town.

Senate 229: An Act to amend Section 67 of Chapter 45 of the Revised Statutes, as amended by Chapter 22 of the Public Laws of 1917, relating to close time on scallops.

Senate 230: An Act to amend Section 41 of Chapter 117 of the Revised Statutes, as amended by Chapter 167 of the Public Laws of 1817, by Chapter 214 of the Public Laws of 1919, and Chapter 219 of the Public Laws of 1921, relating to salaries of sheriffs.

Senate 231: An Act to incorporate the Knox Bar and Library Association.

Senate 232: An Act authorizing the formation of non-profits, co-operative associations, with or without capital stock, for the purpose of encouraging the orderly marketing of agricultural products through co-operation.

Senate 233: An Act to amend Section 36 of Chapter 219, of the Public Laws of 1917, as amended by Chapter 196, of the Public Laws of 1919, relating to the protection of caribou.

Senate 234: An Act to close all hunting in a certain territory in Lincoln County Game Preserve.

Senate 235: An Act to amend Section 121 of Chapter 14 of the Revised Statutes, as amended by Chapter 135 of the Public Laws of 1921, relating to fish weirs.

Senate 236: Resolve, in favor of

the Reformatory for Women for maintenance and other purposes.

Passed to be Enacted

An Act to Extend the Time Limit for Exercising the Corporate Powers of the Great Pond Railway Company.

An Act to Make Valid the Doings of the Penobscot County Water Company, and to Define and Confirm its Powers.

An Act Relating to Pensioning Members of the Police Department of the City of Brewer.

An Act to Amend Section One of Chapter One Hundred and Forty-five of the Revised Statutes, Relating to Hospital Trustees.

An Act to amend Section Thirty-eight of Chapter One Hundred and Seventeen of the Revised Statutes, as Amended, Relating to the Compensation of Judges of Probate in Oxford County

An Act to amend Section 6 of Chapter 141 of the Private and Special Laws of 1921, relating to the office of city clerk of the City of Lewiston.

An Act to amend Section 17 of Chapter 182 of the Public Laws of 1919, relating to competitive bids in construction work for the State Reformatory for Men.

An Act to amend Section 45 of Chapter 117 of the Revised Statutes, as amended, relating to clerk hire in the office of clerk of courts in Waldo county.

An Act to cure defect in the original organization of the Medigan Memorial hospital, a charitable and benevolent corporation, and to validate the doings of said corporation and the officers thereof since its organization.

An Act to amend Section 2 of Chapter 55 of the Revised Statutes, relating to Public Utilities Commission.

An Act to amend Section 45 of Chapter 117 of the Revised Statutes, relating to clerk hire in the office of clerk of courts in Androscoggin county.

An Act to amend Section 32 of Chapter 75 of the Private and Special laws of 1919, relating to the Board of Education of the City of Augusta.

An Act to amend Section 1 of Chapter 82 of the Revised Statutes, relating to the Supreme Judicial Court.

Finally Passed

Resolve, in favor of the Maine State prison for maintenance and current expenses.

Assigned for Today

The PRESIDENT: The first matter specially assigned for today is report of the committee on towns, on An Act to divide the town of Jonesport and incorporate the town of Beals, the report which is "ought not to pass" having been tabled pending acceptance, and the Chair recognizes Mr. Emery of Washington.

Mr. EMERY: Mr. President, I now move the acceptance of the report of the committee in concurrence with the House.

The motion was agreed to.

The PRESIDENT: The next matter specially assigned for today is the veto on Resolve in favor of the Maine State prison at Thomaston for the repair of outside buildings, and the Chair recognizes Mr. Clark of Lincoln.

Mr. CLARK: Mr. President and fellow senators: Before voting on this resolve, it seems proper that the committee should make a few words of explanation relative to the condition of the State prison as we found it when we visited that institution.

Regarding these outside buildings, it seems that the State owns about ten, I think just ten houses. These houses are all rented, and we were told that there had been no repairs made upon them for 15 years, that they needed shingling, and that several of them needed new sills, painting, etc. Now it seemed to this committee that good business economy required that these houses should be repaired. I am sure if any of us had buildings in that condition we should not expect to collect rent for them year after year and at the same time let them fall down.

Consequently this committee reported unanimously "ought to pass" on this resolve asking for \$5000. We felt that that much money was really necessary in order to put them in suitable condition so they can be rented.

Now regarding the other resolve which calls for \$66,000 to complete the new cell block: I will say that in 1921 the east wing was torn down, which had 108 cells. Thirty new

cells have been built to replace those 108. Consequently, you will see at a glance that there is a shortage of room at the State prison. Today we have there 214 prisoners. There is one more expected tomorrow, who has been sentenced for life, with no cell to accommodate him. The warden tells us that he will have to put two occupants in one cell, or else keep one on the corridor after tomorrow.

Now it seemed to your committee that they were not asking anything unreasonable when they asked that those 60 new cells be added. We have built a tier of thirty and the idea is to build two tiers more, which would call for 60 cells, or \$66,000. I would like to say that these cells are modern, up-to-date, and I am sure would be satisfactory to any of you if you could see them. The old cells of course have been there a hundred years. There has been no improvement upon them except an electric light placed in each cell—no modern accommodations whatever.

The day we visited the prison there were 204 prisoners there; 202 of those prisoners were at work, two were ill. We learned that those prisoners work every day except Sunday, unless they are ill, and it is not for them to say when they are ill. They are examined by a physician. Any one reported ill the physician examines. If he is unfit for work he rests, otherwise he works.

Perhaps it may be interesting to you to know also that the warden last year returned to the contingent fund from his appropriation \$35,000. He tells us he can do it again this year if business conditions are as favorable as they were last year. We were convinced unanimously that the warden is doing good work at that prison; that he and the trustees are asking for nothing unreasonable. It has been intimated or suggested that there has been some lobbying down around the State House for this new appropriation this winter. In reply to that, I want to say that if there has been your committee is unaware of it. The day we had our hearing the warden was present and two of the trustees, commissioners. That is the only time to my knowledge that they have been in the State House this winter.

Now we feel that good business economy warrants the completion of these cells. The Governor admits, does not hesitate to say that they

are needed. The only question is whether we can afford the money at this time. We are perfectly willing to leave it to your consideration, but we wanted you to know the facts relative to the case. I rest at this point because my fellow senator, a member of the committee, Mr. Elliot, has some suggestion to make at this time.

Mr. ELLIOT of Knox: Mr. President, I take it you are taking up both resolves at this time?

The PRESIDENT: The Chair will rule that although they should be voted on separately, discussion of the two resolves will be proper.

Mr. ELLIOT: Mr. President, in regard to the resolve for repairing the outside buildings, that is simply a matter of business. The State should keep up their state institutions, the outside buildings as well as the institutions themselves. That is business economy.

In regard to the new cell blocks I have a little more to say.

It is with a considerable degree of reluctance that I take a stand on this question before the Senate, and were it not for the fact that I am a member of your committee on State prison I should much prefer to keep my seat and acquiesce with the budget program, for I am a firm believer in the budget and I am sure sometime we will have a budget that we can adhere to.

All committees are likely to make mistakes, and what would appear necessary to one group of men might be considered entirely unnecessary by another.

The resolve for new cells at the Maine State prison at Thomaston seemed an actual necessity to your committee. And we made a thorough investigation before we reported ought to pass on the resolve. We made the trip to Thomaston, nine members of your committee of ten, and inspected the institution, giving especial care to the cells, both in the new wing and in the old one. And I believe the entire committee was open minded and gave due consideration to the fact that no recommendation for new cells was made by the budget committee. But it seemed absolutely necessary to us that the new work should continue and all the unfortunate inmates of the institution be confined in sanitary cells and the old rock, "cave-like" cells be discarded.

There are now 96 new cells made of steel and cement, with running water, electric lights and flush closet,—sanitary cells with good light and ventilation in the new east wing.

But in the west wing there are still 104 of the old rock cells with no sanitary arrangements whatever. Just as they were built 100 years ago, except that each cell has an electric light.

Recently there has been an investigation of the Massachusetts prisons and the investigator called the sanitation in Charlestown prison "barbaric." The same word might well be used in connection with our prison as applied to this west wing.

We have made a good start in re-modelling this institution and should continue the work, especially regarding the cells, and I urge the passage of the resolve.

There are now 214 inmates at this institution; one year ago there were about 200; two years ago about 190. This does not necessarily mean that the number is increasing but that it varies and the average is practically 200. Sanitary cells should be built to take care of this number.

The resolve would build 60 more new cells and that many more of these unfortunates would be taken care of in sanitary cells.

In an institution of this kind the men are necessarily confined in their cells more hours than they are outside in the work shops and the cells should be built to be conducive to the good health of the inmates. The 96 new cells are sanitary, but the 104 old cells,—I don't really know how to express it, but I don't think health officers would call them sanitary.

Your committee was unanimously in favor of the passage of this resolve. And we were supported by the board of prison commissions.

I urge the passage of this resolve because I honestly believe the unfortunate wards of the State should be housed in sanitary quarters.

Mr. BUZZELL of Waldo: Mr. President, and members of this Honorable Senate: I very much appreciate all that has been said here, but the budget committee is functioning today as a legislative creation. I believe that they are doing good work in the State of Maine. I have been in favor of unanimous reports in this Legislature, but it appears that the unanimous report and the

action of this Legislature does not meet with the Governor's approval.

Now this committee that passed unanimously upon this bill viewed this bill from all the evidence that they heard there in committee. Unquestionably every dollar that they ask for, if expended, would be warranted—that expenditure would be warranted. On the other hand, what about the budget committee? They take into consideration all the wants of the State of Maine, and do you believe, my fellow senators, do you believe but what they have acquainted themselves with all the facts in connection with this proposition? Do you not believe that they know all of the facts and all of the things that the two fellow senators of ours have told us about here today, and do you not believe that they would like to make that expenditure? But there are other people in the State of Maine besides these poor unfortunates in the State prison. There are other people. They are on the inside looking out. All others in the State of Maine, who are tax-payers in the State, are on the outside looking in, and they are watching us. They know that this budget committee, consisting of the Governor and the treasurer and so on, they believe that they have acted wisely. And I for one, feel if I should act and act alone, that I am going to take the position that the budget committee in this matter is right.

Now I do not know about the lobbying as spoken of by the honored senator. It matters not to me about this proposition or that proposition or the other proposition. I am willing to let each individual measure stand or fall on its merits. I am not going to take part and share in lobbying or attempting to let one measure influence me in connection with another, and I say that in the interests of a tax rate, and in the interests of all the people of the State of Maine, that I am not in favor of the action as indicated by the honored senator who spoke first on this proposition.

There are things that we want to take into consideration. Just hark back for a moment to the days of 1919, 1920, 1921, 1922. The tax rate in the State of Maine in 1919, seven mills and a half—1920, seven mills and a quarter—1921, five mills and a half—1922, six mills—too low in 1921 and 1922, admittedly so, and we who were members of the last Legislature

know it. That condition has reflected itself into this Legislature, and the members of this Legislature of both political colors want to take into consideration that we want to go from here with a reasonable tax rate and one that all the people of this State know is right.

The PRESIDENT: The question before the Senate is on the veto message of the Governor on S. D. 99, Resolve in favor of the Maine State Prison at Thomaston, for the repair of outside buildings, shall this resolve be finally passed and become law notwithstanding the objections of the Governor?

All those who wish to sustain the Governor's veto will vote "No," and those who wish to pass the resolve over the Governor's veto will vote "Yes."

The secretary called the roll. Those voting "Yes" were Messrs. Brewster, Carleton, Clark, Croxford, Elliot, Hinckley, Hussey, Kirschner, Morneau, Phillips, Sargent, Smith, Spiers, Trefethen, Wadsworth,—15. Those voting "No" were Messrs. Adams, Allen, Bemis, Brewster, Cram, Eaton, Emery, Farrington, Morrison, Putnam, Ryder, Spencer, Stevens,—13. Absentees—Messrs. Bailey, Powers,—2.

Fifteen senators voting yes and thirteen no the resolve failed to pass over the Governor's veto.

The PRESIDENT: The next matter is the veto message of the Governor on S. D. 100, Resolve appropriating money for the purpose of completing the new cell block of the Maine State Prison at Thomaston.

The question is whether or not this resolve shall be finally passed and become law notwithstanding the objections of the Governor. Those who wish to sustain the veto will vote "No," and those who wish to pass the resolve over the Governor's veto will vote "Yes."

The secretary called the roll. Those voting "Yes" were Messrs. Clark, Croxford, Elliot, Hinckley, Hussey, Kirschner, Morneau, Phillips, Sargent, Smith, Trefethen, Wadsworth, Wilson,—13. Those voting "No" were Messrs. Adams, Allen, Bemis, Brewster, Buzzell, Carleton, Cram, Eaton, Emery, Farrington, Morison, Putnam, Sargent, Spiers, Spencer Stevens,—16. Absentees—Messrs. Bailey, Powers,—2. Thirteen senators voting yes and

sixteen voting no the resolve failed a passage over the Governor's veto.

The PRESIDENT: The next matter on the table is the report of the committee on judiciary, ought not to pass, on H. 195, An Act to exempt non-resident vehicles from registration and to establish reciprocal exemptions from other states.

The Chair recognized the senator from Kennebec, Mr. Wadsworth.

Mr. WADSWORTH: Mr. President, I tabled this act. I would like to yield the floor to the senator from Aroostook, Mr. Hussey.

Mr. HUSSEY: Mr. President, I move that this report and bill be re-committed to the committee on judiciary.

The motion was agreed to.

The PRESIDENT: The next matter specially assigned for today is the Veto message from the Governor on resolve providing for the purchase of reports of a Century of Peace between the United States and Canada of the Maine State Bar Association—S. D. 41, and the Chair recognizes Mr. Hinckley of Cumberland.

Mr. HINCKLEY: Mr. President, a short time ago it came forcibly to the attention of certain citizens of the State of Maine that this State, with more miles of border land on a foreign territory than any other state or country in the world that had ever lived a period of one hundred years without fortifications, without armies, without even patrol during that entire hundred years, has lived in peace and concord with a sister nation, and the Maine State Bar Association, having this in mind, felt it was proper in the interests of peace, in order to call forcibly to the attention of the world that such a condition had existed, that it should be commemorated, and the Maine State Bar Association invited to participate in that program the distinguished jurist and justice of the Supreme Court of Ontario; and jurists of the State of Maine including our own Honorable Chief Justice made extended remarks covering this matter. Some of us felt that it was only fitting, in the interest of peace, and some of us believed that the people of the State of Maine in their big hearts would be generous enough and would not blame the members of this Legislature if they appropriated the great sum of \$500 in order

to perpetuate those exercises and to put in permanent form these memorials that they might be sent to the libraries of the States and countries of the world.

Mr. President and senators, thousands of dollars have been expended by this Legislature without blinking an eye for the purpose of printing messages and other documents, and even single bills before this Legislature, senators, I dare say have cost more in printing than the entire cost of this resolve, and I say it is a shame to the State of Maine to say that in view of this fact, unparalleled in the history of the entire world, that the State of Maine is so poor, that the State of Maine needs money so much—to place the citizens of the State in that position where they say "We are too penurious to allow us to expend \$500 for this object," when you are expending tens of thousands of dollars for printing on many matters which are quite immaterial. Gentlemen, you voted unanimously on this matter. You voted in favor of it. These are the facts. That is all there is to it. Is this program of economy going to this extent? That is for you, gentlemen, to decide.

Mr. WADSWORTH: of Kennebec Mr. President, I would like to ask if it would be proper to have the veto message read again at this time?

The PRESIDENT: The Secretary will read the message.

(Message read by the Secretary.)

Mr. WADSWORTH: Mr. President, this matter may be considered trivial by a good many. It is not so considered by me. The amount of money asked for is small comparatively. It is slightly more than each one of us receives here and I have heard no one suggest that that amount was large. We have already voted for postage and fountain pens and that sort of thing nearly \$2000 for members of the Legislature. There has been no objection. It has gone right along. As far as the money in question here is concerned it is not a large amount. I think that we will all admit that. But when we consider the object for which it is asked we find that it is a great object.

We are asked to purchase a few books from the Maine Bar Association, not for profit to them—these books are going to be printed, a few of them, for the Maine Bar Association, and we have the opportunity

of buying a few more for the Library to be distributed throughout the State, to other libraries in the country, possible some of them to go to foreign countries—not to be kept here in our library but to be sent out with the message that they contain, and these books will contain the addresses of Justice Riddell of Ontario, who came here as an official representative of Canada to our State of Maine. He spoke before this body as you all know. He spoke before the House as you all know. Those addresses will be contained in this volume, and the other addresses which he made at the meeting of the Bar Association will also be contained, as well as the reply by our own Chief Justice Cornish, by our own Chief Executive and by other noted and honorable citizens of the State of Maine who spoke there.

Now what does this all mean? That sounds very simple perhaps. It means that this meeting was held in honor and to celebrate the one hundred years of peace between the United States and Canada. What other states have done anything in this regard? If you will remember back a short time, you will remember of reading of a monument which was built in Blaine, Washington for the same purpose, in honor of one hundred years of peace between the United States and Canada, and there is a cut of the monument, which cost not \$500, but thousands of dollars.

One hundred years of peace between two countries, with a long border, without a fortification of offense or defense, without any long line of soldiers—I say that is an example to the world, a world torn by war, a world burdened with broken bodies and broken hearts, as you all know.

What better example could there be presented to the world and to our country today than that? when, at the present time the world is like a volcano with a few small jets of steam and with a promise every short time of blowing up. We do not know what is ahead of us. We do know that the world is looking for peace, and we do know that they do not realize, do not know just how to obtain it. For that reason I say that this is as good an example as it is possible to obtain of the way to obtain peace. I hope that the Senate and the House will see their way clear for the State to spend this small amount for this object.

Mr. BUZZELL of Waldo: Mr. President and gentlemen of the Senate, I am glad to see the individuality of thought here this morning. We seem to have forgotten road resolves, short lobsters and other interests and we are pouring out our honest-to-God thoughts of just how we stand on measure after measure. It is not a question with me whether the resolve is for \$500 or more. But here is a resolve calling for the expenditure of \$500 to make this report that the same may go back, or go to and be read in the country to the north of us. We all know how many of us were pleased with the splendid appearance and by the beautiful thoughts given us by Justice Riddell from Canada. Just a minute and I am going to tell you where I stand on this thing. At that time we were all very much pleased with his attitude towards this country. His words were an inspiration to every one of us that heard them. But how many of us here in Maine heard those words? A very few comparatively speaking. And now some senator in his wisdom saw fit to introduce a resolve that called for the small expenditure of \$500, and that has been vetoed. It is not always good for any man whether he be Babe Ruth or anyone else to get too good a batting average.

I do not believe but what the State of Maine can afford the expenditure of \$500 to carry the word to Canada and to the United States and elsewhere, wherever that book is read, \$500 to give this report of peace between these two countries for a hundred years—five dollars a year. I believe it is worth doing. I told you a minute ago I was going to tell you where I stood. I am in favor of this resolve notwithstanding.

The PRESIDENT: The question before the Senate is on the veto message of the Governor on S. D. 41, Resolve providing for the purchase of reports of a century of peace between the United States and Canada of the Maine State Bar Association, shall this resolve be finally passed and become law notwithstanding the objections of the Governor?

All those wishing to sustain the Governor's veto will vote "No" and those wishing to pass the resolve over the Governor's veto will vote "Yes."

The secretary called the roll. Those voting yes were Messrs. Bemis, Brewster, Buzzell, Carleton, Cram, Croxford, Eaton, Emery, Farrington, Hinckley,

Hussey, Kirschner, Morison, Morneau, Phillips, Ryder, Sargent, Smith, Spiers, Wadsworth, Wilson—21. Those voting no were Messrs. Adams, Allen, Clark, Elliot, Putnam, Spencer, Stevens, Trefethen—8. Twenty-one senators voting yes and eight voting no, the resolve was passed over the Governor's veto.

Sent down for concurrence.

The PRESIDENT: The next matter on the calendar is the majority report, "ought not to pass," and the minority report "ought to pass in new draft," from the committee on judiciary on H. D. 233, Resolve amending the Constitution of the State of Maine so as to limit appropriations for private institutions and purposes until December 31, 1930, and so as to prohibit such appropriations after December 31, 1923.

The Chair recognizes the senator from Oxford, Mr. Eaton.

Mr. EATON: Mr. President, I yield to the senator from Cumberland, Senator Hinckley.

Mr. HINCKLEY: Mr. President, I move that we accept the majority report on this bill which is "ought not to pass" and I will very briefly address myself to that question at this time.

I believe, Mr. President and senators, that this is one of the most important and its effect will be as far reaching as any day in the history of this Honorable Senate. We will today decide whether or not the fundamentals as taught by our forefathers when this government of ours was established shall be perpetuated, and it is important for every senator to vote on this matter understandingly and conscientiously.

During the week end at my home my telephone rang almost continuously, and I was glad to discuss at my home, glad to discuss in my office, this question with those who wished an honest discussion. But I have no toleration with or sympathy for the person who called me on the phone and informed me that if I should vote as I had announced I would, according to the dictates of my conscience, that I didn't realize what was coming to me and that they would get me. I repeat I have no toleration with or sympathy for them. However those matters have never yet been disturbing to me.

Mr. President and senators, it makes very little difference to the State of Maine whether I return to

the Senate or not, but it makes a great difference to the State of Maine whether a senator votes according to the truth as he sees it, votes according to his oath of office as he understands it, and when I shall have finished my labors as a legislator, whether it be this term or at some later time, I hope that my colleagues will say of me then as I believe they will say of the past, that he spoke and voted the truth as he saw it without fear or favor.

I am afraid, Mr. President and senators, that this matter is not fully understood, and that the citizens of the State of Maine do not appreciate or realize what the so-called Barwise bill is. And that is a matter before us at this time because a majority of the judiciary committee voted "ought not to pass" on the Barwise bill as it came to us in its original form, and if I am not correct in my propositions I want the President to correct me. My understanding is that the question now is whether or not you will accept this report, that means that you vote against the Barwise bill in its original form and not in any new draft. That is not the question—the new draft is not under consideration at this time.

Mr. BREWSTER of Cumberland: May I inquire through the Chair of the senator from Cumberland whether it would not be a saving of the time of the Senate and clarify the discussion if the issue were narrowed to the more specific issue presented in the minority report of the new draft of the Barwise resolve?

The PRESIDENT: Does the senator from Cumberland, Mr. Hinckley, desire to reply through the Chair?

Mr. HINCKLEY: I submit to the ruling of the Chair as to what the question is under discussion and will confine myself to that at this time.

The PRESIDENT: Does the senator from Cumberland, Mr. Brewster, desire a ruling from the Chair?

Mr. BREWSTER: I did not think a ruling was necessary as the parliamentary situation is very clear. I thought if the senator from Cumberland should confine himself to what I understand the senators thought they were to consider, it would be a saving of all our time.

The PRESIDENT: The Chair will suggest that he sees no reason why the senator from Cumberland, Mr.

Hinckley, is not addressing himself to the question, which is the acceptance of the majority report, and if necessary the Chair will rule at this time that discussion of both bills would be almost inevitable as they are more or less intertwined. The senator from Cumberland, Mr. Hinckley, has the floor and may proceed.

Mr. HINCKLEY: Do I understand, when we vote, the question is whether or not we shall accept the Barwise bill or otherwise in its original form?

The PRESIDENT: The question before us is the acceptance of the majority report which is on the original Barwise bill.

Mr. HINCKLEY: That is as I understand it.

The PRESIDENT: The senator from Cumberland, Mr. Hinckley, has the floor.

Mr. HINCKLEY: Now Mr. President, the bill under discussion provides as follows:

"Section 1: 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, fraternal, charitable, eleemosynary, religious or private school, institution, association, corporation, cause or purpose or to any school, managed and controlled by officials appointed by the proper authorities of the State or some political subdivision thereof."

And the amended bill provides that the State shall not appropriate money or lend credit or contribute any property or thing of value to any denominational, sectarian, parochial, or religious institution, association, corporation, cause or purpose. That is the bill in the new draft. Bear in mind two things that the original Barwise bill prevents the State after 1930—there is a cutting down gradually up to that time—but after 1930 the State will be prohibited under the Constitution from voting a dollar to any hospital, to any children's aid organization, orphan asylum or otherwise, to any agricultural association, or any purpose whatever, including schools, higher institutions of learning or otherwise.

It has been recognized, senators, from the time this government was founded, that it was proper and right and in the interests of our government that State aid should be given to institutions of higher education, and thousands upon thousands of acres of land have been given to institutions of learning founded in this State by the various Protestant denominations, Baptist, Methodist, Universalist, Friend, Congregationalist, and so on down the list, and large amounts of money have been given to them to assist them from year to year, and I am going to say to you, senators, that I believe that policy is sound. I do not agree, Mr. President, that it would be sound policy for the Legislature of the State of Maine to give any money whatever to any private or sectarian or parochial school whatever, and if the question before us was whether or not, Mr. President, we should give one dollar to a parochial school or any other private school which is under the high school or academy grade, I should stand here to the last ditch and oppose it. I want to make my position plain, senators. I believe that every child within the limits of the State of Maine, until after he has passed the grammar school age, should be compelled to attend our public schools.

I believe that public school is the place where the boys and girls should mingle and understand one another and become acquainted, and I believe if they mingled more and became better acquainted in our public schools, that these religious distinctions would not mean as much to us as they do today. But I would go further. I believe that one of the greatest menaces to us is the private school conducted by and in the interests of the wealthy people of our State and of our country, where the boys, sons of wealthy parents who within a few years are going to have charge of large business and industrial propositions, employing thousands of our men, have not mingled in our public schools, and I believe that every boy of wealth and social distinction as well as the poor boys and the middle class should be forced to come into our common schools and come in contact and be affected by that great democratizing influence.

The Barwise bill cuts them off, but this amended bill, senators, would allow aid to be given to the public school of the rich even though it is a primary or grammar school—aid given to those

schools where the boy starts in at five years of age and never go to dinner without a dress suit. Can you expect those men to understand the problems of the world in the future? That is the reason why we are having so much industrial trouble. We are not acquainted with one another, and we should get acquainted. That is what the amended Barwise bill would do. It is aimed specifically. You have heard the arguments around,—it is aimed specifically at one great religious organization, and I hope, senators, that I shall never be so narrow that I cannot see good in all. Why should we, Mr. President, as under this amended bill we must do, why should we say that because an orphan asylum is under the direction of the great Catholic church, and it goes out like our Protestant organizations and picks up little boys and little girls on the street and cares for them and educates them and sends them out into the world where they may make a place for themselves,—why should we say that because it is controlled and carried on by the Catholic institution, that they shall never receive aid and that we shall receive it for our Protestant institutions? That is the question we are concerned with.

They may tell you that this bill applies only to schools; but it is not so. It applies to every cause and purpose, every organization, whether it be school, cause or purpose that is sectarian. That is what it applies to. I believe that Hebron and Coburn and the East Maine Conference Seminary and the colleges, and the many other schools in the State should receive aid from this Legislature commensurate with the work they are doing.

And, senators, they talk about taxes. Every dollar appropriated for every school in this State, school of higher education, added to every dollar that was appropriated for all of the hospitals, including the Children's Hospital in Portland and the School for the Blind, added to every dollar that was given to agricultural societies to help develop them, plus every dollar that was given to assist organizations and institutions that were picking up the little poor waifs on the street and giving them a chance in the world, every dollar combined appropriated by the last Legislature would amount on an average to one dollar to every man who is paying taxes on \$4000 worth of property. Is it economy, gentlemen, to cut them off? It is economy to take

care of them. There is not a man or woman in the State of Maine who is not ready to take care of its institutions and its unfortunates whatever their creed or religion.

We must be broad, we must be fair. The same position I take on this matter, senators, I shall take on another bill that is before the Legislature, known as the Ku Klux bill. They have just as much right to organize, they have just as much right to hold their meetings, they have just as much right to conduct their affairs as that great Masonic body of which I am proud to be a member, and we should not attempt to do anything to hinder them in their organization or the conduct of their business until such a time as they break the laws of the State of Maine, and I do not believe that time will ever come. If so, the State of Maine will as in the past protect its citizens and punish those who break the law.

I do not believe, senators, that this is the time to start a religious fight. I believe it is uncalled for. The Legislature of the future as in the past will protect its citizens and will not vote money for private schools or private educational institutions in the lower grades. I have confidence in a Maine Legislature. I am sorry that this matter has started. I am sorry for the talk that is going around to the effect that the adherents of the Catholic Church are disloyal to our government. I think, senators, and I am speaking now as a Protestant, interested in the great Protestant faith as much as any man can be, that I agree with the words of a former Governor of the State of Maine who said to me within a few days in the presence of other senators, a man Mr. President, whom I recognize as the natural leader of the great Protestant forces in the State of Maine, a man who for four years was Governor of our State, when he said on this question to me and to other members of the Senate, "You are reaching down after an imaginary thing simply to make trouble for yourselves." And he has been through it. He knows the situation. He knows it is not necessary, a fight between these two great religious organizations.

My mind goes back, senators, to just a few years ago when that great Catholic nation of Europe—35 Catholics to one Protestant—joined hands with the great liberal empire of

Britain, and those two were joined by another great Catholic power, Italy, and the three were joined by that great Shintoo empire, the followers of Buddha, and these—England, France, Italy and the followers of Buddha, joined hands for what purpose? They joined hands, Mr. President, to save civilization from the savagery, brutality and intrigue of the greatest Protestant nation of Europe. And I dare anybody to deny, and I am speaking now as a Protestant, not as an adherent of the other church, but I dare anybody to deny that the Catholic boys, the thousands who shed their blood and the tens of thousands more who were ready to shed their blood, were not as loyal to our institutions, to all the traditions of our fathers, were not as loyal to the old flag as any of our own boys. And when, Mr. President, they were fighting with their backs to the wall, and the octopus of Germany had reached out its tentacles over Belgium, over France and across into England, and under the seas and was crushing every healthy blood out of the world, and the call came to America, "to arms," our boys, Catholic and Protestant alike, marched under the banner of the old flag. And I repeat, who would gainsay that those Catholic boys were loyal? Had those boys been taught the things that we are told they are taught, to undermine our government and to betray it, would those boys have been willing to have given up their lives under those conditions? I do not believe it—I do not care who says it and I do not care who challenges it.

The great menace in this country, senators, today is not the Catholic Church. We criticize that they have too much religion; our Protestant Church has not enough religion, and our Protestant adherents should be imbued with more religion. The great danger in this country today is not too much religion. It is too little religion. Remember my words, senators, because if you do not believe them today, the time is not far distant when you will believe them. The great danger and the great menace is not on account of too much religion, but on account of that ever-increasing army of men and women in this country who are marching day after day through our great industrial centers, and they are bearing above their heads the banners "No God—No Country—No Master!"

That is the menace, that is the danger of this country today. Any man who is fair knows that the greatest single power in this world, and especially in our country, combatting socialism, anarchism, bolshevism, is the great Catholic Church.

Oh men, we cannot afford this religious fight today. This country of ours on this question which I have suggested as a menace is hanging in the balance. Unless it is checked—and it can be checked only by the great Christian people, followers of the same God and recognizing the same Savior, marching shoulder to shoulder as a single militant army determined to defeat infidelism and atheism and bolshevism. Before 20 years has elapsed, gentlemen, unless we get together and fight this common enemy, this country of ours will be involved in a revolution that will make the French Revolution pale into insignificance. Think of my words, senators. Think of them seriously. For years a few far-sighted men in England believed war with Germany was inevitable, but they were ridiculed. A Social revolution in this country can be easily precipitated and we need the combined forces of Christianity to combat it.

In the words of Sir Goldwin Smith, "What constitutes a state?

Not high raised battlements or labored mounds;
Thick walls or moated gates;
Nor cities proud with spires and turrets crowned;
Nor broad and armored ports
Where laughing at the winds rich navies ride;
Nor starred and spangled ports
Where low-browed baseness wafts perfume to pride;
But men! High minded men!
With powers as far above dull brutes indued in forests, brake or den,
As beasts excel cold rocks and brambles rude;
Men who their duties know but know their rights
And knowing, dare maintain."

Mr. BREWSTER: I would like to inquire of the President, whether or not if the majority report is accepted, it will then be in order to move the acceptance of the minority report?

The PRESIDENT: The Chair will rule that having accepted the majority report by a vote of the Senate it would not be in order to move an acceptance of the minority report.

Mr. BREWSTER: I will call attention to the distinction between the two questions that will be presented. As I understand the situation the original Barwise resolution, as it is called, was very much more comprehensive than the minority report in its new draft. If this Senate should vote to accept the majority report "ought not to pass" on the original resolution, it would not seem that we had passed at all on the question of whether the resolution in its new draft was then acceptable to us.

The PRESIDENT: The Chair will rule that the pending question, when two reports come in, is on the majority report, and once having accepted the majority report, as far as the present situation is concerned, the acceptance of the minority report or any motion to accept it would not be in order.

Mr. BREWSTER: I think I will address myself to what is the question before the House. I regret certain parliamentary tangles which would seem to ensue in somewhat beclouding the issue, but I think it sufficiently clear that the question before this Senate for consideration in its essence is whether or not we shall accept by substitution the minority report. I understood the Chair to rule at the beginning that he would entertain discussion on both questions at this time.

The PRESIDENT: The Chair will rule that the majority report carries with it the consideration and proper debate of the minority resolve accompanying the minority report.

Mr. BREWSTER: Going on that basis, I wish to speak to the adoption of the minority report, and if the Senate shall not accept the majority report "ought not to pass," I should then desire to move the acceptance of the minority report.

The PRESIDENT: The Chair will state that that motion, if the majority report is not accepted, reverts at once naturally to the acceptance of the other report. The Chair would not wish to understand that the Senator is speaking to the motion now of accepting the minority report. He may discuss the minority report, but he is not speaking to that motion.

Mr. BREWSTER: I understand. There are two resolves pending in this Legislature, the one which is now before us in its modified form,

at least for discussion, and the other, the resolve introduced in the Senate by myself early in the session, prohibiting public funds going to sectarian schools. That was the line which I took in the amendment to the Constitution which I submitted. The amended Barwise bill, as it is called, goes a step further and denies public aid to sectarian or religious institutions of any kind, placing the limitation of their aid at 1930 for the full prohibition rather than immediately. There may well be a difference of opinion as to whether the lines are wisely drawn between sectarian schools and sectarian institutions of other kinds. I personally was entirely able to see a distinction in the State's policy in respect to these two matters. If there are members of the Senate who would desire to support a resolution stopping public aid to sectarian schools, and stopping with the solution of that educational problem, I think it would be helpful in expediting the matter if the senators would so indicate in any vote which they gave. We could then very easily dispose of that matter, in case a majority or two-thirds should desire to take that action without involving ourselves too extensively in the slightly wider question of sectarian hospitals and asylums of one kind and another. I feel that the distinction as to the latter class is so small, there are so few of them involved, that the issue here, as it was in the discussion of this matter in the House, may confine itself chiefly, if not entirely, to the school issue, and it is to that which I wish to address myself.

As I understand the senator from Cumberland who has just spoken, he is entirely agreed in the proposition that no elementary schools below high school grade should receive public funds whether or not they are under sectarian control. That is a very fine line of distinction between the sectarian school issue and the broader issue, because I do not know of any private schools of that nature which have over 100 pupils altogether in this State. I think there are one or two small schools in Portland, and there may be in one or two other places that have children below the high school grade. I know of no others. If there were any substantial danger whatsoever that public funds would ever be granted to elementary schools in that fashion I should welcome the prohibition which he sug-

gests, I should endorse his action in submitting it. But the discussion of that is so remote, the possibility of it happening is so remote, that it is not necessary or desirable to consider it here now.

We come down to the specific question of whether or not public funds shall be given to sectarian schools.

The PRESIDENT: The Chair must interrupt the senator from Cumberland, Mr. Brewster. The bills under discussion cannot be anything but the Barwise bill original or the Barwise amended bill, which admittedly does not deal exclusively with sectarian schools. I want to caution the senator that he is not speaking on the Brewster bill. That is another matter.

Mr. BREWSTER: I would like to inquire whether the Barwise bill, covering the prohibition of public funds to sectarian schools, would not permit the discussion of that issue?

The PRESIDENT: That phase of it?

Mr. BREWSTER: Yes.

The PRESIDENT: The Chair understands it is admitted the bill does cover more.

Mr. BREWSTER: I tried to make that clear, that there was a further class covered.

The PRESIDENT: I think the senator understands the line of demarcation.

Mr. BREWSTER: The question then I shall try to discuss is whether or not we should adopt this resolution in its present form, which will stop appropriations to sectarian schools as well as aid to other additional things.

Is there any necessity of considering such a question at this time? There are according to the figures given by the Roman Catholic Bishop of Maine something round 20,000 children in the parochial schools of elementary grade in this State, aside from the children in Aroostook county who are in what is called public schools although under the parochial auspices. Now they constitute a large and increasingly important share of our school system and according to the statements of the Roman Catholic Bishop of Maine, he is seeking a share of the public funds for assistance in the support of those schools. He has stated it publicly once or twice, he has stated it privately several times to me, and he has also stated it in this pamphlet which I have in my hand, which was left in a recent session of the Legislature upon

the desks of all the members, in which he states clearly,—the authorship of this pamphlet, he admitted at the hearing here two weeks ago although it bears no marks otherwise to identify it—that “the Constitution permits the Legislature to encourage and suitably endow all seminaries of learning, and since it has already opened up this great fund for the support and maintenance of the public or common schools by following the spirit rather than the letter of the Constitution,”—the bishop feels that it is a question as to whether it is constitutional to give the State school funds even to the public schools,—but since it has been doing this “by following the spirit rather than the letter of the Constitution, the honorable members of the Legislature will be doing a most just and equitable thing in maintaining that broad and beautiful tradition of our Constitution, by simply permitting the various cities of Maine to come to an honorable and equitable agreement with the Catholic school authorities in these respective cities, and grant to them, if not all, at least a share of the said per capita grant.”

That seems to me to dispose conclusively of the proposition that these public funds are now being sought for sectarian schools by a substantial portion of our population.

The question then is whether or not it is wise for us to place in our fundamental law a prohibition against such grants. If this question were concerned solely with our Legislature, I do not think any of us would have reason to be disturbed, because I think we may recognize that it would be a very long time before the Legislature of this State would enter in any large way into the support of such sectarian schools. But the issue is not so narrow, because down below the Legislature are the various municipalities of this State, in many of which one influence or another may control their action, and those municipalities are subject to very great and increasing pressure to make grants from the public funds entrusted to them for educational purposes to these private sectarian schools. That is the danger which I see in the situation. That is the danger which I think commends this Legislature to consider seriously this question—the danger that the municipalities of the State in one locality or another, just as the Roman Catholic Bishop of Maine stated to me at the hearing when he asked if a great ma-

ajority of the people of Dexter, where I was educated in the public schools, should be Catholics, would you not think it just that the public fund should support the Catholic school? and I replied that I would not—that seems to me to phrase and to express the fundamental issue which we face here today—Do we or do we not feel the importance of this question,—the dangers inherent in the beginning of these grants? That, I understand to be the issue among others.

Now this is not peculiar to our State. Thirty States of this Union have already adopted substantially similar provisions, so it would not seem that we are alarmists in this section if we think now is a time to consider this question seriously, whether or not it may be wise to place that prohibition there. It is so elementary that I think it beggars discussion. It is so elemental in our American conception of civilization and the development of our public school system, that great system through which most of us have been educated, and which has brought this country to the position it occupies in the world today, to maintain that public school system inviolate from attack or division. There is not one word of specific religion in that amendment. It does not say any specific church shall not receive it, but that no church shall receive it for these purposes. That it seems to me answers completely the proposition that there is any discrimination in the purport of this amendment. It applies equally to all.

There have been charges of one kind or another, questions of sincerity. I do not question the sincerity of the Roman Catholic Bishop of Maine in opposing this measure, nor do I question the sincerity of any others who join him in this position. I believe they are as frank and honest as I wish them to think me to be in the position which I take in advocating the amendment along these lines at this time. I think it always mystifies and obscures the situation if we get into charges of personal motives of one kind or another in whatever action is taken. I believe very deeply and very profoundly that as certainly as we insert the nose of the parochial school under the tent of the public school, then the public school system may as well consider its doom as sounded and that an American conception of civilization undivided by the devel-

opment of warring sects is seriously threatened.

I do not think we can settle this issue in the obscurity of any chambers. I think the place to settle it is out in the open, with a full, frank discussion of the fundamental issues involved, and that it is useless at this time, irrespective of the action of this Legislature, to cry "Peace, peace!" when there is no peace, as long as this great question of public education is unsettled.

Mr. BUZZELL of Waldo: Mr. President and members of this Honorable Senate, we are now considering a bill tabled March 10th by Senator Eaton, majority and minority reports on the same.

I regret that this Senate Calendar does not show just how many were in favor of one report, and how many were in favor of the other report, and who they were.

The PRESIDENT: Does the Senator desire to have that read? It may be read if he desires it.

Mr. BUZZELL: Not for any particular reason.

I am only in charge of myself, and for one want to say that I favor the majority report "ought not to pass." In other words I was one of the seven who voted "ought not to pass," in the original bill. You have had it read to you once. For fear there may be some misunderstanding I wish to read to you Section 1 which reads as follows: "Section 1. 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, 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 managed and controlled by officials appointed by the proper authorities of the State or of some political subdivision thereof."

In itself that bill was considered by the judiciary committee in the regular fashion. We supposed that the bill was just what it purported to be, and that it was the purpose of this Legislature to pass upon that bill prohibiting this aid and the benefit that previous Legislatures have

passed out in their wisdom from time to time. It makes me think of what we used to say when we were boys and children indulging in our games at home. You remember it, I forget the whole of it, but "Eenie, meenie" and something of that kind, "presto change." And you have a new draft appear, and as a matter of fact it was given to us in the committee hearing by the proponent of this measure. He said at the time "If you don't consider this proposition favorably as provided in this original bill, perhaps this other may appeal to you." An indication of weakness to my mind, and that he really didn't take great stock and really didn't believe as much as he might in his original proposition. When a man takes one proposition and advocates it and then puts up to me: "If you can't do that, won't you do this?" I believe he is trading with me or trying to fool me.

Now I am approaching this proposition, I believe, from the right point of view. I will tell you a little later what I think about it. I am not going to refer in my remarks to what any gentleman of the cloth has said to me at any time. I claim no particular friendship—I am not so familiar with them, that they talk with me by day here or elsewhere.

Seven of us say that the original draft ought not to pass as read. Many of us—let us not begot the issue by talking religion of any particular faith. Many of us can remember back to the good old town-meeting days where we used to go and carry doughnuts in our pockets and eat them at the noon hour, and heard the men of the town discuss this thing and that thing, article by article in the warrant, and when they got to the poor, bid off, the man who had the garret was the man who could take care of them for the least money, and he was the man who did take care of them.

The State of Maine since then has seen the light of day and contributes and appropriates its money where best it should. The poor of this institution are taken care of, the poor of that institution are taken care of, and so on all over the State.

Do we want to go back for the purpose of creating an issue? Within a few days I have heard, and I deprecate the statement that this Legislature is not sufficient to take care of its social and racial conditions.

I believe we are. The best way to deal with this proposition, not only this bill but the outcome of the first bill, is to say to the people of all the State of Maine "Becalm yourselves." Then 20 years from now, or 40 years from now there can be no revolutions. This country must not have any revolutions. Why? Too much brains abound in our race. We must not advocate such things; we must not dream of such things, but we must simply say "Let reason rule." Do not be persuaded by issues growing out of such propositions as that.

Now what does that bill provide for? It provides for the tinkering of the Constitution of the State of Maine, fundamental law. And they tell us about the principle. I cannot see such a principle in this proposition. I do not believe at this time the question is great enough for us to nail to the cross or try to nail to the cross any church or any religion. I do not believe it is the time or that it is appropriate for this Legislature to take that stand. I do believe, though, that within our country there are certain elements who do not like our line of law, our line of government, and our line of order, and they are with us; they have been in the old world, they have been where monarchical form of government did not suit them. We have long heard the statement that "Uneasy lies the head that wears the crown." In the old world that proposition was carried so far that they not only got the crown but they got the head.

What is the reasonable supposition, and what is the next step that we may reasonably expect? We are not just satisfied with Constitutional government. A case has been tried in the State of Maine, where a certain gentleman in this State made certain statements. He was tried and convicted, and to prove to you that this gentleman said at least certain things and was later tried and found guilty of blasphemy, I want to read to you a few of those statements to show you he was not in favor of government, of our government. You will find it in the 120th Maine, and the part I wish to refer to is on page 86 and page 88. Here is what the able justice said in the beginning of this opinion:

"The respondent was indicted for violation of the provisions of the Revised Statutes, Chapter 126, Sec-

tion 30, which declares that "Whoever blasphemous the holy name of God by cursing; or contumeliously reproaching God, His creation, government, final judgment of the world, Jesus Christ, the Holy Ghost or the Holy Scriptures as contained in the canonical books of the Old or New Testaments, or exposing them to contempt or ridicule, shall be punished, etc."

That is statute. Now what did they try this gentleman for? I wish to refer to only a part of it. I have given you the number of the volume, I have given you the page or pages, and I hope you will read this whole report. Here is one of the objectional things this gentleman said at that time—I am not going to read the whole of this paragraph because really he was stronger in expression than I shall be when I quote him: "Religion, capitalism and government are all humbugs, liars and thieves. Those three classes combined in one organization."

Government, capitalism and religion! The honorable attorney who tried that case told me that it was the purpose of this lecturer at the time the statement was made to tear down the top story of this structure, and that he likened to our government, and later he said another man will appear who will tear down the next story, and then when the third story is torn down what a beautiful revolution we will have.

I say to you this, my friends, to show what is within and as reported in this case. I believe the more we tinker with that Constitution of fundamental law of this State the more we weaken the law of this State. I do not believe that this bill as reported upon here "Ought not to pass," is worth it, and I simply say this to you, a gentleman advocating such things as I have spoken of to you, as this gentleman advocated as reported in this volume—I believe we want every form of religion that we have in the State of Maine in combating these elements that are desiring to tear down the form of Constitutional government that we have. Therefore, I hope the motion of the gentleman from Portland, will prevail.

There is one more thing that I want to say. The senator from Portland, Mr. Brewster, told us about, he quoted certain gentlemen in relation to the number of Catholic children

attending parochial schools. Desiring to inform myself from the best possible source, I asked a gentleman who is in possession of the information, and he tells me the attendance in elementary parochial schools is 11,191; the attendance in Catholic secondary schools is 785. The estimated number of Catholic children in the public schools of the State of Maine is 15,000. My friends, I told you a few moments ago, "Members of this Senate, becalm yourselves!" 15,000 Catholic children in the State of Maine are now going to the public schools; 11,000 or 12,000 go to the parochial schools. We are gaining ground on them, if you want to look at it in that light. I do not. More Catholic children are going to our public common schools today either from preference or because those schools offer inducements. Do we want to legislate on this question? I say no, and I hope the motion will prevail that the majority report be accepted.

Mr. BREWSTER: Mr. President, I would like to ask a question of the senator from Waldo, in connection with the figures which he gave.

The PRESIDENT: The senator from Cumberland may ask the question through the Chair, and if the senator from Waldo desires he may answer.

Mr. BREWSTER: Whether or not the figures of 11,000 to 12,000 children in parochial schools include the children in Northern Aroostook county who are in parochial and public schools?

The PRESIDENT: Does the senator from Waldo, care to answer the question through the Chair?

Mr. BUZZELL: Mr. President and members of the Senate, I will say that the information that I have contains those figures and I will read them:

"Catholic population in Maine (Maine Register), 154,189.

Attendance in elementary parochial schools, 11,191.

Attendance in Catholic secondary schools, 785.

Attendance in Catholic colleges, 190.

Catholic children in Catholic schools, 12,166.

Estimated Catholic children in public schools, 15,000.

Estimated number of Catholic

children in Maine, five to 21 years of age, 40,000."

And incidentally the superintendent of schools in the State of Maine at my request brought this information to me within a few minutes. Does that answer the question?

Mr. BREWSTER: I do not understand yet whether the figures include Northern Aroostook as public or parochial schools.

The PRESIDENT: Does the senator from Waldo, desire to answer, if he can, through the Chair?

Mr. BUZZELL: The senator from Cumberland, if he desires further information than I have given him will have to seek it of the superintendent of schools.

Mr. BREWSTER: I would like to ask one other question before the discussion of this matter is closed to clarify the situation in relation to the public schools.

The PRESIDENT: Does the senator direct his question to the senator from Waldo?

Mr. BREWSTER: No, Mr. President, to the chairman of the education committee who conducted the hearing very recently.

The PRESIDENT: Will the senator state his question?

Mr. BREWSTER: I would like to inquire through the Chair of the chairman of the committee on education whether or not the Roman Catholic Bishop at the hearing on the educational bill stated that he would not permit his children to attend the public schools of the State of Maine because they would not receive a Christian character and civilization.

Mr. BUZZELL: Mr. President, I do not know whether I am right or wrong, but it almost seems to me as if I ought to rise to a point of order.

The PRESIDENT: Does the senator have a point of order that he wishes to raise?

Mr. BUZZELL: Mr. President, I do not believe information of that kind at this time is in good taste, and I do not believe it is germane to the bill, considering the motion of the gentleman from Cumberland, Mr. Hinckley.

The PRESIDENT: Does the senator raise any point of order?

Mr. BUZZELL: Mr. President, that it is not germane.

The PRESIDENT: The Chair will

rule that the question as asked by the senator from Cumberland, Mr. Brewster, is in order, but it is not necessary for the senator, Mr. Allen, to answer unless he wishes to.

Mr. ALLEN: Mr. President, and Gentlemen of the Senate, I hardly think that is a fair question to put to me at this time, and I prefer not to answer.

Mr. HINCKLEY: Just one word more on this question. Assuming for the purpose of the moment that the information of the senator from Cumberland, Mr. Brewster, is correct, that this statement was made: The great argument today in this State, in this country, is that the church power controls and dominates absolutely its people. If he did say it, it is absolutely evident from the facts submitted by the State superintendent of schools, that he does not dominate his people, because when he says, if he did, that he would not permit Catholic boys and girls to attend the public schools, and our State superintendent of schools gives us figures which show that more Catholic boys and girls are attending our public schools than are attending parochial schools, then certainly the Bishop does not control his people, and that is the gist of my argument, that in this country I believe that the Catholic citizens think of country first and of religion afterwards, and there is no evidence that I have seen that any priest or bishop, or even pope, can cause its people to be disloyal to our government.

Mr. SPENCER of York: Mr. President, members of the Honorable Senate: I believe that the principle of this bill is strictly within the present constitution of Maine. If you will read the Maine Constitution, as it has been in its present form for over a hundred years, you will find it says in its bill of rights, "All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no one shall be hurt, molested, or restrained in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, nor for his religious professions or sentiments provided he does not disturb the public peace, nor obstruct others in their religious worship."

Now what does it mean in that section when it says that no one shall be hurt in his estate? It means just

what has been done in this State by Legislatures for many, many years, and that is to tax an individual for something in which he has no concern, to tax him for something that he has no interest in religiously.

Now this section of the Constitution of Maine, which is a part of the bill of rights and the most sacred in the whole organ, was copied almost word for word from the Constitution of New Hampshire—and we copy a great many things from New Hampshire, and we have found them in most cases to be matters of virtue. Now the New Hampshire Constitution says every individual has a natural and unalienable right to worship God according to the dictates of his own conscience and reason, and no subject shall be hurt, molested or restricted in his person, liberty or estate for worshipping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession, sentiments or persuasion, provided he doth not disturb the public peace or obstruct others in their religious worship.

Now who is responsible for the Constitution in New Hampshire? A man from Maine, and that man was the Rev. William Hooper, an ordained Baptist minister in Maine. The Rev. William Hooper lived for a time in Berwick, York county, and he was ordained August 24, 1776. He removed to New Hampshire and was residing at the time of the constitutional convention in New Hampshire, in a town not far from the border, in Durham, N. H., and in the four days' debate which took place upon that very subject in the Constitution, he was the most ardent debater, and is responsible for the Constitution of New Hampshire and the Constitution of Maine. And why should he argue against it? For a very simple reason.

When he lived in the State of Maine, it was the law that there should be an established church, and it was also the law that you could tax a man to support another religion aside from his own, and they assessed a tax against the Rev. William Hooper and they collected it. They took the only cow he had. And that was the reason why William Hooper was in favor of such a proposition as that in the bill of rights in New Hampshire, and Maine has adopted it. This bill here is simply a reaffirmation of the vital principle of that bill or rights as it appears in Maine and New Hampshire, that no man shall be hurt in his estate in any

way, that you cannot legislate his money to pay for those matters in which he is not concerned.

Now I believe that the public school in Maine is the greatest institution for citizenship that we know anything about, is the greatest one invented in the world. And I stand for the public school system in its free and common form, not in any sectarian sense, and I have always stood that way. While Legislatures in the past have violated the Constitution in spirit by appropriating money for uses in which the voter himself, to reason deductively, has no interest, I do not think that future Legislatures should do it. I am of the opinion that the public school in Maine demands this change. And I am also of opinion that the members of this Senate who took their oath of office to support the Constitution here a few weeks ago, should do so by adopting this bill.

The PRESIDENT: The question before the Senate is on the motion of the senator from Cumberland, Mr. Hinckley, that the majority report on the resolve which is ought not to pass, be accepted.

Mr. BREWSTER: Mr. President, I ask for a roll-call.

A sufficient number having arisen the roll call was ordered.

The PRESIDENT: All those in favor of the acceptance of the majority report, ought not to pass, will say "Yes" when their names are called, and those opposed will say "No."

The secretary called the roll. Those voting "Yes" were Messrs. Buzzell, Carleton, Eaton, Elliot, Farrington, Hinckley, Hussey, Kirschner, Morneau, Putnam, Ryder, Smith, Wadsworth, Wilson.—14. Those voting "No," Messrs. Adams, Allen, Bemis, Brewster, Clark, Cram, Croxford, Emery, Morison, Phillips, Sargent, Speirs, Spencer, Stevens, Trefethen,—15. Absentees—Messrs. Bailey, Powers.—2.

Fourteen senators voting "Yes" and fifteen voting "No" the motion to accept the majority report was lost.

Before voting the President addressed the Senate as follows:

If there is no objection on the part of any member of the Senate, the Chair wishes to make a statement before voting.

The majority report of the committee on judiciary ought not to pass is on the original "Barwise Resolve,"

so called. The Resolve reported by the minority of the committee is not before the Senate on the pending motion, which is acceptance of the majority report. It would be well to examine closely House Document No. 233, the draft reported by the minority, in order that all may realize that its provisions would affect all sectarian hospitals, causes or purposes, as well as schools, a fact which is being overlooked. There is only one bill before this Legislature which limits the question to schools, and that bill is not before the Senate. The original "Barwise Resolve," upon which the vote is being taken, provides as follows:

"Section 1. After Dec. 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, 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 managed and controlled by officials appointed by the proper authorities of the State or of some political sub division thereof."

This section covers every possible hospital, school, institution, association, cause or purpose which has been receiving, or might in the future receive, aid from the State. I am not sure the time will ever come when it may be wise to provide that the State shall extend no aid to any hospital, to any school, to any cause or purpose whatsoever, no matter how worthy it may be, as provided in Senate Document No. 9, but I am convinced that at this time such legislation is uncalled for, unwise and contrary to what was in the minds and hearts of those who framed our original Constitution. The Chair realizes that he is not obliged to vote except in cases of a tie, but he prefers to waive this fact, which might at times save him from embarrassment, and to take his stand with the other members of the Senate as the roll is called on various matters.

I also wish to say at this time that I have not, directly or indirectly attempted to influence the vote of any member of the Legislature on this or

any other matter before it, and I hardly need to give assurance that my course in the future will be the same. I can not conscientiously support the Resolve, and I vote "Yes" on the motion to accept the majority report.

Mr. BREWSTER: Mr. President, I move that the minority report, ought to pass in new draft, be accepted.

Mr. Hinckley called for the ayes and nays.

A sufficient number having arisen the ayes and nays were ordered.

The secretary called the roll. Those voting "Yes" were Messrs. Adams, Allen, Bemis, Brewster, Clark, Cram, Croxford, Emery, Morison, Phillips, Sargent, Speirs, Spencer, Stevens, Trefethen,—15. Those voting "No" were Messrs. Buzzell, Carleton, Eaton, Elliot, Farrington, Hinckley, Hussey, Kirschner, Morneau, Putnam, Ryder, Smith, Wadsworth, Wilson,—14. Absentees—Messrs. Bailey, Powers,—2.

Fifteen senators voting "Yes" and fourteen voting "No" the minority report was accepted in concurrence.

The bill, H. D. 233, was then given its first reading.

Orders of the Day

The PRESIDENT: The next matter is the report of the committee on agriculture, "ought to pass," on H. D. 208, Resolve providing for an annual display of the Agricultural products and resources of the State of Maine at the Eastern State Exposition.

On motion by Mr. Wilson of Aroostook, this resolve was re-tabled and especially assigned for next Wednesday

On motion by Mr. Wilson of Aroostook, report of the committee on agriculture, "ought to pass," on H. D. 215, Resolve making an appropriation for the support and maintenance and the State Experiment Station, was re-tabled and especially assigned for next Wednesday.

On motion by Mr. Brewster of Cumberland, Senate order relative to a recess committee to consider re-organization of our judicial system, was re-tabled and assigned for next Tuesday.

The PRESIDENT: The next matter on the table is the majority report, in new draft, and minority re-

port, resolve in new draft, from the committee on public health on H. D. 219, An Act to accept the provisions of the act of Congress of the United States approved November 23, 1921, entitled "An Act for the promotion of the welfare and hygiene of maternity and infancy and for other purposes.

The Chair recognizes the senator from York, Mr. Allen.

Mr. ALLEN: Mr. President and Gentlemen of the Senate, this is the so-called maternity bill and comes in under majority report of the new draft which provides for the acceptance of the Shepard-Towner act. The minority report provides a resolve that appropriates \$15,000 a year for two years to take care of the same subject matter.

The minority report is signed by three members of the committee, including two senators, and the majority report is signed by seven members of the committee, including one senator. The minority report takes care of the same subject matter and the only difference is in the administration.

I wish to make the motion on this matter that the minority report be accepted. In support of that motion I wish to confine my remarks to the Federal Aid part of the bill.

The minority report and the majority report is practically agreed as to the subject matter therein contained. The only thing I differ with the majority is on the subject of Federal control. They call it Federal Aid. Now just what is Federal Aid? I claim that there is no such thing. It is Federal control, nothing more and nothing less. Federal control means that this bill will come under the head of a bureau, whose every rule and regulation is a hard and set law, an iron-clad law. There is no question about that. And that is the law until some other man comes along from some bureau and changes it. Federal Aid is where 100 babies are treated just the same in the State of Maine as they are in Oklahoma. There is no question about that.

Federal control is where the State after saving two thousand babies to the State, they are brought up to be nothing less than rubber stamps. Every thing they are supposed to have been has been mapped out before they were born.

Federal control is where you cannot keep a locomotive engine in the city of Augusta over night, when

it belongs in Waterville, without first going and asking Washington whether you can do so or not.

In other words, to my mind, Federal control is a Christmas tree after the presents have all been removed. Most of the popcorn and some of the spills are gone. That is what I call Federal control. I welcome Federal Aid, but Federal control never, no Federal control for me.

This bill is said to be backed up by the women of the State of Maine. I deny that. I take my hat off to no man, with the possible exception of my colleague, Senator Spencer, in my respect for the women of the State of Maine. (Laughter.)

You can smile, but it is a fact just the same. There never has been, with one exception—there has been one woman in the State of Maine speak to me on this subject, and only one. There has never been a soul in the county I represent, York county, and I am proud of it, and I come from the largest town in the State of Maine, Sanford, with 14,000 inhabitants—there never has been a soul that has spoken to me on this subject.

You will probably be told that we already received Federal Aid from the Federal Government for roads, and that is true and I admit that. What is it for? It is for nothing more or less than for war purposes! Federal Aid for war purposes, military purposes! You all know what that means.

Agriculture; we also receive aid from the Federal Government for agriculture but it is for the same purpose, so that they can feed the soldiers in time of war. That is what it is for, nothing more and nothing less.

The time is getting pretty late. I perhaps have something here I might read to you, and I guess I will read it. It is mine and I can read it if I want to.

The average citizen cannot have avoided noticing, and if he is constituted at all as I am, he must have noted with considerable apprehension, the growing tendency to permit in the State through legislative action and in the nation through action of Congress, the control and operation of so many things which in former days have been regarded as the sole concern of the citizen. For want of a better name, men have recently

been accustomed to refer to this tendency and this practice as "paternalism."

If I were thinking only in terms of myself, and cared nothing about the future, I might not be particularly disturbed over the things which have happened, and concerning the things which are commencing to appear on our political horizon. But as a citizen, I cannot quite reconcile myself to the belief that I have any right to think in terms of today only. A few years from now the boys of today are going to be the men who will take our places. One of the finest heritages which you and I received from our fathers was the belief that upon each citizen rested the responsibility of so conducting himself and so influencing the thought and the practice in his community that personal responsibility would result, and that sense of personal responsibility would be translated into individual action. Until recently we were not accustomed to rely upon the Federal government for full performance or substantial assistance in those matters which are purely of state concern. We felt that the State of Maine, through its capable citizenry, and through the representatives of that citizenry in our legislative bodies, was not only capable of fully safe-guarding the rights and managing the interests of the State of Maine, but we felt that it was a part of our job to do, without assistance, for the State of Maine those things which were a part of the State of Maine's job. But today, regrettable as is the admission, it is the tendency to turn over, either in whole or in part, to the Federal government the performance of or participation in functions and duties which are clearly the sole duty of the individual state and the individual citizen. So subtly and so gradually the practice has come about, that many have not noticed, and have not fully sensed, this tendency toward paternalism. The thing that alarms me most is the situation in which the boy of today will find himself in ten years from now, if this tendency is not checked, and this practice not abandoned. The boy that is a dozen or fifteen years of age at this time, if he comes to young manhood and young maturity amidst the full fruition of this tendency toward paternalism, will arrive at thirty under circumstances where the individual will have become accus-

tomed to looking to the state or to the government to perform innumerable functions which have always been understood to be a part of the job of the individual. I don't want my boy and your boy to be a weakling. I want him to grow up amid surroundings where it is going to be necessary for him to fight and to argue, to take responsibility and assume burdens. Out of these conflicts and because of the acceptance of these responsibilities men have been made in the past. The withdrawal, through paternalism, of all necessity for the acceptance of responsibility cannot fail to make weaklings and incompetents. If the government is to either fully or in substantial part carry on the job of the citizen, the citizen will have no sense of responsibility over the thing to be done. Conversely, if the citizen has a job to do, and his is the responsibility solely, then he is going to bring to the performance of his task not only his best ability, but a conscientious sense of responsibility. You cannot raise a nation of combatting, progressive, capable men from youths who have never seen fight.

Now, Mr. President, I think I can sum it all up in very few words. There was a time when you could say, and safely, too: "All there is I am; what I am not ain't." Today all you can say is "All there is I was, a part of which I am not."

Mr. CROXFORD of Penobscot: Mr. President and Gentlemen of the Senate, I feel at this time that I should give a little explanation in regard to the hearing that was conducted on this so-called Shepard-Towner bill, as the committee has reported after careful consideration all matters.

There were seven signed the majority report and three signed the minority report. There has been great stress laid upon the fact here this winter of accepting committee reports. I do not say that I have always voted to sustain them, but I do say that I have a mind of my own, and it is not to be changed by a whiffle of the wind. There has been great stress laid upon Federal Aid, so-called, and the senator from York, Mr. Allen, has referred to the Christmas trees with the presents on them. Well, we must have about nine of those Christmas trees in the State of Maine today, for we are receiving Federal Aid in nine cases. And the sum total of the aid that is being received in State of Maine today, is \$1,136,210.90.

Now, briefly, senators, I am not going to argue this case here with you. I have no special interest in it, only of the splendid body of women who came before that committee and put the matter before it intelligently and ably, and of whom I have the greatest respect. If we as gentlemen of the Senate here deny to these ladies what they have asked, we are going to cut them out because of this bugbear of Federal Aid.

And absolutely, senators, you can go down through the history of the states that have had Federal Aid, and especially in this so-called maternity bill, —and they absolutely testified that there is no interference with the State affairs, and that it is governed wholly by your public health officers. And for us to come down at this time and to stipulate and say that in this one little measure, that we should hold it up and say "Well, we must stop receiving Federal Aid because it is a bad, bad thing, and there will be so much interference that our children will all be made fools."

It is perfectly absurd, and I say in conclusion that I hope the senator's motion will not prevail.

Mr. HINCKLEY of Cumberland: Mr. President, if it is true as the senator has said that the reason of the Legislature in accepting Federal Aid for good roads is on account of the imminence of war, then I make this suggestion, that some of us feel, if war is imminent, then babies are as important in the State as good roads.

Mr. ALLEN: Mr. President, I wish to correct the senator from Cumberland. I never used the words "war is imminent" at all.

Mr. HINCKLEY: For war purposes.

The PRESIDENT: The question before the Senate is on the motion of the senator from York, Senator Allen, that the minority report in new draft be accepted.

In order that the Senate may have full knowledge of the situation, the committee on public health by a majority report reported a new draft, and that new draft was by the House passed to be engrossed, and comes to the Senate in that way.

Senator Allen has moved that the minority report, which report is also in new draft, be accepted. Is the Senate ready for the question?

A viva voce vote being had and the same being doubted a division was had. Eleven senators voting in favor

of the motion and seventeen against, the motion was lost.

On motion by Mr. Hinckley, the majority report was then accepted in concurrence.

The bill, H. D. 219, was then given its first reading.

The Chair then took from the table H. D. 26, An Act to amend Section 56 of Chapter 96 of the Revised Statutes, relating to a lien on vehicles, and recognized Senator Brewster.

Mr. BREWSTER: Mr. President, I have no motion to make.

On motion by Mr. Hinckley of Cumberland, the bill was passed to be enacted.

The Chair then took from the table An Act to amend Chapter 3 Section 31, of the Revised Statutes, relating to printing and binding the reports of certain State departments, and recognized Senator Morison.

Mr. MORISON of Penobscot: Mr. President, I yield to the senator from Oxford, Senator Eaton.

Mr. EATON: Mr. President, I move that this bill be tabled for one day while I prepare an amendment.

The motion was agreed to and the bill was re-tabled.

The Chair then took from the table H. D. 314, An Act providing for the regulation and taxation of certain advertising signs, and recognized Senator Croxford.

On motion by Mr. Croxford of Penobscot, the bill was referred to the committee on legal affairs in concurrence.

The Chair then took from the table S. D. 217, An Act to amend the purpose of the Maine Institution for the Blind, and recognized Senator Speirs.

On motion by Mr. Speirs of Cumberland, the bill was re-tabled.

Mr. EATON of Oxford: Mr. President, I move that we take from the table S. D. 199, An Act to revise and consolidate the banking laws of this State. I presume that bill would come up under the order.

The PRESIDENT: That would not come up under the order, but on motion.

Mr. EATON: I move that we take from the table Senate 199.

The motion was agreed to, and the senator then yielded to the senator from Cumberland, Mr. Hinckley.

Mr. HINCKLEY: Mr. President, Senate Amendment A I offered yesterday and would ask unanimous consent to withdraw that amendment.

Unanimous consent was granted and the amendment was withdrawn.

The same senator then offered a new Senate amendment A and moved its adoption.

Senate Amendment "A" to Senate Document No. 199.

Amend Senate Document No. 199 by striking out the words "such corporations" in the first line of Section 23, and inserting in place thereof the following, viz.: "Any bank, institution for savings or trust company," so that said section as amended will read as follows:

"Any bank, institution for savings, or trust company may pay any order drawn by any person who has funds on deposit to meet the same, notwithstanding the death of the drawer in the interval of time between signing such order and its presentation for payment when said presentation is made within thirty days after the date of such order; and at any subsequent period provided the corporation has not received actual notice of the death of the drawer."

Amend said Senate Document No. 199 further by adding at the end of Section 25 the following, viz.: "No deposit account payable to two or more persons or the survivor or survivors shall hereafter be opened in any bank, savings bank or trust company, and no shares so payable shall hereafter be issued by any loan and building association, unless and until the person opening such account or taking such shares shall file with such bank or association a written statement that each of such depositors or share holders has a present bona fide legal interest therein, and that such account is not opened or such shares taken out for the purpose of transferring title to the same or any part thereof after the decease of any of the joint depositors or share holders, nor for the purpose of evading the inheritance tax laws of this State;" so that said section as amended shall read as follows: viz.:

"When a deposit has been made or shall hereafter be made in any bank institution for savings, trust company, or loan and building association trans-

acting business in this State, in the names of two persons, payable to either, or payable to either of the survivors, such deposit, or any part thereof, or the interest or dividends thereon, may be paid to either or said persons, whether the other be living or not, or to the legal representative of the survivor of said persons, and the receipt or acquittance of the person to whom said payment is so made shall be a valid and sufficient release and discharge to such bank, institution for savings, trust company or loan and building association, for any payment so made. No deposit account payable to two or more persons or the survivor or survivors shall hereafter be opened in any bank, savings bank, or trust company, and no shares so payable shall hereafter be issued by any loan and building association, unless and until the person opening such account or taking such shares shall file with such bank or association a written statement that each of such depositors or share holders has a present bona fide legal interest therein, and that such account is not opened or such shares taken out for the purpose of transferring title to the same or any part thereof after the decease of any of the joint depositors or share holders, nor

for the purpose of evading the inheritance tax laws of this State."

On further motion by the same senator the amendment was tabled and 500 copies ordered printed, pending adoption of the same.

On motion by Mr. Speirs of Cumberland, H. D. 288, An Act to promote the production and sale of certified seed and to protect the branding thereof, and repealing Chapter 141, Public Laws of 1917, was taken from the table.

On further motion by the same senator, the bill was passed to be engrossed in concurrence.

The PRESIDENT: There is another matter that has come over from the House, An Act to amend Section 7 of Chapter 117 of the Revised Statutes, as amended, relating to the compensation of judges upon retirement.

On motion by Mr. Hinckley of Cumberland, the bill was passed to be enacted in concurrence.

On motion by Mr. Wilson of Aroostook,

Adjourned until tomorrow morning at 9 o'clock.