

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Second Legislature

OF THE

STATE OF MAINE

1925

KENNEBEC JOURNAL COMPANY  
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## HOUSE

Tuesday, March 17, 1925.

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

Prayer by the Rev. Mr. Fenn of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Report of the committee on Appropriations and Financial Affairs on Resolve to appropriate moneys for the payment of certain claims and departmental overdrafts for which no legislative appropriation has been made and to provide for carrying on the activities of Departments and Institutions for the remaining months of the fiscal year ending June 30, 1925 and for other purposes (S. P. No. 454) (H. D. No. 300), reporting same in a new draft (S. P. No. 527) (S. D. No. 219) under same title and that it ought to pass.

Comes from the Senate report read and accepted and the resolve passed to be engrossed.

In the House, report read and accepted in concurrence, and on motion by Mr. Hale of Portland, tabled pending first reading.

### Senate Bills in First Reading

S. P. 525: An Act to fix a uniform date for the filing of annual reports of hunters and trappers, camp proprietors and other licensees of the Department of Inland Fisheries and Game, and to amend Section 3 of Chapter 173 of the Public Laws of 1919, as amended by Chapter 121 of the Public Laws of 1923.

S. P. 524: An act to regulate fishing for trout and landlocked salmon in the brooks and streams of the State.

S. P. 12: An act to establish the Fort Fairfield Municipal Court.

S. P. 92: An Act to amend Section 4 of Chapter 23 of the Private and Special Laws of 1919, relating to the time of holding the civil terms of the Municipal Court of the town of Farmington.

From the Senate: Bill, an act to amend Chapter 174 of the Public Laws of 1923 known as the Military Law (H. P. No. 855) (H. D. No. 188)

which was passed to be enacted in the House March 4th and passed to be engrossed, February 20th.

Comes from the Senate recommended to the committee on Military Affairs in non-concurrence.

In the House, on motion by Mr. Decker of Milo, that body voted to recede and concur with the Senate in the recommitment of the bill to the committee on Military Affairs.

## ORDERS

On motion by Mr. Sturgis of Auburn, it was

Ordered, that the use of the House of Representatives be given to the Agricultural Club Wednesday evening, at 7.30, to listen to an address by Dexter P. Cooper.

### Reports of Committees

Mr. Frost from the Committee on Inland Fisheries and Game, reported Ought to pass on bill An Act relating to fishing in upper Taylor Brook and tributaries and in the East Branch and West Branch of Passadumkeag Stream and Brown Brook in Penobscot and Hancock Counties (H. P. No. 291).

Mr. Thompson from the Committee on Legal Affairs reported same on bill An Act to authorize the City of Calais to issue Bonds to refund its bonds maturing in 1926 (H. P. No. 712).

Mr. Morse from the Committee on Pensions reported same on Resolve in favor of Robert F. Parlin of Fayette, for State Pension (H. P. No. 780).

Same gentleman from same Committee reported same on Resolve providing for a State Pension for Luke Woodard, of Cornville (H. P. No. 776).

Mr. Winn from same Committee reported same on Resolve providing for a State Pension for Katherine H. Mara of Lewiston (H. P. No. 775).

Same gentleman from same Committee reported same on Resolve in favor of Arthur H. King of Turner for State Pension (H. P. No. 548).

Reports read and accepted and the bills and resolves ordered printed under the Joint Rules.

Mr. Dwinall from the Committee on Legal Affairs reported same on bill An Act to authorize the county of Washington to issue its bonds to the amount of Four Hundred Seventy-five Thousand Dollars for the purpose of refunding its bonds now outstanding and maturing in

the year 1928 (H. P. No. 719) (H. Doc. No. 156).

Report read and accepted and the bill having already been printed was read twice under suspension of the rules and tomorrow assigned.

#### Passed to Be Engrossed

S. P. No. 179: An Act to amend Section 3 of Chapter 114 of the Private and Special Laws of 1913 entitled An Act to increase the Salary of the Recorder of the Western Hancock Municipal Court.

S. P. No. 240: An Act to extend the charter granted to the Columbia Falls Water Company, for two years.

S. P. No. 241: An Act to incorporate Central Heating Company of Portland.

S. P. No. 273: An Act to incorporate the Presque Isle Sewer District.

S. P. No. 469: An Act authorizing the payment of an Annuity by the City of Portland to Sarah Mulkern.

H. P. No. 379: An Act relating to fees for the registration of vehicles relating to the transportation of school children.

H. P. No. 451: An Act to incorporate the Dixfield Water District.

H. P. No. 491: An Act relating to Caribou Municipal Court.

H. P. No. 723: An Act to legalize and make valid the proceedings of the annual plantation meeting in Cary Plantation, held in March, 1913.

H. P. No. 769: An Act to repeal acts incorporating Pittsfield Village Corporation.

H. P. No. 790: An Act to amend Chapter 18 of the Private and Special Laws of 1919, entitled An Act to incorporate the Wesserunnett Stream Dam and Improvement Company.

H. P. No. 1167: An Act to regulate the hunting of rabbits or wild hares.

H. P. No. 1168: An Act relating to the trapping of fur-bearing animals.

H. P. No. 1170: An Act relating to the taking of fish from Birch Harbor Pond in Winter Harbor, Hancock County.

H. P. No. 1172: An Act to incorporate the South Portland Sewerage District.

S. P. No. 468: Resolve in favor of the Augusta State Hospital for renovation of steam plant for fiscal years 1926 and 1927.

H. P. No. 622: Resolve in favor of Emily F. Grotton of Washington for State Pension.

H. P. No. 1169: Resolve in favor of

Mary Louise Rowe of Exeter for State Pension.

On motion by Mr. Norwood of Warren, the House voted to reconsider its action whereby it passed to be engrossed, resolve in favor of the Augusta State Hospital for renovation of steam plant for fiscal years 1926 and 1927 (S. P. 468); and on further motion by the same gentleman the resolve was tabled pending passage to be engrossed.

#### Passed To Be Enacted

S. P. No. 55: An Act to change the name of the Maine school for Feeble Minded.

S. P. No. 127: An Act to repeal Section 21 of Chapter 34 of the Revised Statutes, relating to the use of the score card system by Agricultural Societies in the judging of dairy products.

S. P. No. 133: An Act to amend Sections 3 and 18 of Chapter 113 of the Private and Special Laws of 1921, relating to Western Washington Municipal Court.

S. P. No. 178: An Act to repeal Section 43 of Chapter 19 of the Revised Statutes as amended by Chapter 194 of the Public Laws of 1923 relative to health officers.

S. P. No. 234: An Act to change the name of the City of South Portland.

H. P. No. 21: An Act relating to clerk hire in the office of Clerk of Courts in Knox County.

(Tabled by Mr. Thompson of Rockland pending passage to be enacted.)

H. P. No. 74: An Act relating to clerk hire in the office of Registry of Deeds for Lincoln county.

H. P. No. 384: An Act relating to the salary of the clerk of the Lewiston Municipal Court.

H. P. No. 445: An Act to prohibit fishing in the tributaries to St. Croix Lake, in Townships 7 and 8, Range 4, Aroostook County.

H. P. No. 454: An Act to ratify and make valid the incorporation of Hammond Street Congregational Church in Bangor.

H. P. No. 386: An Act relating to fishing in Stony Brook in Newry and Hanover in Oxford County.

H. P. No. 502: An Act to authorize the Caribou Water, Light and Power Company to lease and assign to the great northern Paper Company for a period of thirty years its right to maintain piers and booms, and to hold and sort logs and other lumber, granted by Chapter 178 of the Pri-

vate and Special Laws of Maine of 1907.

H. P. 533: An Act to prohibit fishing in the tributaries of Lake Anasagunticook in Canton and Hartford in the County of Oxford.

H. P. 534: An Act to establish Daily Limit on Fish in C Pond in Township C, Surplus, Oxford County.

H. P. No. 936: An Act relating to the Monson Maine Slate Company.

H. P. No. 1048: An Act relating to salaries and expenses of County Commissioners.

H. P. No. 1049: An Act relating to the salary of Judge of the Municipal Court of the City of South Portland.

H. P. 1050: An Act to amend Section 43 of Chapter 117 of the Revised Statutes as amended by Chapter 219 of the Public Laws of 1921, increasing the salary of the Register of Deeds of York county.

H. P. No. 1051: An Act relating to the salary of the sheriff of Waldo County.

H. P. No. 1054: An Act to authorize Harry M. Stanley to construct and maintain a wharf and boathouse in Lake Maranacook in Winthrop.

H. P. No. 1065: An Act to amend Section 45 of Chapter 219 of the Public Laws of 1921, as amended by Chapter 19 of the Public Laws of 1923, relating to clerk hire in the Registry of Probate for York County.

H. P. No. 1066: An Act to increase the salary of the clerks in the office of the Register of Probate for Oxford County.

#### Finally Passed

S. P. No. 371: Resolve authorizing the forest commissioner to sell and convey a certain interest of the State in Township 1, Range 7, Penobscot County.

H. P. No. 184: Resolve to appropriate money for co-operative agricultural work between the College of Agriculture of the University of Maine and the United States Department of Agriculture.

H. P. 464: Resolve appropriating money to rebuild one pier of the Gardiner and Randolph drawbridge.

On motion by Mr. Wing of Auburn, tabled pending final passage.

#### Orders of the Day

The SPEAKER: Under orders of the day there is assigned for today majority and minority reports of committee on Sea and Shore Fisheries on bill, an act relating to the Commissioner of Sea and Shore Fisheries, H. P. 128, H. D. 29, tabled

by Mr. Lamson of South Portland March 11, the pending motion being that of the gentleman from Sedgwick, Mr. Sargent, that the majority report be accepted.

Mr. LAMSON of So. Portland: Mr. Speaker and members: Two years ago this same measure was brought before the Legislature, and the conditions have changed very little since that time. The bill is one in which we are asked to change from a commission of three and put it back where it belongs,—to one man. These are days of retrenchment; these are days when we are talking about economy. Here is one opportunity, at least, where we can, if nothing more, save a little something for the benefit of our State.

At the present time we have on this commission three men. I do not believe that they themselves would attempt to qualify as experts on the fishing industry of the State of Maine. So far as the present Director is concerned, I have only the highest words of commendation for him. I believe him to be a faithful executive. However, I do not believe that it is necessary for the State to carry on a commission of three men when one can do the work efficiently and well.

Fifty years ago this commission was first established—approximately fifty years ago. At that time the appropriation was very small. I think perhaps a matter of two thousand dollars. Since that time it has been mounting up and mounting up and mounting up, until at the present time they are asking something like sixty-five thousand dollars a year to carry on this work. If I could believe that this work was being done efficiently and well, if I could believe that anything was being done toward the advancement of the interests of the fishermen, I would say that it was well worth the cost. I hate to inject politics here, but I was somewhat amazed when they said that the reason that some of them wanted to continue this was because they wanted to keep it out of politics. Shades of Ananias! I wish that some cross-word puzzle guesser would give me a word meaning "politics" so that I might be able to use it here.

I am going to give you just a brief history of that act. Under a democratic administration, a Democratic Director of Sea and Shore Fisheries was appointed. He had quite a

long term to run and it was the last of the administration. Some method must be brought about whereby that might be changed, and so the incoming administration appointed a commission of three which, in turn would appoint a director. In good time the commission was appointed, the director was removed, and a new man put in his place. That is borne out by the facts which I have in my possession.

Now, members, do you wish to carry this thing on? Must this thing be a political issue from time to time? Is it not perfectly safe to have this Commissioner, if we have to have one at all, appointed by the Governor of the State and be directly responsible to him? The present Sea and Shore Fisheries Commission,—two of them I believe are directly and indirectly connected with the fishing industry and lobsters and the third is a clothing manufacturer. Certainly, I should feel safer, without saying against those good people, but I would feel a good deal better if the Governor and Council should appoint a Director of the Sea and Shore Fisheries in place of the four men who are now functioning, and let the one man do that work as he ought to do it. I have no animosity, as I said before, against the present regime, but I do believe that one man can do this work and do it well. Our great Inland Fisheries and Game Department is being handled by one man, and I do not believe in this proposition; and so I ask you to give us a commission of one man to be especially appointed by the Governor and Council.

Mr. SARGENT of Sedgwick: Mr. Speaker, as the gentleman from South Portland (Mr. Lamson) has seen fit to go back into the history of this act somewhat, I would like to give a few items in this regard.

Prior to the year 1895, the Inland Fisheries and Game and Sea and Shore Fisheries were taken care of by one commission. First there were two men and later this commission was increased to three, the additional man having entire charge of the Sea and Shore Fisheries. In 1895 the two were separated and one man was placed at the head of the Sea and Shore Fisheries Commission. This arrangement continued until 1917, when the three-men commission which we now have was established. In the bill establishing this commission there was a provision that the man who had

been acting as commissioner should be the first director; and, if my memory is correct, and I think it is, this man was appointed as director and served until he resigned of his own accord. The political side of it was taken care of by incorporating in the act the provision that the commission should consist of two men from the party which had the largest vote for governor in the previous election and one man from the party casting the next largest vote. As I say, this commission was formed in 1917, and at that time, according to the report of the commission for 1918 which the three-men commission got out, we find this statement as to the conditions which existed when they took over the work:

"The conditions confronting the Commission in this important department were found to be chaotic, with a widespread feeling of antagonism on the part of the dealers and fishermen. To overcome this it has been and is the desire of the Commission and it has regarded it as a duty to keep in close personal touch with those connected with the fishing industry, giving prompt attention to any request, with the best service within its power."

I think that statement of the Commission as to its purposes has been carried out.

Two years ago, as the gentleman from South Portland (Mr. Lamson) said, this bill was introduced, or a very similar bill, to change back from a three-men commission to a one-man commission. The agitation for this bill was given some strength by the fact that Governor Baxter, at that time, was known to favor such an act. I will say, however, that before Governor Baxter completed his term of office, he stated that he was very glad that the law was not changed and that he was satisfied that the present three-men commission and director was the best thing for the industry. After the agitation of two years ago, nothing more was heard about the matter until the Legislature opened this year, when this bill appeared again.

I think that I can say for all of those who are interested in the fishing industry that they came here this year with no preconceived ideas in regard to this matter, and they were willing to give it a fair and impartial hearing. Personally, I attempted as soon as this bill appeared to ascertain

from the fishermen whom I knew best the attitude which the fishermen would take toward such a bill. I found no one who favored a change in the law in any way, and no one in this Legislature, with the exception of one or two men, has ever said to me that he favored such a bill. The petitions which you have heard read here this winter, coming from a large number of fishermen from all parts of our coast, were unanimous against the change in the law. If there were any great agitation for a change, it is reasonable to assume that someone would have taken sufficient interest to show some expression of opinion of the fishermen for the change. At the hearing before the committee no one appeared for the bill, while on the other hand several appeared against it. Today we are asked to vote on the bill for which there is no apparent backing, but as to which there is decided opposition from those most vitally interested.

I believe that all the members of this House will agree with me that one thing that was impressed upon us by those who sent us here was that only the most necessary laws should be enacted. I have often had said to me, "Do not make any new laws; do not change any old laws." Now we are asked to do away with a law that has been working satisfactorily to those most vitally concerned and go back to a law which for a considerable number of years, according to all the evidence we can now obtain, did not work satisfactorily. This is rather a unique situation because the most of the laws that are presented to us for consideration have the virtue of being untried, and they are favored as a matter of opinion, someone thinks they will be of advantage, but there is no definite evidence against them. In this case we are asked to do away with a law that has worked satisfactorily and go back to a law which did not so work. It would not seem to me that any of us should favor such a procedure.

As to the expense, which was touched upon by the gentleman from South Portland (Mr. Lamson), the total expense for salaries and traveling expenses for the three members of the Commission during the two last fiscal years was \$1574, for the three men, an average of \$787 a year; but it would not seem to me that we could arrive at any more economical arrangement than this. Now the other amounts expended

under the direction of the commission for those things which must necessarily be done for the fishing industry, that would be done whether we had a three or a one man commission, I assume. Whether the money would be expended as efficiently under one man is a serious question.

As to the efficiency of our present form, I would add the testimony which has come to us from outside the State. Early in the year 1918, when the present commission had been in existence about a month, Governor Milliken and the Director of the Sea and Shore Fisheries attended a Conference in Boston. At that Conference they were told that during the previous year large quantities of short lobsters had come into Massachusetts, and they were told that the enforcement of the fishery laws in Maine was a joke. This last week the Director of the Sea and Shore Fisheries attended a Conference of all of the Commissioners and Directors of the New England States and of the State of New York, and he was told at that meeting that the enforcement of the Maine fishery laws was becoming known throughout the extent of the Atlantic seaboard, and they wanted to know how in this State such efficient enforcement of the laws was obtained. This would not seem to indicate that the one-man commission obtained a greater efficiency than has been under the present form of commission.

I feel sure, members of the House, that you will support the majority report of the committee, "ought not to pass."

Mr. BOMAN of Vinalhaven: Mr. Speaker and members of the House of Representatives: This is a matter of vital importance to the lobster fishermen and the lobster industry on the coast of Maine. Prior to 1917, under the one-man commission, things were very unsatisfactory not only to the lobster fishermen but the dealers and smackmen as well. It seemed to be the policy at certain times to loosen up a little bit on the law when a certain few wanted it, and then tighten up, which conditions were very bad to those who were not so informed.

The three-men commission has been a commission of education, and all along the coast it has proved of advantage to the fishermen and the fishing industry. Many of the fishermen of previous years, who looked with disfavor upon some of the en-

forcement laws are now the strongest in their praise, because they realize that their industry is benefited and protected, not only for the present but for the future. Mr. Speaker and members, this condition is as it should be, and it seems to me that if we have an industry that is prospering under the existing law, it would be very unwise for us to vote to change it. I do not know who the proponents of this bill are, but certainly there was no one who appeared at the hearing before the committee on Sea and Shore Fisheries for them. On the other hand, as has been said, there were a great many representatives of the fishermen, from Eastport to Kittery, who went to the expense and trouble of coming here and testifying against the proposed change. We also had a large number of petitions against it, as you well know, but no petitions nor any one appearing in its favor.

The lobster industry directly affects some twenty-three thousand people in the State of Maine, and it owes its present prosperity to the present law as to the measurement of lobsters, the protection of the female lobster and the three-men commission. I hope we will not vote to change this law. Also the three-men commission acts as a board of arbitration in regard to settling disputes over fish weirs and some of the lobster laws; and if this one man commission should go into effect, all these laws would be annulled.

Members of the House of Representatives, we have on our Statute books many good, bad and indifferent laws. I think that this law in regard to the three-men commission is excellent, and I hope that the members will vote to sustain the majority report. "ought not to pass".

The SPEAKER: The question is on the motion of the gentleman from Sedgwick, Mr. Sargent. The Chair recognizes the gentleman from South Portland, Mr. Lamson.

Mr. LAMSON: Mr. Speaker, I do not question Boston's interest in this matter. When the gentleman from Sedgwick, Mr. Sargent, speaks about their conditions up there, they are very well pleased with this thing and would like it to remain as it is.

I just want to say a word concerning those petitions. I did not say very much about them, and I did not want to say very much about the people not being here for I knew the reason why they were not here. I

know it is not always safe for a man to put up an argument—a lobster fisherman to put up an argument—to a warden. I am going to tell you they are talking about the easy way they get away with this thing. Let me read you a few figures; never mind the salaries. For boat "Edith" for gas, \$151.59; for rent, \$913.50; Boat "Messmate," \$116.00 for gas; \$100, for rent; \$12.72 for repairs. So it goes, running from \$150 up as high as \$505., with a total of \$10,691.66 for boats on this coast. I tell you, members, do as you will, but this thing is wrong. We want a one-man commission and that is all we need. Let him be appointed by the Governor and Council and you and I will get along all right and the fishermen on the coast of Maine will get along all right.

Mr. THOMPSON of Rockland: Mr. Speaker, the statement made by the gentleman from South Portland (Mr. Lamson) as to the efficiency of the present Director of Sea and Shore Fisheries is justly deserved. It has been my fortune to appear for the State in prosecuting the law, as well as sometimes for the alleged violator of the law; so that I have perhaps in that way been able to realize better than I otherwise would the position of both sides. I recall two instances at least where parties have been in the hands of the Commission where perhaps they somewhat objected to the payment of fines imposed upon them, and felt that the Director had been unfair in his administration of the law.

This present form of three-men commission was authorized by the Legislature in 1917 and commenced to function the next season. Since that time, while there was difficulty under the one-man commission it is all cooperation now; so that the present enforcement of the law has led to respect for it on the part of those who have been benefited by it the most. The number of the lobster catches and those dependent upon them have been doubled. I can see no reason for changing the present law. In fact, if I understand the argument of the gentleman from South Portland (Mr. Lamson) it is not that the law is not enforced, but the expense of the commission is the only thing he urges in behalf of its repeal. You have heard the figures given as to the cost of the Commission. They are merely nominal and in a



great measure the efficient work of the present director depends largely on the good counsel of those with whom he is associated on this commission. They live in different parts of the State and he relies upon them at all times for their guidance. Certainly they are worth something to the State and have been worth something. I know of no law that is better enforced than the present Sea and Shore Fisheries law and I attribute it largely to the efficiency and honest purposefulness of the Director of Sea and Shore Fisheries, with such good assistance and counsel as if offered to him from time to time by those associated with him in the administration of this law.

I hope that the law will remain as it is. It will be most beneficial to those in my jurisdiction and I know of no one in my vicinity who asks for its repeal. I think it has given good satisfaction to all those whose interests are most affected by it, and I hope the House will vote to leave it as it is.

Mr. SARGENT of Sedgwick: Mr. Speaker, in the literature which had come out recently in behalf of publicity for Maine, we have been impressed with the idea that Maine has an excessively long seacoast. Now it would seem to me that the figures given by the gentleman from South Portland (Mr. Lamson) are at least a reasonable expenditure for patrolling a seacoast such as we have in this State. We should not expect the law to be enforced without some expenditure of money. Another point I would ask you to consider is that the value of our lobster fisheries along this coast exceeds the value of the lobster catch for the rest of the New England coast and New York State included.

Mr. FROST of Belfast: Mr. Speaker and members of the 82nd Legislature: It seems to me that we ought to consider the size of this industry that we are discussing this morning as the basis on which to form our opinion as to whether or not it pays to continue it under the present management. The best authority that I can get is that the combined income from the offshore fisheries as a business for the State of Maine amounts annually to approximately sixty-nine millions of dollars. Now that is the value of the catch, the money which is paid to the fishermen. It does not represent the selling price to the public. It seems to

me that a business as large as that, a business which is bringing in approximately seventy millions of dollars in foodstuffs for the State of Maine which comes to us without any expenditure for raw material, which requires no planting, no cultivating, no care—the fishermen simply go out to the sea and catch what God has already created for them and bring it to us that it may be served to us as food—it does seem to me that the men who are engaged in that business should have more to say about how they shall be managed and regulated than any of the rest of us. May I beg your indulgence while I tell a little story which illustrates the point I have in mind, the point being that each man has a right to say a little something as to what shall be done to him. Down in our section of the country there is a little store. The man keeps a good supply of groceries, but his trade is so small that he has to help out by doing other things. He has a barber's chair in the grocery store. He also has a long distance telephone in the house which adjoins the store. It happened one day that an Irishman went in there to get a shave, and about that time, after he had seated himself in the chair, the lady of the house called the man to the telephone, telling him that there was a long distance call for him. There is a pet monkey in the store that has the run of things, and, as you know, monkeys are great for imitation; so immediately after the man had left the store, seeing the Irishman lying there in the chair, the monkey took the towel, went over to the chair and carefully tucked it under the Irishman's chin. Then going back to the shelf he took down the mug and brush and proceeded to lather the Irishman's face. Having completed that, he went back again to the shelf and, taking the razor in his hand started toward the chair. Pat says, "Shtop, shtop, I say! Ye can put the towel under me chin, and the soap on me face but begorra y' father has got to shave me!" (Laughter.)

I thing that the men who came up in large numbers to protest against the changing of this law should constitute a sufficient reason for every one of us knowing which way we ought to vote. Personally, I come in contact with this because one of the commissioners lives in my town. Another one is at Eastport and a third at Bath, scattered along the Maine coast, so that they are in a

position to know something about what is going on. I think it would be a great mistake if we voted in any other way than in support of the majority report.

The SPEAKER: The question is on the motion of the gentleman from Sedgwick, Mr. Sargent, that the majority report, "ought not to pass" be accepted. Is the House ready for the question?

The question being called for, and a viva voce vote being taken, the motion to accept the majority report, "ought not to pass" prevailed.

The SPEAKER: The Chair presents as the next matter tabled and today assigned, the majority and minority reports of the committee on Education on Resolve proposing an amendment prohibiting the use of public funds for sectarian schools (S. P. 10) (S. D. 9), tabled by Mr. Dudley of Woodstock, March 12, pending acceptance of either report.

Mr. DUDLEY of Woodstock: Mr. Speaker, I move that the majority report be accepted.

The SPEAKER: The gentleman from Woodstock, Mr. Dudley, moves the acceptance of the majority report, which report is, "ought to pass." Is it the pleasure of the House that this report be accepted.

Thereupon the House voted to accept the report and the resolve received its first reading.

On motion by Mr. Wing of Auburn, the rules were suspended and the resolve received its second reading at this time.

Mr. CUMMINGS of Portland: Mr. Speaker, I desire to offer an amendment.

The SPEAKER: Has the gentleman his amendment prepared?

Mr. CUMMINGS: Yes, Mr. Speaker.

Thereupon Mr. Cummings offered House Amendment A as follows and moved its adoption:

**House Amendment A to Senate Document No. 9**

Amend Senate Document No. 9 by striking out section one and inserting in place thereof, the following words:

"Section 1. Neither the Legislature nor any branch of the State Government nor any subdivision of the State, political or otherwise, shall appropriate any money, lend credit or contract any property or thing of value to any private school

nor to any school or institution of learning wherein any denominational or sectarian instruction is given."

Mr. CUMMINGS of Portland: Mr. Speaker and Fellow Representatives of the State of Maine: We have before us for our consideration, an amendment designed to establish complete separation of Church and State, and to protect our public school system from destruction. To accomplish this purpose, Mr. Speaker, we propose to withdraw all State aid from private schools and from all schools and institutions of learning where any denominational or sectarian instruction is given.

Mr. Speaker, there is no other place to draw the line. If the State is to give aid to any form of religion, it must of necessity be the religion of one class or group of our citizens and would, therefore, discriminate against all of our citizens who held different ideas upon matters of religion.

There have grown up in our land private schools carried on by, and conducted in the interests of, different religious groups. When this bill was before the committee, the Methodists appeared here and declared that they would not ask aid for their schools; they would not camouflage; they would keep them Methodist and support them themselves. All honor to them! May others do likewise! An amendment that would withdraw public support from those institutions carried on by Roman Catholics but would still permit private schools carried on by Protestants to receive State money derived from taxation of all our citizens, simply because those schools were not under the control of a Board of Trustees who were all of one denomination, or of which a majority was not of one denomination, would be a subterfuge unworthy of American citizenship.

Doubtless this amendment should include hospitals, but to do so at this time would, I fear, create opposition which would prevent the accomplishment of anything.

I ask that this House suspend judgment upon what I have to say until I have completed my argument. It is my purpose to be fair and just to all. When I have finished, if there are those who think that I am wrong or unjust to any class of our citizens, I am willing to listen while they show me my error.

The principle of giving aid to these private schools is, and always was, wrong. Why should Mr. Brown, who

cannot afford to send his children to one of those private schools, be taxed to support those schools for the benefit of Mr. Smith who can afford to send his children to them? And Mr. Speaker, will someone tell me why Roman Catholics, who can receive no money derived from taxation for the support of Roman Catholic private schools, should be taxed to supply funds for the support of private schools carried on by Protestants? It is unfortunately true, Mr. Speaker, that we have many who talk about separation of Church and State who prove by their acts and by their attitude that deep down in their hearts what they really do believe in is that the State should be separated from all religions but their own.

Now, at the outset, I desire to make my position clear so that I may not be misunderstood, and so that no wrong impression will be drawn.

In discussing this question I shall speak frankly and shall indulge in no veiled presentation of the case. I approach this great subject without passion, with no feeling of animosity, but with a profound sense of duty to my country, to my State and to humanity. To the best of my knowledge, and to the best of my ability, I shall speak without favor and without fear.

I have no unfriendly feeling toward our Roman Catholic fellow citizens, and I would do all in my power to prevent them from being treated unjustly. If they desire to stand loyally by American institutions we should help them to do so. But to all who would lay a hand upon American institutions to strangle them or to destroy them, who would strike down religious liberty, who would destroy the principle of separation of Church and State, who would destroy our public schools, who would bestow temporal power upon any religious organization, whether he be an alien Pope or a citizen, priest or layman, I say to him, "Take off your hand!" And I mean exactly what I say. For those non-Roman Catholics, who from unworthy motives stand supine and powerless and lift not their hand to protect those great and vital American institutions, I have the utmost contempt.

There are two great subjects, greater than all others, that make or mar the welfare and the happiness of mankind. They are politics and religion. Some day, I do not know when, but some day, man will become a rational

being; and when that time does come men can meet in fellowship and calmly discuss their honest thought. They will then each be willing to accord to others the rights and privileges that they claim for themselves.

**POLITICS!** What wrongs are done in thy name! We see a political party controlled by selfish and mercenary men; its leaders corrupt and forgetful of the rights of man. When men denounce their party they do not thereby denounce and condemn the rank and file of that party, which is made up of honest men and women who desire good and honest government. When a man has the temerity to denounce what is done by the centralized authority of a party, he is denounced as a disturber and a demagogue, and they try very hard to cast him into outer darkness to that limbo from which no politician is ever supposed to return.

**RELIGION!** Oh, what cruelties have been committed in thy name! For a thousand years Europe was deluged in blood because of differences in religious belief. Finally came America; fairest and greatest of the Republics; the first one that ever inscribed upon its banner the great principle of total separation of Church and State. America grew and prospered; prospered as no nation ever prospered before. She established a system of free public schools, that all her future citizens, coming from many lands, however poor, should receive an education that would fit the future generations for self-government.

In those schools mingled the children from the homes of all races and all creeds. They met together in fellowship that they might obtain natural knowledge; that they might obtain knowledge of natural things. These children were growing up with an increasing friendliness for each other and a better understanding of each other, when someone discovered that knowledge imparted without superstition being instilled, lessened fear, and made them more inclined to think.

Ignorance is the mother of superstition, and superstition is the mother of fear. The voice of a foreign potentate was raised in condemnation of America's public schools, and its subjects were set against them. Let me ask you what would have happened had England condemned our schools and advised all those of British blood and birth to keep out of them and to oppose

them? What if Germany had done that? What if France had done it? A storm of indignation would have burst forth against foreign interference. They would have been promptly told to attend to their own affairs and their representatives would have been handed their passports.

Now, bear in mind that when I condemn Roman Catholicism, as I shall condemn it, I realize that, as in the case of a political party, the rank and file contain many honest men and women who are by nature faithful to America and her institutions, and who do not seek to destroy them. But Rome exercises a force more potent than that exercised over members of a political party by its central machine, and so it comes to pass that many American Catholics yield to pressure, not from desire, but through fear.

When an amendment to the constitution is sought the first query that arises is, "Why is it necessary?" The question is entirely proper and we will answer it.

First: This amendment is sought in order to protect the principle of separation of Church and State, in which Roman Catholicism does not believe. And second, to protect from destruction that great and vitally necessary institution, the American Public School.

Is the Roman Catholic Hierarchy opposed to separation of Church and State and to our public schools? Let me state here and now that if the Roman Church is opposed to separation of Church and State, she stands as an enemy to the most vital principle upon which this Republic is founded. And if it is established by evidence that the Pope counsels American Catholics against our institutions, then every true American, whether Catholic, Protestant, Jew or Rationalist, should say to him, "America has a civil government; she has free secular public schools and complete separation of Church and State; and she will brook no meddling by any foreign power."

All men are free to worship as they please, but when they stand in open rebellion against our civil institutions they become, to all intents and purposes, traitors to America and to her institutions.

Is the Roman Hierarchy opposed to our public schools? Is the Roman Hierarchy opposed to separation of Church and State? Does the Roman Hierarchy believe that the Pope has a right to exercise temporal power?

What is the Church of Rome doing in opposition to the American Public School?

Let us see. Pope Pius IX, fearing that Roman Catholics were becoming too liberal minded, issued what is termed the "Syllabus of Errors". In this "Syllabus", wherein are set forth a large number of things which it is lawful to teach, let us read No. 45, wherein it states that it is an error to teach that: "The entire direction of public schools, in which the youth of Christian states are educated, except (to a certain extent) in case of Episcopal seminaries, may and must appertain to the civil power and belong to it so far that no other authority whatsoever shall be recognized as having any right to interfere in the discipline of the schools, the arrangement of the studies, the taking of degrees, or the choice and approval of teachers."

Again from the same "Syllabus", we read that it is an error to teach that: "The best theory of civil society requires that popular schools opened to the children of all classes, and, generally, all public institutions intended for instruction in letters and philosophy, and for conducting the education of the young, should be freed from all ecclesiastical authority, government and interference, and should be fully subject to the civil and political power, in conformity with the will of rulers and the prevalent opinions of the age."

Please note fully that Pius IX declares it is an error to so teach. Coming from an "infallible" Pope, nothing more should be necessary to establish my contention. We will, however, mention that the teaching of Pius IX was endorsed by Leo XIII when, on July 27, 1884, in a letter to the Bishop of Perigueux, he said: "The teachings given by this Apostolic See, whether contained in the Syllabus and other Acts of our illustrious predecessor, or in our own Encyclical Letters, has given clear guidance to the faithful as to what should be their thoughts and their conduct in the midst of the difficulties of times and events."

In 1886 the Council of Baltimore decreed: "We determine and decree, that hard by every church, where it does not already exist, a parochial school is to be erected within two years of the promulgation of this Council." And Archbishop Williams of Boston, in discussing the question of obliging parents to withdraw

children from the public schools, said: "Any priest, however, hearing confession in the private tribunal of penance is free, in the exercise of his faculties, in this as in all other cases, to give or withhold absolution, guided by the disposition of the penitent and his own judgment and discretion, and his knowledge of the facts involved."

Thus it was left to the priest to determine in each individual case the extent to which he should tighten the screws that were to separate Roman Catholics from the great free secular school system of America.

Numerous utterances of Roman Catholic priests and publications could be cited to show with what bitterness our schools have been condemned.

The subject of Roman Catholic meddling with our school system has been but little touched upon by the public press. Greed of gain, advertising, circulation, political patronage and assistance has been a more potent factor with men than love for America and her institutions.

What, today, is the situation in our great cities; what of St. Louis; what of Chicago; of San Francisco, and other great cities and centers of population?

In St. Louis the school board is in the hands of Roman Catholics, and they are starving the public schools, filling them with Roman Catholic teachers, refusing or neglecting to provide public school buildings, while the money raised for that purpose by direct taxation is diverted to the pockets of favored contractors.

Similar conditions prevail in Chicago.

Let us briefly consider San Francisco. Just look at her! Just look at her School Board! Look at her schools!

With Alfred Roncovieri for Superintendent, the censoring of school books was turned over to the Roman Church, and books on history, economics, biology, and science were submitted to Priest Wood of St. Ignatius College for his approval.

Under a Roman Catholic regime the whole school system of that city has become corrupt almost beyond belief. Graft and favoritism are rampant; thousands of text books bought in defiance of state provisions and at prices higher than were permissible. Investigation showed 11,161 books which could not be used at all. Miss Alice Rose Power, a

member of the school board, admitted that she had formerly owned five thousand shares of stock in a text book company, and had assigned one half of it to the head of the company and the other half to her nephew.

These things, my fellow citizens, are matters brought out by a Grand Jury investigation and are matters of public record.

The President of the Catholic school board had been given an automobile costing over five thousand dollars. Other members had built homes at the expense of the city, and material to build them was taken from the department of public works, and employees of that department helped to construct the buildings and their time was charged to school repairs.

The public schools were overcrowded yet building material was sold at bargain prices or was given outright to parochial schools. Aye, more, and worse than this, thousands of desks were sold, illegally, from the public schools, sold at prices ranging from fifteen cents to fifty cents each; many of them, it was proven, being put at once into parochial schools and refinished by city workmen at the expense of the city.

Priest W. H. O'Mahoney received two hundred and thirty-five desks on voucher 960, dated May 8th, 1920, and voucher unnumbered September 27, 1919, and Priest Peter C. Yorke received two hundred desks, etc. A total of nine hundred and seventy-one desks were delivered in lots of from thirty to sixty each.

On September 15th, 1921, a crowd of hundreds of women stormed the city hall in protest against conditions in the public schools from which desks had been taken.

A Mrs. McCarthy declared that children at the Portola and Buena Vista public schools, from which desks had been taken, were having to sit on soap boxes. When the desks that were taken from the public schools were replaced, it was at a cost of from six to ten dollars each.

Oh my countrymen, is this America? Can it be that under the Flag of Freedom our free public school is to be debauched and strangled; that the great fundamental principle of separation of Church and State is to be set at naught; that liberty must die that priestcraft may live? Can it be that America can forget herself; that she is to be added to the catalogue of republics the inscription of whose ruin

is: "They were, but they are not?" Can it be that the light of liberty which she has held aloft is to be obscured by corruption and sink down, down, down, into the darkness and death of mediæval superstition and despotism?

And oh, my countrymen, what can we say to these petty-minded Protestants who, for the sake of a few paltry dollars which they have improperly received and hope to further receive in aid of some private school, will lend aid to the continuance of the principle that promotes so great a wrong?

The Protestant has nothing to fear. He has no Pope to damn him to all eternity if he disobeys. If the Protestant disregards the principle of separation of Church and State it is purely from selfish motives; while the poor Roman Catholic fears that power which he vainly imagines can consign him to Hell.

When Nicholas Breakspear, an Englishman, was made Pope of Rome in 1154, to become known as Adrian IV, he bestowed the sovereignty of Ireland upon the King of England, Henry II, and by that act condemned Ireland to live in subjection for more than seven hundred years. And yet the Roman Catholic Irishman, who would tell you today that an Englishman never had a right to damn anybody, is the most ardent believer in the papal power and its infallibility that the world supplies. Such is the perversity of the human mind and the power of superstitious fear.

The Canon Law is the law of the Church of Rome. No priest or prelate dare deny its authority. And yet the Canon Law declares that: "All human power is from evil, and must, therefore, be standing under the Pope." Also, "The temporal powers must act unconditionally, in accordance with the orders of the spiritual." Also: "The church has the right to practice the unconditional censure of books." Also: "The Pope has the right to annul state laws, treaties, constitutions, etc.; to absolve from obedience thereto, as soon as they seem detrimental to the rights of the church, or those of the clergy." These quotations from the Canon Law come from Dr. G. F. Von Schulte, professor of Canonical Law at Prague, and their accuracy cannot be disproven.

Pope Pius IX, in the "Syllabus of Errors," states that it is an error to teach that: "In the case of conflicting laws between two powers, the civil

law ought to prevail;" Also, the "Syllabus" says that it is an error to teach that "The ecclesiastical power must not exercise its authority without the permission and assent of the civil government."

Let us now turn to another and still later authority. I have before me a book entitled "Manual of Christian Doctrine." And this is the book. This book is published by John Joseph McVey of Philadelphia, Pa., under date of 1923, and the preface declares that: "This book is intended as a manual of religious instruction not only in the novitiates and scholasticates of teaching congregations, but also in the classes of high schools, academies and colleges."

This book is passed by the censor, and bears the endorsement of D. J. Dougherty, Archbishop of Philadelphia.

The book is published in the form of questions and answers. From them I take the following:

Page 128, Question 93: "Does the Pope possess none but spiritual power?" Answer: "He also possesses temporal power in the States of the Church."

Question: "Why is this power legitimate?" Answer: "Because it rests on the best possible titles:— (1) On the election and choice of those nations which, when abandoned by the emperors of the East, sought refuge under the protection of the Popes; (2) On the just conquests of Pepin and Charlemagne and on the free grant of the Countess Matilda; (3) On a prescription of over ten centuries."

Question: "Why is this power necessary?" Answer: "In the present state of human affairs, this sovereignty is absolutely necessary for the good of the Church and the free government of souls."

We now turn to page 132 and find a heading which reads: "Union of Church and State." From under that heading we take the following questions and answers:—

Question: "What more should the State do than respect the rights and liberty of the Church?" Answer: "The State should also aid, protect and defend the Church."

Question: "On what is this duty founded?" Answer: "On the obligation of civil society to profess religion. For, since nations come from the Creator, they owe Him, as nations, adoration, love and obedience, just as do individuals."

Question: "What then is the primal obligation of heads of States?" Ans-

we: "Their principal obligation is to practice the Catholic religion themselves, and, as they are in power, to protect and defend it."

Question: "Has the State the right and duty to prescribe schism or heresy?" Answer: "Yes, it has the right and the duty to do so both for the good of the nation, and for that of the faithful themselves; for religious unity is the principal foundation of social unity."

You understand that by "schism or heresy" is meant any religion other than Roman Catholicism. That statement simply means that they claim the right to prohibit all other religions. All Protestants are considered heretics by Rome.

Question: "When may the State tolerate dissenting worship?" Answer: "When these worships have acquired a sort of legal existence consecrated by time and accorded by treaties or covenants."

Question: "May the State separate itself from the Church?" Answer: "No, because it may not withdraw from the supreme rule of Christ."

Question: "What name is given to the doctrine that the State has neither the right nor the duty to be united to the Church to protect it?" Answer: "That doctrine is called Liberalism. It is founded principally on the fact that modern society rests on liberty of conscience and of worship, on liberty of speech and of the press."

Please note that this Roman Catholic authority states that modern society rests upon "liberty of conscience and of worship, on liberty of speech and of the press." Note, also, that Rome condemns the society resting on such a foundation, and advocates the return to that ancient society wherein "liberty of conscience and of worship, and liberty of speech and of the press" are unknown.

Question: "Why is Liberalism condemned?" Answer: (1) "Because it denies all subordination of the State to the Church. (2) Because it confounds liberty with right. (3) Because it despises the social dominion of Christ, and rejects the benefits derived therefrom."

If further argument is needed to convince even the blindest and most skeptical that the Roman Church does not believe in separation of Church and State, and that she does believe in the right of temporal power just as strongly as she did in

the dark ages, let them consult the "Encyclical Letters of Pope Leo XIII."

This question is of too great importance to be treated either lightly or inadequately. If the Church of Rome, by her own laws and her own utterances, is shown to believe that she has a right to temporal power, which means the right to control over civil affairs as well as affairs which relate wholly to her doctrines and the government of ecclesiastical affairs; and also is shown to disbelieve and oppose the principle of separation of Church and State, then by her own words does she stand convicted and condemned as an enemy of those great and fundamental principles of human rights which were placed in the Federal Constitution by our forefathers.

People are so prone to question or to deny the accuracy of quotations regarding the Roman Church that I will state that I am now going to quote from "The Great Encyclical Letters of Pope Leo XIII, published by Renzigar Brothers, passed by the Censor, and bearing the signature of Jno. M. Farley, Archbishop of New York."

From pages 113 and 114 we read: "In very truth Jesus Christ gave to His apostles unrestrained authority in regard to things sacred, together with the genuine and most true power of making laws, as also the twofold right of judging and punishing, which flow from that power. Hence it is the Church, and not the State, that is to be man's guide to Heaven. It is to the Church that God has assigned the charge of seeing and legislating for all that concerns religion; of teaching all nations; of spreading the Christian faith as widely as possible; in short, of administering freely and without hindrance, in accordance with her own judgment, all matters that fall within her competence."

"Now this authority, perfect in itself, and plainly meant to be unfettered, so long assailed by a philosophy that truckles to the State, the Church has never ceased to claim for herself and openly to exercise. The apostles themselves were the first to uphold it, when, being forbidden by the rulers of the Synagogue to preach the Gospel, they courageously answered, 'We must obey God rather than men.'" "This same authority the holy Fathers of

the Church were always careful to maintain by weighty arguments, according as occasion arose, and the Roman Pontiffs have never shrunk from defending it with unbending constancy. Nay, more, princes and all invested with power to rule have themselves approved it, in theory alike and in practice. It cannot be called in question that in the making of treaties, in the transaction of business matters, in the sending and receiving ambassadors, they have been wont to treat with the Church as with a supreme and legitimate power. And assuredly it ought to hold that it was not without a singular disposition of God's providence that this power of the Church was provided with civil sovereignty as the surest safeguard of her independence."

Please note carefully those words: "Civil sovereignty."

On page 125 Leo quotes Gregory XVI as saying: "Nor can we hope for happier results either for religion or for the civil government from the wishes of those who desire that the Church be separated from the State."

Again, on page 159 Pope Leo says: "Wherefore civil society must reverence His power and authority. Justice, therefore, forbids, and reason itself forbids, the State to be godless; or to adopt a line of action which would end in godlessness, namely, to treat the various religions (as they call them) alike, and to bestow upon them promiscuously equal rights and privileges. Since, then, the profession of one religion is necessary in the State, that religion must be professed which alone is true, and which is recognized without difficulty, especially in Catholic states, because the marks of truth are, as it were, engraven upon it."

On page 159, after condemning what he terms the "worst kind of Liberalism," Leo says: "From this teaching, as from its source and principle, flows that fatal principle of the separation of Church and State."

Mr. Speaker, I have now proven from her own mouth that the Roman Church stands opposed to religious liberty, that she stands opposed to our public schools, that she is opposed to separation of Church and State, and that she claims the right to temporal power. But there are in

Maine, as elsewhere, petty minded politicians who would sell their skulls (if they had any) for votes, as Judas sold his Master. These spineless creatures cringe at the very thought of losing a vote by standing for a principle, but I predict that very few such will be found in this Legislature.

"But why hasten"? ask those who would temporize, as Nero fiddled while Rome burned. "Maine," say they, "is not in danger." Even if Maine were not in danger it would be a coward's plea. But even Maine IS in danger.

There are some thousands of children in Maine attending a so-called public school, held not in public school buildings but in buildings of the Roman Church, taught by Catholic "Nuns" or "Sisters" hired as public school teachers, and who give religious instruction to the scholars in the school rooms, following the secular instruction. There is also a persistent demand for a division of the public school funds and a diversion of them to parochial schools.

For a moment let us turn to the false plea that there is a moral advantage in having children educated in parochial schools, and under the teachings of the Roman Church.

Judge Collins, himself a Catholic judge of the Juvenile Court in New York City, reports that of 145,000 cases brought up each year in the children's court, sixty per cent of them are Catholic, thirty per cent Jewish and the remaining ten per cent of other faiths. Sixty-five per cent of the boys in the reformatories are Catholic—and this in a city where the Catholic population is but twenty-five per cent of the total population.

I am also told that according to the Department of Corrections of New York, there were 23,539 Catholics in New York jails, as against 9,278 non-Catholics.

The figures for California are fully as bad.

Nor is the claim of the Roman Church that she is a friend to popular education an honest claim. Her activity in providing parochial schools in America is due wholly to her desire to get the children into parochial in preference to public schools, and to discourage, and if possible kill, the public schools.

The record of the Roman Church as an educator is to be found in Argentina, with fifty-four per cent of



illiterates, in Spain with fifty-eight per cent, in Bolivia with eighty-two per cent, in Brazil with eighty-five per cent, in Hungary with thirty-three per cent, and Chili with forty-nine per cent; contrasted with six per cent in America despite the great influx from many lands; 1.8 per cent in England; 1.6 per cent in Scotland; two per cent in Denmark and eleven per cent in Canada; countries wherein Rome has not controlled the education of the youth.

When Rome controls the education of a country, her interest in learning for the people dies. The education which above all else she desires, is in obedience and subservien- cy, that they may bow and cringe in fear of priestly pronouncements.

Many states in this Union have seen the "handwriting on the wall" and have adopted constitutional amendments to prevent the use of public funds for private and sectarian purposes. Among those States is the old Mother State of Massa- chusetts.

Supporting that amendment in Massachusetts were some very prom- inent Roman Catholics; David I. Walsh, a United States Senator, Martin Lomasney and William H. Sullivan. In the Constitutional Con- vention William H. Sullivan wrote his name high upon the roll of honor as a man of courage and a man whose heart beats true to America and her institutions. On that mem- orable occasion Mr. Sullivan said: "If I were to approach this question as a politician, solicitous about his political future, I should sit still and take no position at all. Were I ap- proaching it as a politician, anxious about his future, I should search in my vocabulary for the most bitter words with which to characterize the motives or the methods of the proponents of the sectarian measure. Were I to approach this question as a Catholic citizen, I should read from the fair pages of history of the deeds and the sacrifices of my fellow Cath- olics \* \* \* \*. But, Sir, I do not approach this question as a politician or as a Catholic, but as an American, a son of Massachusetts born here, taught his ideas of American citizenship by a Massa- chusetts mother, whose love for Massa- chusetts was intensified by the example of an alien father, an Irish Catholic, who came to Massachusetts at the age of twelve, enlisted in a Massachusetts regiment at the age of

seventeen, and served with distin- guished valor from the beginning to the end of the Civil War. As such an American I approach this question, and I urge the adoption of this amendment, which is suggested by the committee, because it will pre- vent dissension, disruption, disunion; because it will bring our people of Massachusetts into closer communion so that with inspiring loyalty to Massachusetts, with irresistible unity, we all can sweep onward to the con- summation of the glorious destiny of Massachusetts."

Ah, Mr. Speaker, is it possible that in this Legislature there are to be found Protestants who are less patri- otic and less fair than this Roman Catholic citizen of Massachusetts? Can it be possible that with the situ- ation so plainly before us there are those in Maine who, for some petty sectarian purpose, would counsel the continuing of so dangerous a situa- tion?

I could not support a bill that was unfair. I could not support a bill that treated one class of citizens dif- ferent from another class.

There are in Maine private schools owned and conducted by Roman Catholics, and private schools owned and conducted by Protestants. A bill that would bar the Roman Catholic schools from State aid, but would still permit the schools owned and con- ducted by the Protestants to receive such aid is discriminatory in its na- ture, and, no matter what men may say the discrimination is plainly up- on religious grounds.

The plea that these schools are "undenominational and non-sectarian because they have or will have boards of directors who are not all of the same denomination, and that they would therefore be justly entitled to State aid," is a subterfuge which I will not support.

To enact such a law would be a travesty upon justice, and would be but the sowing of Dragen's teeth which would later spring up to con- front you.

And, now, my fellow citizens, hav- ing presented to you ample facts up- on which to base a just decision, I beg of you, if you love America and her institutions, to let no petty per- sonal preference, no hope of gain to any private institution in which you have an interest, stand between you and the duty which is so plainly yours. At least thirty states have

adopted amendments of this nature, and among them are Massachusetts and New Hampshire. Can it be that Maine will fail to perform her duty?

And now, Mr. Speaker, and members of this House, in closing this plea, there are two pictures that come to my mind, and I want you, also, to see them: I look over to my left and what do I behold? I see a figure clad in priestly garb, in cloak and cowl, and in his hand he holds the Sword of Temporal Power. High upon the wall there is a motto, and to it the sword is pointed. That motto is but one word—OBEY! OBEY! Underneath that motto there opens a pathway, and on its wall a sign is fixed, and a hand points down the way. The sign reads: "Back to the Middle Ages." Turning into that path I see men and women with downcast eyes and air subdued. I see them casting aside books and papers that contain the knowledge which has been revealed during the years that men have sought the truth for Truth's sake. Because these books are condemned by priestly power, they dare not read them. They are forbidden lest they learn. Fear fills the air. Obeying they fear, and fearing they obey. Lights and shadows flicker dimly down the way. Light from the stake where burning Bruno died, and from the pyre where the Maid of Orleans gasped out her dying breath. I listen, and hear faint echoes from the victims of the thumbscrew and the rack. Rome never changes.

I turn my eyes to the right and behold another figure: An Angel in shining garments; and in her hand she holds a scroll. Upon the scroll I see words written, and I read: "The Constitution of the United States of America." High up on the wall is another motto. It reads: "BE FREE." Underneath the motto opens a great pathway. Upon its wall there is a sign. A hand points down the way. The sign reads: "To Liberty, Fraternity and Equality." The path is filled with men and women with happy, friendly faces. The sun shines, the birds sing, and we hear the laughter of happy children.

Which path shall we choose? Which shall it be? The choice is yours. The responsibility is yours. The consequences are yours. (Applause.)

The SPEAKER: The question is on the motion of the gentleman from Portland, Mr. Cummings, that House Amendment A be adopted. It is the

pleasure of the House that House Amendment A be adopted?

Mr. HOLMES: Mr. Speaker, may I ask to have it read once more?

(House Amendment A read.)

The SPEAKER: Is the House ready for the question, the question being the adoption of House Amendment A as read by the Clerk?

A viva voce vote being taken, the motion of Mr. Cummings that House Amendment A be adopted failed of passage.

Thereupon, the bill was passed to be engrossed.

The SPEAKER: The Chair lays before the House, bill, an act relating to taking herring in Sheepscot river, H. P. 557, H. D. 350, tabled by Mr. Lamson, March 13, pending second reading.

Thereupon the bill received its second reading and tomorrow assigned for its third reading.

The SPEAKER: Is it the pleasure of the House to receive out of order bills and resolves on their first reading which have just come from the printer?

#### Additional Bills and Resolves in First Reading

H. P. No. 1174: An Act relative to Provident Loan Company.

H. P. No. 1175: An Act relating to the payment of interest on matured shares in Loan and Building Associations.

H. P. No. 1178: An Act to prohibit ice fishing in Alewife Pond in the town of Kennebunk.

H. P. No. 1179: An Act to regulate fishing in Howard Pond in Hanover in the county of Oxford.

H. P. No. 1180: An Act authorizing the State of Maine to prosecute a claim against the Federal Government.

H. P. No. 1173: Resolve in favor of the Aroostook Test Laboratory for Salaries and Maintenance for years ending June 30, 1926, and June 30, 1927.

H. P. No. 1176: Resolve for the laying of the County Taxes for the year 1925.

(Tabled by Mr. Thompson of Rockland pending assignment for second reading.)

H. P. No. 1177: Resolve for the laying of the County Taxes for the year 1926.

(Tabled by Mr. Thompson of Rockland pending assignment for second reading.)

On motion by Mr. Wing of Auburn, it was voted to take from the table House Document 131, bill, an act relating to organization of corporations for literary, charitable, educational and other purposes, tabled by that gentleman, March 16, pending assignment for third reading; and that gentleman offered House Amendment A as follows:

House Amendment A to House Document No. 131.

Amend House Document 131, being an act relating to organization of corporations for literary, charitable, educational and other purposes, by inserting after the word "Industry" and semicolon thereafter in the eleventh line of the first section, the words "as a lodge of the Benevolent and Protective Order of Elks."

Mr. WING: Mr. Speaker and members of the House: What I am trying to do is to combine House Document 131 and House Document 146 so there may be no mistake in the final enactment of the same and that both pieces of legislation will receive passage and be enacted, and I trust the amendment which I propose will receive your favor.

Thereupon the amendment was adopted, and the bill as amended was assigned for its third reading tomorrow morning.

On motion by Mr. Wing of Auburn it was voted to take from the table House Document No. 146, an act relating to corporations for literary, charitable, educational and other purposes, tabled by that gentleman March 16, pending assignment for third reading; and on further motion by the same gentleman, the bill was indefinitely postponed, for the reason that the subject matter has been included in the amendment adopted to House Document No. 131.

On motion by Mr. Wing of Auburn, it was voted to take from the table resolve in favor of double stacking the State Library S. D. 35, tabled by that gentleman, March 11, pending final passage.

Mr. Wing: I move that the resolve have its final passage.

On motion by Mr. White of Bowdoinham, the resolve was re-tabled pending final passage, and especially assigned for tomorrow morning.

On motion by Mr. Pierce of Sanford it was voted to take from the table House Document No. 56, report of the committee on Education, re-

porting new draft on bill, An Act to require teaching of the Constitution of the United States in Public and Private Schools, which report was "ought to pass," tabled by that gentleman, March 13, pending acceptance of the report.

The SPEAKER: The bill appears in a new draft and unless there is a reason for rushing it, the matter can be printed after the acceptance of the report and come up tomorrow. The new draft of the bill will be printed.

On motion by Mr. Seidel of Biddeford, it was voted to take from the table H. P. 722, Resolve authorizing the Treasurer and County Commissioners of York county to procure a loan, tabled by that gentleman March 13, pending first reading under suspension of the rules.

Mr. SEIDEL of Biddeford: Mr. Speaker and members, this matter was inadvertently reported by the gentleman from Bangor (Mr. Bartlett). It has not been heard by the committee on Legal Affairs and its apparent report was a mistake, and I therefore move that the action whereby the report of the committee on Legal Affairs was accepted on Friday be reconsidered.

The SPEAKER: The bill can be recommitted to the committee and the committee will then have the possession of the bill and proceed to hearing.

Mr. SEIDEL: I question whether the proper way is not to rescind the illegal action of the House on Friday whereby they voted on a matter which was not before the House. It has never been reported by the committee but a member of the committee, through mistake, reported a bill that he never was authorized to report. The matter is not legally before the committee, and the action of the House was a mistake.

Thereupon on motion by Mr. Seidel of Biddeford, the House voted to reconsider its action whereby it accepted the report of the committee; and the report on motion by Mr. Bartlett of Bangor was withdrawn.

On further motion by Mr. Seidel of Biddeford, the matter was recommitted to the committee on Legal Affairs.

On motion by Mr. Curtis of Brewer,

Adjourned until ten o'clock tomorrow morning.