

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Second Legislature

OF THE

STATE OF MAINE

1925

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

HOUSE

Tuesday, March 24, 1925

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

Prayer by the Rev. Mr. Lowe of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

Senate Bills in First Reading

S. P. 392: An Act to amend Section 26 of Chapter 144 of the Public Laws of 1923 entitled "An Act to revise and consolidate the banking laws of this State."

S. P. 480: An Act to amend Chapter 264, of the Public Laws of 1919, as amended by Chapter 134 of the Public Laws of 1921 and Chapter 55 of the Public Laws of 1923 entitled "An Act to provide for the payment of a bonus to Maine soldiers and sailors in the war with Germany."

S. P. 354: An Act to amend Section 13 of Chapter 7 of the Revised Statutes of 1916 as amended by Chapter 238 of the Public Laws of 1917 and by Chapter 166 of the Public Laws of 1919, relating to the appointment of election clerks at polling places.

S. P. 563: An Act to amend Chapter 180 of the Private and Special Laws of 1907, entitled "An Act to incorporate the Cupsuptic Stream Improvement Company."

S. P. 564: Resolve in favor of the Maine State Prison for maintenance and current expenses.

Orders

On motion by Mr. Nichols of Portland, it was

Ordered, that bill an act relating to the notice given by the assessors of taxes before assessment. House Document 278, be taken from the files and returned to the House.

Reports of Committees

Mr. Kinsman from the committee on Inland Fisheries and Game reported "Ought not to pass" on bill "An Act relating to the regulation of fishing in the inland waters of Maine." (H. P. No. 1028) (H. Doc. No. 281.)

Same gentleman from same committee reported same on Resolve appropriating money to aid in the

screening of Sheepscot Pond, in Palermo in the county of Waldo. (H. P. No. 761) as the subject matter has been incorporated in another resolve.

Mr. Davis from the committee on Military Affairs reported same on bill "An Act in relation to the special allowances of officers in the National Guard." (H. P. No. 1138) (H. Doc. No. 356.)

Mr. Decker from same committee reported same on bill "An Act relating to the Armory of the city of Lewiston" and fixing the rental thereof. (H. P. No. 118) (H. Doc. No. 27.)

(Tabled by Mr. Lessard of Lewiston pending acceptance of the report.)

Mr. Forhan from committee on Sea and Shore Fisheries reported "ought not to pass" on bill "An Act relative to the use of power boats." (H. P. No. 799.)

Reports read and accepted and sent up for concurrence.

Mr. Decker from the committee on Military Affairs reported "ought to pass" on bill "An Act relating to the desecration of flags." (H. P. No. 1061) (H. Doc. No. 284.)

Report read and accepted, and the rules were suspended and the bill received its two several readings and tomorrow assigned.

Mr. Kinsman from the committee on Inland Fisheries and Game on Resolve in favor of the Gardiner Fish and Game Association to reimburse same for one-half the cost of the screen installed by said association on Cobbosseecontee Stream at the New Mills, so-called, in the city of Gardiner in the county of Kennebec (H. P. No. 518) reported same in a new draft (H. P. No. 1233) under same title and that it "ought to pass."

Report read and accepted and the new draft ordered printed under the Joint Rules.

Passed to be Engrossed

S. P. No. 547: An Act relating to the salary of the Judge of the Kennebunk Municipal Court.

H. P. No. 771: An Act in relation to the jurisdiction of the Municipal Court of the city of Portland.

(Tabled by Mr. Nichols of Portland pending third reading and specially assigned for Friday, March 27.)

H. P. No. 838: An Act to authorize the city of Belfast to pay its bonded indebtedness, and to issue new bonds for that purpose.

H. P. No. 1217: An Act to incorporate Old Town Herbert Gray School District.

H. P. No. 1219: An Act relating to application for license to build or extend wharves or fish whiers.

H. P. No. 1220: An Act relating to kindergartens as a part of the common schools.

H. P. No. 1221: An Act relating to the taking of additional land by railroad corporations; proceedings before Public Utilities Commission.

H. P. No. 1222: An Act to amend Section 76 of Chapter 11 of the Revised Statutes, as amended by Chapter 182 of the Public Laws of 1921, to provide for notice to mortgagees in case mortgaged real estate is sold for taxes; and to provide for redemption by a mortgagee if notice is not given; and to provide for redemption in case real estate is sold for taxes when same are assessed against the name of a person not the true owner.

H. P. 1223: An Act amendatory of and additional to Chapter 290 of the Private and Special Laws of 1911, creating the Rumford and Mexico Water District, authorizing said district to take water from Walker Brook in the towns of Roxbury and Weld.

H. P. No. 1224: An Act to extend the powers of the Western Maine Power Company, formerly Limerick Water and Electric Company.

H. P. No. 626: Resolve in favor of Bessie E. King of Belfast, for State Pension.

H. P. No. 774: Resolve providing for a State Pension for Alice Guptill, of Belfast.

H. P. No. 778: Resolve providing for a State Pension for George A. McKusick, of Guilford.

H. P. No. 779: Resolve in favor of Eliza J. Eldridge, of Hampden, for State Pension.

H. P. No. 781: Resolve in favor of Nancy T. Morrill of Madison for State Pension.

H. P. No. 1218: Resolve providing for the appointment of one or more persons to represent the State in certain proposed changes in freight rates affecting the people of the State.

Passed To Be Enacted

An Act to establish the Fort Fairfield Municipal Court.

An Act to amend Section 4 of Chapter 93 of the Private and Special Laws of 1878, as amended by Chapter 40 of the Private and Spe-

cial Laws of 1919, relating to the time of holding the civil terms of the Municipal Court of the Town of Farmington.

An Act to amend Section 2 of Chapter 95 of the Public Laws of 1917, as amended by Section 2 of Chapter 7 of the Public Laws of 1923, relating to the giving of checks and drafts on banks where the maker has not sufficient funds.

An Act to amend the Charter and Change the Name of People's Realty Association to People's Mutual Loan Association. (S. P. No. 108) (S. Doc. No. 225.)

An Act to amend Section 31 of Chapter 7 of the Revised Statutes of 1916, relating to Elections and permitting the use of Ballot Boxes with devices for registering and endorsing Ballots deposited therein. (S. P. No. 114) (S. Doc. No. 48.)

An Act relating to industrial banks.

An Act to incorporate the Presque Isle Sewer District.

An Act to incorporate the Central Heating Company of Portland.

An Act to authorize the First Church and Parish of Falmouth to sell and convey certain lands and buildings.

An Act to correct a clerical error in Section 13 of Chapter 98 of the Private and Special Laws of 1923.

An Act to amend Section 37 of Chapter 55 of the Revised Statutes, as amended by Chapter 128 of the Public Laws of 1919, relating to the approval of stocks, bonds and notes.

An Act to change the personnel of the budget committee.

An Act to regulate fishing for trout and landlocked salmon in the brooks and streams of the State.

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.

An Act to amend Chapter 20 of the revised statutes relating to apothecaries and the sale of poisons.

An Act relating to the salary of the Judge of the Municipal Court of Portland.

An Act to make legal the sale of cider which has been so treated as to prevent fermentation and which does not contain one-half of one per cent of alcohol by volume.

An Act relating to fishing in Up-

per Taylor Brook and tributaries and in the East Branch and West Branch of Passadumkeag Stream and Brown Brook in Penobscot and Hancock Counties.

An Act to incorporate the Dixfield Water District.

An Act relating to the Caribou Municipal Court.

An Act to regulate ice fishing in Long Pond in the towns of Somerville and Jefferson, in the county of Lincoln, and in the town of Windsor, in the county of Kennebec.

An Act relating to the fees of clerks of cities and towns.

An Act relating to organization of corporations for literary, charitable, educational and other purposes.

An Act to authorize the City of Calais to issue bonds to refund its bonds maturing in 1926.

An Act to amend and extend an Act, entitled "An Act to incorporate the Odd Fellows Home of Maine."

An Act to legalize and make valid the proceedings of the annual plantation meeting in Cary Plantation, held in March, 1913.

An Act relating to the protection of game birds.

An act to repeal acts incorporating Pittsfield Village Corporation.

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."

An Act to provide for clerk hire in the office of Sheriff of Androscoggin County.

An Act to regulate the hunting of rabbits or wild hares.

An Act relating to the trapping of fur-bearing animals.

An Act relating to the taking of fish from Birch Harbor Pond, in Winter Harbor, Hancock County.

An Act relating to Provident Loan Company.

An Act relating to the payment of interest on matured shares in Loan and Building Associations. (H. Doc. No. 399.)

An Act to regulate fishing in Howard Pond, in Hanover, in the County of Oxford.

An Act providing for the pro-pounding and prosecution of a Claim by and in the name of the State of Maine against the Federal Government for the recovery of taxes heretofore illegally assessed in the years 1866, 1867 and 1868 against citizens

and residents of the State of Maine and paid by them.

Finally Passed

Resolve in favor of Arthur H. King of Turner for State Pension.

Resolve in favor of Emily F. Grotton of Washington for State Pension.

Resolve providing for a State Pension for Katherine H. Mara of Lewiston.

Resolve providing for a State Pension for Luke Woodward, of Cornville.

Resolve in favor of Robert F. Parlin of Fayette for State Pension.

Resolve in favor of Mary Louise Rowe of Exeter for State Pension.

Resolve in favor of the Aroostook Test Laboratory, for Salaries and Maintenance for years ending June 30, 1926 and June 30, 1927.

Resolve for State Pension in favor of Rena Cooley.

Emergency Measures

An Act to authorize the county of Washington to issue its bonds to the amount of \$475,000 for the purpose of refunding its bonds now outstanding and maturing in the year 1928.

The SPEAKER: This being an emergency measure and a two-thirds majority of the entire membership of the House being necessary on its passage to be enacted, all those in favor of its passage to be enacted will rise and stand in their places until counted, and the monitors will return the count.

A division being had.

One hundred and forty-two voted, all in the affirmative, so the bill was passed to be enacted.

An Act to incorporate the South Portland Sewerage District.

The SPEAKER: This being an emergency measure and a two-thirds majority, of the entire membership of the House being necessary on its passage to be enacted, all those in favor of its passage to be enacted will rise and stand in their places until counted, and the monitors will return the count.

A division being had.

One hundred and forty-four voted, all in the affirmative, so the bill was passed to be enacted.

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.

Mr. FOSTER of Ellsworth: Mr. Speaker, I move that that resolve lie on the table.

Mr. WING of Auburn: Mr. Speaker, I ask for a division.

A division of the House being had, Forty-one voted in favor of tabling the resolve and 83 against, and the motion to table was lost.

The SPEAKER: This being an emergency measure and a two-thirds majority of the entire membership of the House being necessary on its final passage all those in favor of its final passage will rise and stand in their places until counted, and the monitors will return the count.

A division being had,

One hundred and nineteen voted. all in the affirmative, so the resolve was finally passed.

An Act relating to fees for the registration of vehicles used for the transportation of school children. (H. P. 379) (H. D. 74.)

(Tabled by Mr. Bragdon of Perham pending passage to be enacted.)

Orders of the Day

The SPEAKER: Tabled and assigned for today, the Chair presents the Portland Gas Light matter.

Mr. GILMOUR of Westbrook: Mr. Speaker, I wish to offer an amendment.

The SPEAKER: If the gentleman desires to offer an amendment it would be well to first allow the report to be accepted and the bill to have its two readings and then offer the amendment.

Mr. GILMOUR: Mr. Speaker, I would like to ask for some information. Supposing we make a motion to substitute the bill for the report; can we do that and then argue this out and settle this question right off?

The SPEAKER: The gentleman would not be in order with that motion at this time, but as soon as the second reading is had, the amendment may be offered. This being a printed bill, it is the pleasure of the House that it receive its first reading at this time?

Thereupon the bill was given its two several readings and tomorrow assigned and the gentleman from Westbrook (Mr. Gilmour) offered the following amendment and moved its adoption:

House Amendment A: Amend Sen-

ate Paper No. 95, Senate Document No. 43, entitled, "An Act relating to the Portland Gas Light Company," by striking out Sections three, four, five, six, seven, eight and nine thereof, so that said Senate Paper, as amended, shall read as follows:

"An Act relating to the Portland Gas Light Company."

Section 1. The franchises, rights and privileges of the Portland Gas Light Company heretofore granted to said company by its charter and acts amendatory thereof and additional thereto are hereby extended for a term of twenty-five years beyond the period of limitation now fixed by law, subject, however, to the right of the city of Portland to take over and own the same as provided in the following sections, and provided, further, that if said city shall exercise its right to take over and own the same as provided in the following section, the twenty-five year extension of the franchises of said company herein granted shall not be reckoned as an item of value in the appraisal of said company's property to be made as herein provided and nothing shall be allowed or paid for said twenty-five year extension herein granted.

Section 2. The city of Portland shall have the right on January first, nineteen hundred and twenty-eight, or at the expiration of each five-year period thereafter, upon vote of the city council to that effect, to take possession of, own and operate the entire plant, property, franchises, rights and privileges held and owned by said Portland Gas Light Company, upon payment therefor.

Mr. OAKES of Portland: Mr. Speaker, may I ask of the gentleman from Westbrook (Mr. Gilmour) if the remainder of this corresponds to Section 2 as printed?

The SPEAKER: Will the gentleman from Westbrook inform us as to whether there is any change in Sections 1 and 2 of the bill?

Mr. GILMOUR: Mr. Speaker, I will say that this is a copy of the bill, and I suppose he has copied the bill right. All these sections proposed here are really a copy of the bill and are in the bill. The other sections that I wish to strike out are in the bill commencing at Section 2.

The SPEAKER: The effect of the amendment, then, is to leave Sections 1 and 2 the same and to strike

out the remaining sections of the bill.

Mr. OAKES: Mr. Speaker, I move to dispense with further reading of this amendment at this time.

The motion prevailed.

The SPEAKER: The question is on the adoption of the amendment.

Mr. GILMOUR: Mr. Speaker, I have spent a good deal of time in studying this bill because it interests Westbrook and South Portland as well as Portland. Now, the Portland Gas Company are a very good, reliable company. It is an old company. I have always had great respect for that company. It is a good investment for anybody's money. They are situated so and their property is so located that the material from which they make the gas can be handled very readily and easily as they have a wharf right in their yard and can almost shovel the material right from the vessels that bring it in right into their retorts. It is handled very honestly and it is a very honest company. It is a very good company, and some of the oldest families in Portland, and some of the richest families in Portland, control it, and the city of Portland owns a large part of it.

Now, this bill that we talk about obliterating, in the third section says, "Said company is hereby authorized to increase its capital stock so that its total authorized capital stock shall amount to two million dollars divided into forty thousand shares of the par value of fifty dollars each. Section 4. Whenever the directors of said company shall vote to issue the whole or any part of the capital stock of said company beyond the amount now issued and outstanding, the then existing stockholders shall have the right and be given the opportunity to subscribe therefor at par in proportion to their respective holdings before said stock or any part thereof, is sold or offered for sale to anyone else."

Now, the last part of that is all right.

"Section 5. As to any of the capital stock of said company which may hereafter be issued, said city shall have the right as at present existing, to take, at the time of such issue, its proportional part thereof as a stockholder, or to sell at the time of such issue its rights to take its proportional part thereof as a stockholder, but shall have no other or further rights therein."

"Section 6. Said company is hereby authorized to issue its bonds to be secured by a mortgage or mortgages of its property and franchises to such an amount as may be approved by the public utilities commission of the State of Maine, provided, however, that the total amount of the bonded indebtedness of said company shall never exceed twice the amount of its capital stock actually paid in at the time."

"Section 7. Said company is hereby prohibited from making any consolidation or business combination, either direct or indirect, with any other corporation, firm or individual engaged in furnishing light or heat by either gas or electricity within the city of Portland, and any such attempted consolidation or agreement for such purpose shall be wholly void and of no effect, and the supreme judicial court shall have jurisdiction in regard to the same and shall make such orders and decrees as may be necessary to enforce the provisions of this section."

That is the material part of it. Now, the Gas Company, for the last twelve years, has supplied all the gas that the city of Westbrook and the city of South Portland—beside the city of Portland—have used.

Now, the stockholders of the Portland Gas Company who owned the greater part of the company—some of the largest of them—formed a company—saw their opportunity to take in this twenty-five thousand population outside of Portland—that is, South Portland and Westbrook—they saw their opportunity to take that in and they improved it, and they formed this company that that article speaks of, and are operating it today.

But I will speak of that later. I do not want to keep your attention any longer than is necessary, but you must recognize, gentlemen, that there are twenty-five thousand in population outside of Portland who use this gas, largely working men, and this gas is far better in my opinion—and in the opinion of a good many others—for heating and cooking purposes than is electricity. I have had a great many complaints from the residents—and they are mostly all working people—of the price that is being charged for this gas. But I will speak of that hereafter. But if this company is allowed to water its stock, as it asks for here, to the greater amount that is—

asked, and to issue bonds, who is going to pay the interest on the bonds if it is not the users of the gas? That is going to be a great burden, not only to the citizens of Portland but to those of South Portland and Westbrook.

Now, we want to find out whether it is actually necessary for them to water their stock and issue bonds to that amount. I have here the speech of the Ex-President of the company, Mr. Fred N. Dow, in which he says regarding the condition of their plant in 1924:

"Our plant is in excellent condition, comparing favorably with those of other companies." That is only an extract. Here is another one: "But little more main addition will be needed for some years beyond such minor extensions as may be necessary to improve the circulation and increase the supply of gas in some localities." And again: "We have on hand 479 tons of pipe of assorted sizes, or 25,159 feet; an ample supply for some years."

He also says: "At the regular monthly meeting of the Directors, on December 18, 1924, a dividend of \$2 per share, amounting to \$40,000, was declared payable to stockholders of that date by Treasurer's check on January 2, 1925."

He further says: "The company was, in 1906, in a trying situation. A renewal of a large portion of our manufacturing plant was a pressing necessity. But the reserve accumulated for such renewal through years of prudent management had, upon the insistence of the City, been dissipated in extra dividends. But, perhaps even worse than that, mainly because of misunderstanding as to the origin and reasons for that accumulation, a large portion of the public was apparently assisting an obstructive hostility to the company with a resulting opposition to efforts of the directors to improve the company's condition and to facilitate a satisfactory conduct of its business. This culminated in 1912 in a strong effort to municipalize the company which was successfully opposed by its management."

Now, at that time they had a great deal of money accumulated from the profits of the company. Now that does not look as though they needed to water their stock in any such large amount as they propose to do.

And it does not look as though they needed to enlarge their property to furnish Westbrook and South Portland with gas because they have supplied that gas for twelve years, and their property is in good standing now, and they are in a good condition.

Now, why is it they want to water that stock at the present time? There is some object ahead, and I will state that it is not all harmony in that company at the present time. They tried to dispossess the President, as you have read in the Press Herald report, and tried to put in one of the large bankers there who owns a large amount of stock and who owns the South Portland company and the Westbrook company, as President of the Portland company. But they did not succeed, although that company had more stock in it than the President had. I have proof of everything that I have said right here.

Now, according to the Treasurer's report of that company, they ran up against a snag. The President's report says that the Gas company is falling behind on account of the improvements in electricity. There are hundreds of people who are turning to electricity because they cannot afford to pay the price that the gas company is asking for its product. Why, last Saturday, a number of people spoke to me in regard to it, among them two well-known parties who have been members of the Legislature, men you all have confidence in, good men. One of them said that he could not stand the price of gas, and was going to put in electricity. We have two members now in the Legislature who are going to change from gas to electricity. One gentleman—I do not think he would object to my presenting his name here—is Stephen Cordwell. You all know him. He is as fine a man as ever lived. When they asked him to sign a paper appealing to the Public Utilities Commission, he said, "Why yes, I will do it. I want to do it, because I believe we are paying an outrageous price for gas." And I have here, from Westbrook, quite a number of bills that have been brought to me and shown me. I know of one party who uses gas only for cooking, and in six months his average bill was \$17.85 per

month. And he uses it for cooking only and does not use it for lighting.

Now, gas has a field of its own. Electricity is acknowledged by everyone to be the best thing for lighting and power, but when it comes to cooking and heating, I myself do not think it can be compared with gas, although the appliances for electricity have been so improved lately that a great many people are turning to it from gas. The gas people can see the handwriting on the wall now. If they do not come down on their prices, they are going to be left out.

Now, let us look at some of the facts regarding the cost of gas. This plant in Portland is as good a plant and will compare favorably, with any plant, and I claim that they can manufacture gas in Portland about as cheaply as they can in New York or Boston. They have excellent facilities, they have a good plant, and everything for manufacturing gas. I do not say anything about electricity. I am speaking of manufacturing gas.

Here is what an expert says about it: "Taking into consideration that one pound of coal burned in a boiler and the steam used in the most efficient manner to generate electric energy, and that energy used to produce heat, does only the work of a quarter of a pound of the same coal turned into gas and used to produce heat, it is not hard to conceive the economic usefulness of gas."

Now I have had a good deal of experience in it, and I believe just what that says, that one quarter of a pound of coal does the same work, when turned into gas, that a pound of coal does when used to generate electricity.

Now, we cannot get along without gas. What a benefit it is to the working man! The working man, when he comes home from his work, can put the kettle on and boil the water or cook the liver—we cannot all afford to eat steak—and for the working man gas saves a great deal of time.

Now I want to talk a little of this other company here that is excluded from the gas company. There are two powers at work in this Portland Gas Company. I have interviewed them both, and I know well that the Westbrook Gas Company, spoken of

in this section of the bill, is about tired of fighting, the public and the courts. A short time ago they thought they could control the whole situation in Westbrook and have it right under their thumb. Now, we cannot dig up our streets and come in contact with their gas pipe. We have a bill that came into the city of Westbrook—and I have a copy of that bill, amounting to some \$760., that is in litigation now, where they claim we damaged their gas pipe, and the city solicitor says we will not pay for it.

Now, this should interest everybody because you all have just as much at stake as I have. You have sworn to discharge your obligation to every city and town in this State.

We are suffering greatly from the prices of this gas company. A short time ago we were getting the gas for \$1.35 from the Westbrook Gas Company, and they had a hearing before the Public Utilities Commission in Portland to discuss the prices in Portland. They complained that they were losing money and they wanted to raise the price of gas, and they did raise it from \$1.35 to \$2.80—and I have the notice right here. The Public Utilities Commission raised it. There is only one member of the present Public Utilities Commission who was on that Board at that time. They raised the price to \$2.80. And when they considered the question, the Chairman looked all around as if he were ashamed to ask the question, and he wanted to know if there was anybody there who represented Westbrook. He mentioned my name in particular, and I told him I had no authority to represent Westbrook, and the only protest that I could make was not to use the gas, but nevertheless they raised the price to \$2.80. And we made such a howl about it, and went to the company and asked for a meeting and a consultation on it, that they granted it, and said they would reduce the price. That satisfied us because we thought the price was going to be reduced, and then we got a communication from the Public Utilities Commission, stating that they had been requested by the Westbrook Gas Company to reduce the price from \$2.80 to \$2.70—just about the price of a good cigar.

Now as far as the price is concerned, let us compare the price with some of these other corporations, gas corporations that have no better facilities for making gas than we have, although they make a greater amount.

I will read from the New York Times of November 14th, 1921. It says: "Gas Case Appeals May Begin Today. City to Ask First U. S. Supreme Court Ruling on Rates During War Times." It says: "Consolidated's 1919 Return Was 24 Cents Out of 80. Asks \$34,390,342 Valuation Cut." Now, I was informed Saturday that this matter is not out of litigation yet, and they claim, beside the twenty-four cents out of the eighty cents net, more than that because the directors and some of the agents who buy the material have been paying from twenty to forty cents more for the material than the market price. Now that gives you somewhat of an idea of what it costs to manufacture gas, and in the manufacturing of gas they have a great many by-products. Here are some of the by-products that they sell. They have coke. Last year, in 1924—this is in the Treasurer's report—they had 14,553 tons of coke. They have ammonia. They made 59,975 pounds of ammonia. They made 15,103 gallons of oil gas tar. These are all by-products. Also coal gas tar, 327,137 gallons made. All this is by-product which comes from the manufacture of gas and which helps to pay for the gas, and I have been told that if they manufactured enough of these by-products, they could get the gas for nothing.

Now, the gas company has fallen behind in their production of gas. There has been a decrease in sales of 4,415,700 cubic feet, according to their report, since last year. Beside that the average consumption per mile of main in 1924 was 3,934,798 cubic feet as against 4,064,919 cubic feet in 1923 or a falling off of 130,121. Does that look as though they needed this money to enlarge their plant when they are falling back in a great many articles? Does that look as though they needed to water their stock as much as this calls for?

Now, as far as the issuing of bonds is concerned, they could go to the Public Utilities Commission and get permission to issue as many

bonds as they wanted, but when they come to issue such as that, to double their capital stock to two million dollars, and then issue bonds and mortgage their property to cover the bonds, it looks very much as though they were going outside of the State in some of the large cities to offer their stock, as the Cumberland County Power and Light Company have done.

Now, gentlemen, I know that this is somewhat tiresome to you and that you are not all as much interested in this as I am, but you should be, and I ask you, in the name of the citizens of Westbrook, and of South Portland and Portland, are you going to put this great burden upon the consumers and tax them for the interest on these bonds or are you going to adopt this amendment? That is the question. I am sure you will be doing no great injustice to this company. They are making money and they are rich men, and it is a good investment for anybody. But I am willing to concede everything that I can. I am not prejudiced against them in any way. I am willing to concede everything I can except my pocketbook, and I cannot do that.

Now, gentlemen, I hope you will pass this amendment to the bill. You will be doing no one an injustice but you will be doing something that will result in great benefit to the consumers. There are twenty-five thousand outside of Portland, and there are over fifteen thousand in the city of Portland alone, who use this gas, and the company can supply that gas to the city of Portland and to the outsiders. They can supply it. I am sure, for \$1.35 and make a big profit. These two companies are in a peculiar position at the present time. They are in litigation in the city of Westbrook, and I was told last week that they now are willing to sell out to the Portland Company and to leave the price of arbitration by outsiders, and the Portland Company is willing to take them over and can supply the gas just as the Westbrook Company has been doing right along.

Now, gentlemen, I think I have talked long enough. I thank you for your attention. (Applause.)

Mr. ATWOOD of Portland: Mr. Speaker and members of the House:

The interest of the gentleman from Westbrook, Mr. Gilmour, in this matter seems to find its origin in the dissatisfaction with the rates which are charged the people of Westbrook by the Westbrook Gas Company. This bill has to do solely with the Portland Gas Light Company, and there is no connection between these two companies other than a contractual one; that is, that the Portland Gas Light Company sells gas to the Westbrook Company, but both being public utilities the price at which the gas shall be sold is fixed by the Public Utilities Commission, and the rates charged the consumers are fixed by the Public Utilities Commission, and neither company can fix the rate to be charged.

There is nothing in this bill in its original form which in any way affects the rates. It provides solely that the Portland Gas Light Company may increase their capitalization and may issue bonds, but it specifically provides that no bonds shall be issued unless approved by the Public Utilities Commission, and it also provides that none of the powers included in the act can be used except under the control and regulation of the Public Utilities Commission. And so the final use of these powers, the discretion as to whether they can be exercised, is in the Public Utilities Commission and not in the company. It merely gives them the right to go to the Public Utilities Commission, and the final discretion is in that Commission.

The Committee has seen fit to report this bill "Ought to pass," and I understand that the gentleman from Westbrook, Mr. Gilmour, appeared at the hearing, and the Committee did not see fit to incorporate his ideas in their report. That Committee has conferred with the Public Utilities Commission, and they have put their stamp of approval on this bill in its original form.

The city of Portland owns one-quarter of the stock in the Portland Gas Light Company and they in a meeting of their city council, have considered the matter, and they sent their representative to the hearing on this matter, and he supported the bill in its original form. So I say that we at this time, are considering a matter that is of local interest only, of interest to the people of

Portland, and not a matter of State-wide interest. It is very true, probably, that the greater number of the members of this House have not seen fit to familiarize themselves with the contents of this bill, and if we are going to act wisely upon it, I suggest that we give consideration to the unanimous report of the Committee that it ought to pass, and I hope that the amendment will not be adopted.

Mr. GILMOUR: Mr. Speaker, I would like to say something about the statement of the gentleman from Portland (Mr. Atwood) in regard to the hearing before the Committee.

I went before the Committee. The Portland Gas Light Company sent their lawyer up there and he talked but a very few minutes and reported that the Portland Company needed this money because they were going to enlarge their plant. Now, I have shown you right from their reports, just what they have reported, as to what the enlargement of their plant was. They are running behind. They have come in contact, on account of their high prices, with the Electric Company.

Now, I am not speaking for the Electric Company or anything of that kind.

Let us look at the personnel of that Committee. That bill that has come here has one name signed to it, just one name, and that is Senator Carter.

Now, I went before that Committee and I suppose that I am to blame for it—I take the blame for it—but we got into a little question about some of the statements that this one proponent alone was the only one heard there, and he occupied but a very few minutes and sat down, and I thought he was somewhat uncertain as to whether the bill was all right or not.

Now I do not think the company cares a snap whether the bill goes through or not, from my interview with them. On the personnel of that Committee was our brother, one of the most loyal and best members we have in this House, and he did not have a word to say because our rules prohibit his taking any part in the discussion and he has not taken part in it. I refer to Brother Jones. He has taken no part in this discussion at all, and he is on the Com-

mittee. He has taken no part in the matter and he has acted like an honorable man, and he is an honorable man, and I believe he works for the interests of his company and is a very good man for his company.

The other one, a lawyer, Lawyer Anthoine, introduced the bill. He is on that Committee, and I got the impression when I tried to say something about this to the Committee, that Carter—the name that is signed on the bill, and the only name on that bill when it came in—that he was very favorably disposed toward the Portland Gas Light Company. Now, I got that impression and I got up and spoke, or tried to and I asked a question of the lawyer—and I was very much to blame,—I suppose I should have waited until the proper time to question him—I was very much to blame for that—and when I got up to ask some question about this part of the late President's report, three lawyers jumped on me—three all at once—and I sat right down, just as *Oliver Twist* did when he asked for more.

Now, that is the bill that came in, right there, and that is the personnel of the Committee—five lawyers on that Committee—and I think three of them are very much interested in the passage of this bill. Now, that is the true statement, just as it occurred before the Committee.

Mr. CUMMINGS of Portland: Mr. Speaker, I do not care to take up any time on this question. I do, however, want to call attention to just one thing that the gentleman from Westbrook said. I do not want him to convey a wrong impression to this House. His statement is designed to lead the members to believe that there was but one member of that Committee in favor of the report, although we have been told that it was the unanimous report of the Committee. So I do not want any misunderstanding in regard to that.

I am sorry to say that the whole sum and substance of this matter is that Westbrook is in the hands of a small company with a large capitalization, and it has absolutely nothing to do with the Portland Gas Light Company. Their remedy is to go before the Public Utilities Commission to get a fair rate for the services they render.

The SPEAKER: The question is on the adoption of the amendment, the motion of the gentleman from Westbrook, Mr. Gilmour.

A viva voce vote being taken, the motion to adopt the amendment failed of passage, and the bill was assigned for its third reading tomorrow upon the hour of convening.

The SPEAKER: Under tabled and assigned for today the Chair presents resolve proposing an amendment to the Constitution prohibiting the use of public funds for sectarian schools, S. P. 10, S. D. 9, tabled by Mr. Wing of Auburn, March 19, pending final passage; and the Chair recognizes the gentleman from Auburn, Mr. Wing.

Mr. WING of Auburn: I move that the resolve be finally passed and I yield to the gentleman from Portland, Mr. Hale.

Mr. HALE of Portland: Mr. Speaker and members of the House: I sincerely hope that the motion of the gentleman from Auburn, Mr. Wing will not prevail.

Today, for the first time in the present session, we approach a constitutional question, and I hope the House will bear with me, even if at times I have to be a trifle technical in considering the provisions of our Constitution and the legal effects of this amendment.

With respect to amendments to our Constitution, the provision is as follows: "The Legislature, whenever two-thirds of both houses shall deem it necessary, may propose amendments to this Constitution." The question before this House is whether this is a necessary amendment. It is not whether we believe in the separation of Church and State; it is not whether we believe in the integrity of our public schools; it is not whether we believe in one religion or another. It is whether this amendment is necessary to go to the people, and the responsibility under the Constitution is squarely upon us to decide that fundamental question. Last week it was suggested to you that such an amendment was necessary to preserve our public schools and to put into legal operation the separation of Church and State; I should like to read to you from the Constitution of Maine, as it exists to-

day. Article one, Section three of the Declaration 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—and all persons demeaning themselves peaceably, as good members of the State, shall be equally under the protection of the laws, and no subordination nor preference of any one sect or denomination to another shall ever be established by law, nor shall any religious tests be required as a qualification of any office or trust, under this State; and all religious societies in this State, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance."

Now if that provision of the existing Constitution of Maine does not enthrone in our supreme law the separation of Church and State, I would like to see the gentleman ingenious enough to devise something that better effectuates that purpose.

Now what are the provisions of the Constitution of Maine with respect to education. In 1820, the first Governor in Maine, being greatly preoccupied with this question, went to see the man who at that time was regarded as the wisest man in the United States — Thomas Jefferson; and I think it fair, I think it does injustice to no man to say that Thomas Jefferson in his knowledge of constitutional questions, in his familiarity with public issues, in experience with public affairs, was the equal of any member of the present Legislature, even of the proponents of the several constitutional amendments which are proposed. Thomas Jefferson drew an amendment to the Constitution which is Article VIII, and I would like to read it:

"Literature

"A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote

this important object, the Legislature are authorized, and it shall be their duty to require the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools." Is there any question about the place which the public schools occupy in our Constitution? "And it shall further be their duty"—not their privilege, their duty—"to encourage and suitably endow, from time to time, as the circumstances of the people may authorize, all academies, colleges and seminaries of learning within the state; provided, that no donation, grant or endowment shall at any time be made by the Legislature to any literary institution now established, or which may hereafter be established, unless, at the time of making such endowment, the Legislature of the state shall have the right to grant any further powers to alter, limit or restrain any of the powers vested in, any such literary institution, as shall be judged necessary to promote the best interests thereof."

The last section of that amendment refers to the Dartmouth College case which decided that a charter which did not contemplate amendments or alterations thereof was a contract between the State and the chartered corporation which could not be altered. No charter now is granted without such a provision. The amendment as originally adopted applied to Bowdoin College. I do not think that provision of the amendment is of any great consequence today. The point is that the Constitution of Maine insisted upon our support for the public schools and urged us to give such support to other institutions as the circumstances of the people may require.

Now what have the courts said about this amendment? In 1854, at the height of the "Know Nothing" movement, a little girl in Ellsworth refused to read out of a Protestant Bible and she was expelled from the school. Her angry parents brought an action against the school board. They said it was an unconstitutional act on the part of the school board to enforce that discipline. The Court said, "No, the school committee acts in good faith, and their action is not reviewable and does not form the

basis for an action against them." Chief Justice Appleton, who was one of the greatest judges we have had in Maine, the Chief Justice of the Supreme Judicial Court, used this language:

"But while the Constitution recognizes 'the goodness of the Sovereign Ruler of the Universe,' it does not recognize the superiority of any form of religion or of any sect or denomination. It knows no religion, nor form of religion as such, as having any binding force over its citizens, against its will constitutionally expressed. It regards the Pagan and the Mormon, the Brahmin and the Jew, the Swedenborgian and the Buddhist, the Catholic and the Quaker, as all possessing equal rights. The decrees of a council, or the decisions of the Ulema, are alike powerless before its will." (And I may say that the papal Encyclicals and papal syllabi are just as powerless before that syllabi.) "It acknowledges no government external to itself—no ecclesiastical or other organization as having power over its citizens, or any right to dispense with the obligation of its laws. Its doctrine is the supremacy of the people, and that 'all free governments are founded on their authority and instituted for their benefit.'"

Under the provisions of the Constitution, the Legislature, as the circumstances of the people have permitted, for 105 years have made from time to time in comparatively small amounts grants to private institutions on the theory, as recognized in the Constitution that these private institutions in educating the people of our State, are performing a public function. It is always for the legislature to say whether the circumstances of the people permit. It is always for you in this room to say whether Corinth Academy or the Maine Central Institute shall be given a grant. You can stop this thing absolutely without any amendment to the Constitution of Maine, and your successors can stop it absolutely without any amendment to the Constitution of Maine, and I have faith enough to believe that those who sit in this room when we have passed from it will be as wise, as intelligent, and as honest as we are. In all the 105 years of our history, in all the dis-

cussion which I have heard on this question, my attention has never been called to a single misuse of public funds; and, if any misuse had occurred, it would have been within the power of the Legislature to prevent its recurrence. If any misuse has occurred, we may today prevent its recurrence, and those who honestly believe in this amendment must vote against every grant to a private school right down through the denominational alphabet from the Adventist to the Zionists.

I know the amendment says something about a sectarian school. I do not know what a sectarian school is. I have never been furnished with any judicial decision, although I have asked for it, as to precisely what a sectarian school is. I think the presence of that word in the amendment will furnish not only discord for our citizens but litigation for our courts.

As for the parochial school, it is a bogey, a bugaboo. It has never received one cent of public money, and, unless public opinion in Maine changes to a degree that is positively revolutionary, it never will receive one cent of public money; and if the public opinion of Maine does change to an extent that is revolutionary, it would undo any constitutional amendment which you pass today. The parochial schools can not receive any money under our present constitution. Gentlemen may tilt as much as they will against parochial schools. They will find that they are tilting against windmills.

Now let me call your attention to some language used the other day by the gentleman from Portland, Mr. Cummings, speaking of the situation in the schools of our country in other states, he says: "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 pur-

pose by direct taxation is diverted to the pockets of favored contractors.

Now, Mr. Speaker, it is a little while since I have studied geography, and the gentleman will correct me if I am in error, but my impression is that St. Louis is in the state of Missouri, and what is the law of the state of Missouri? Its constitution reads: "Neither the General Assembly nor any county, city, town, township, school district or other municipal corporation, shall ever make an appropriation or pay from any public fund whatever, anything in aid of any religious creed, church or sectarian purpose, or to help to support or sustain any private or public school, academy, seminary, college, university or other institution of learning controlled by any religious creed, church or sectarian denomination whatever." My authority for this statement is a speech made by Honorable Mark A. Barwise, now a senator from Penobscot, in this House on March 8, 1923, and reported in the Legislative Record at Page 374, and here is the book (referring to Legislative Record).

I continue from the speech of the gentleman from Portland (Mr. Cummings): "Similar conditions prevail in Chicago." Chicago, if I am not in error, is in the state of Illinois. What is the law of Illinois? The constitution of Illinois says: "Neither the General Assembly nor any county, city, town, township, school district, or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution controlled by any church or sectarian denomination whatever." This is practically the same amendment that you are voting on here. That is the law of Illinois. If we are to believe the data compiled by the present senator from Penobscot (Senator Barwise) and set forth in the speech to which I have referred and reported at Page 375 of the Legislative Record. Here is the book. (Referring to Legislative Record).

The gentleman from Portland continued: "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 her Roman Catholic regime the whole school system of that city has become corrupt, almost beyond belief. Graft and favoritism are rampant; thousands of textbooks bought in defiance of State provisions and at prices higher than were permissible. Investigation showed 11,151 books which could not be used at all. Miss Alice Rose Powers, a member of the school board, admitted that she formerly owned five thousand shares 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."

What is the law of California, which is where, if I am not mistaken, San Francisco is located? The constitution of California says: "No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools." I read from the Legislative Record of 1923, Page 374, the speech of the Honorable Mark A. Barwise. That book is here.

All those three amendments in the States where the gentleman from Portland (Mr. Cummings) says the conditions are so revolting differ in no essential particular from the amendment which we are considering today. In other words, you are asked to adopt in Maine as a remedy for an evil which does not exist, a remedy which in States where it does exist has proved futile and unavailing. I think, Mr. Speaker, that disposes of the constitutional necessity for this amendment. The remedy for those conditions in Illinois, Missouri, and California appears to lie, as the speech of the gentleman from Portland indicated, with the petit jurors and the grand jurors of these states. If similar conditions arise in Maine, I believe that our people, our honest government and able govern-

ment, can cope with those conditions. But, as I understand it, there is another argument made in behalf of this amendment. It is said that, although there is no absolute legal or constitutional necessity for this measure, there is a political necessity, a sort of emotional necessity. I hear people say that this issue has been raised and it must be settled. I hear them say there is a popular demand for this amendment, and, unless you satisfy it, this issue will arise to plague you and will disturb the peace of your community until it is settled by some constitutional enactment. This argument is very widely made. It receives in many quarters a respect to which I think it is wholly unentitled.

Let us for a moment analyze what I might call the emotional history of the United States in the last eight years. During the years of 1917 to 1919, the United States of America was engaged in a war with the Central Powers of Europe. That absorbed not only our physical and material energies, but absorbed as well our emotional fervours and ardors.

We formed unconsciously the habit of hatred, a hatred which for the moment lay largely against the people of Germany and Austria. When we returned to peace, the emotions which had been directed toward hatred remained unsatisfied by the ordinary affairs of peaceful life, and certain hysterias and phobias, or hysterical fears, arose in the American people. There were industrial and racial outbreaks. You remember the outbreak at Centralia in the State of Washington; you remember the massacres of Herrin; you remember that crop of fantastic intolerant legislation that swept over the country. You remember the law in Oregon, now before the Supreme Court of the United States, that no child had the right to go to any but a public school, thereby conferring a State monopoly on State education. You remember that Statute in Nebraska which made it a crime to teach the German language, a knowledge of which was extremely necessary in order for us to make war upon Germany. You remember legislation in Kentucky, legislation which I believe has just passed in Tennessee, making it a crime to teach the

doctrine of evolution. Organizations with fantastic names came into being or were revived ostensibly to battle against assumed dangers, but really to satisfy the emotional and egotistical cravings of a multitude of people who eagerly rallied around the banners of these organizations. There was much chattering of country and of Christ by many people who knew very little of either.

This emotional attitude became manifest in Maine for the first time about two years ago, taking the form of a phobia or hysterical fear of the Roman Catholic Church, the Church whose numbers constitute, I believe, somewhat less than twenty per cent of our total population. The feelings on this subject, which naturally ran high, were accentuated by very indiscreet, very unwise and in some cases very selfish utterances of priests and parsons and laymen; and there are those in this Legislature who clamor for amendments to the Constitution of Maine. The first of these amendments—or, rather, let me say that the amendments grew out of an amendment which was originally advocated by Governor Baxter in 1923, and introduced by the present Senator Barwise, then a representative from Bangor, into the Legislature of 1923. That amendment is now before you substantially in the form of Senate Document 31. It used to be called the Barwise amendment; it is now called the Maher amendment. It is practically verbatim the amendment which is in force in Massachusetts. It cuts off all public aid to all private institutions. It is the amendment of which Governor Baxter said at the opening of this session, "I am an advocate of the passage of a comprehensive, constitutional amendment providing that public money be used only for purposes that strictly are public. Such a provision should not be pared down to meet the objections of its opponents or weakened so that its vital force will be lost. * * * As I view it this issue should be placed on higher grounds than that of sectarianism; it is an issue that should be faced squarely on the broad principle that the money taken from the people by taxation should be used only for purposes that are strictly public, and for institutions that are

solely under the management of public officials."

I would not wish to convey a false impression; I am not in favor of that amendment. I believe that the policy of the State of Maine from time to time, as the circumstances of its people have permitted, in giving aid to private institutions, hospitals, schools, is a fair policy, a good business policy, and that it is not the time now, if the time ever does come, when it will be well to reverse that policy; but I do say that that amendment is absolutely fair. It is discussable, it is debatable, without hurting anybody's feelings. The amendment which is before you, gentlemen, is not fairly debatable. You can just as well take the issue to the people publicly whether your wives are better women than your neighbor's wives. You know, gentlemen, the emotional attitude, the surcharged atmosphere, at the hearing of the bill, introduced by Senator Barwise a few weeks ago in this House. You heard a speech by my colleague from Portland, Mr. Cummings. The composition of this House on this occasion was a model for legislative assemblies. Some of you, I know, sat here with clenched hands and bated breath and hearts that beat very fast. We were here few in numbers. The restraints of an orderly parliamentary body were upon us; the traditions of law and order surrounded us. Let the gentleman take that speech far and wide into the country and what are the consequences? Will there or will there not be breaches of the peace? Let him take that speech to the people of Lewiston and what will they say to him? Let him take that speech to the Catholic people of Biddeford. How patient will they be? How patient will you expect them to be? Let him take that speech up and down Aroostook county, up and down the valley of St. John, inhabited by loyal French Catholics, and what will their attitude be? Will there be breaches of the peace? Will it conduce to harmony and concord and the ultimate good will and welfare of those communities to have that issue bandied about and touted about Maine? I think it will not.

You go into the countryside of Maine; you take a torch and apply it to a barn, an abandoned barn, worth perhaps fifty dollars, and you

set it afire. You have committed the crime of arson and you go to jail and you ought to go to jail. You take the torch of intolerance, you take it into the countryside of Maine and you light the superstition, the fear and the ignorance which exist. You may not go to jail; yet you have committed no less a crime.

Mr. Speaker, I love Maine as much as any man in this House; but we all know that there is, as my friend from Portland has said in point, "Ignorance which is the mother of superstition and superstition which is the mother of fear"; and if we are working for the welfare of Maine, I want you to answer me according to your consciences, whether this bill taken to the people at the polls up and down the State will have conducted to that welfare. If you pass this amendment, Mr. Speaker and members of this House, you will not have appeased, you will not have placated whatever demand there is for measures of this kind. The demand is an hysterical demand. When you make concessions to hysteria, you do not cure it, you aggravate it. The way to appease this demand is to sit here in your chairs today and firmly and resolutely vote no on the enactment of this measure, and you will have laid the ghost of this sectarian, this anti-religious, anti-Roman Catholic feeling until in another generation some new form of folly captivates for the moment the people of America; and no constitutional amendment which you can pass will anticipate the mental diseases of later years. The reason that the proponents of this measure are so anxious that it be passed today is that already strong in their nostrils, down the winds of freedom, they breathe the first fore-warning odors of defeat.

Now, gentlemen, in closing my plea against this bill, I see two figures, and I wish the House to see them also. I look over to my left and what do I behold? I behold a figure clad in ghostly robes, a hood upon his averted head. The name, the identity, a mystery. In his hand he holds a fiery cross which symbolizes hatred and intolerance. High upon the wall there is a motto and that motto is—"All men are created free and equal except Roman Catholics and Jews." Underneath that motto there opens a pathway and on

its wall a sign is affixed and the hand points downward "Back to the Middle Ages!" Fear fills the air, lights and shadows flicker dimly down the way—the lights from the fire where John Calvin burned the Unitarian Servetus, lights from the fire where the dear old Puritan Cotton Mather hung the witches of Salem. I listen and I hear the faint echoes from the victims of the thumbscrew and the rack. Intolerance never changes. It is the same in Rome as in Geneva, in Bangor as in Salem. I turn my eyes to the right and behold another figure—an angel in shining garments—and in her hand she holds a scroll, and upon that scroll the words are written, and I read, "The Constitution of the United States of America and the Constitution of the State of Maine in its integrity and undeformed." High upon the wall there is another motto and it reads: "Be Free" and underneath the motto there opens a great pathway and upon its wall there is a sign, a hand points down that way and it says "To Liberty, equality, fraternity." Liberty as it is established by the Constitution of Maine today; equality as it is established by the Constitution of Maine today; fraternity as it was once understood by someone who said: "A new commandment give I unto you that ye shall love one another." Really, was it not a deplorable oversight that he forgot to say, "Except Catholics and Jews."

Mr. Speaker, madam and gentlemen, which path shall we choose? Which shall it be? The choice is yours, the consequences are yours, the responsibility is yours. (Applause).

Mr. EUSTIS of Strong: I have no intention this morning of attempting to make a speech. Neither can I see any angels nor any spirit messages. I do, however, wish to speak for a moment in behalf of the eight members of the Educational Committee who signed this report "Ought to Pass" upon this bill.

Differing with the gentleman from Portland, Mr. Hale, I feel the discussion of this matter to be based upon two fundamental points. First, the American principle of the separation of Church and State and second, upon the importance of our public schools.

The total and complete separation of Church and State has been a vital question throughout our entire history, and in Article 6 of the original document of the Constitution of 1787, we find the provision that no religious test should be required as a qualification for holding public office or in any public trust under the Government of the United States. This provision did not satisfy the people of the colonies and proved a very difficult task to secure the ratification of the Constitution. In fact, possibly this ratification would never have been secured if Madison and Hamilton had not given their word that something would be done immediately to secure and to guarantee the complete separation of Church and State in America.

In keeping with this promise the first Congress passed an amendment and secured its ratification. This amendment provided that Congress should make no law restricting the establishment of religion or prohibiting the free exercise thereof. This passage was construed by James Madison, in 1811, when he vetoed a message giving certain lands to a church in Salem, Massachusetts, as meaning that Congress should make no law in any way affecting or respecting any religious establishment.

This amendment, as interpreted, seemed sufficient, and the complete separation of Church and State became the established American doctrine. It was soon found, however, that this was not sufficient, as certain States began to appropriate various sums for Sectarian purposes, and for this reason over thirty states have now passed similar or more drastic amendments than the one we are now considering.

In passing this amendment we are merely emphasizing the American doctrine of the separation of Church and State. We feel that we cannot have this complete separation, while it is possible under our laws to take money by taxation from all the people and appropriate that money to any institution controlled by any particular creed. The principle involved is that public money raised by a tax from all the people should not be used for any private purpose.

Further, we appeal to you in behalf of the public schools. I feel it

would be a remarkable step forward if every boy and girl in the State of Maine could be required to attend our public schools. The public school is the most democratic of our institutions. Here are found rich and poor alike, all nationalities and all creeds; all being merged into what we are proud to feel is the real American boy and girl. (Applause.)

The SPEAKER: Is the House ready for the question?

Mr. MARTIN of Augusta: I wish to say just a few words in explanation of my position in this matter. I think that we should approach it, not with any feeling of hostility toward any religion or toward any group of people, and I feel, myself, that the proponents of this bill are absolutely sincere in not approaching it from that angle. And I do not think any argument should be made that they have any feeling of hostility toward any religion or group of people.

Personally, I cannot and will not vote for the so-called Barwise Bill, simply because, in my opinion, it does not go far enough. I believe that the doctrine of not using public money, that public money should not be used for private purposes—to which the gentleman from Portland, (Mr. Hale) referred as originally suggested by Governor Baxter, is the proper doctrine. I shall support and have already signed, the majority report which will come before the House later, in favor of the Massachusetts amendment, or the bill adopted on the same principle as the Massachusetts amendment. I believe that an amendment should be sent to the people for their vote, either to accept or reject. I believe it will do away with ill feeling, and I believe the Massachusetts amendment can be discussed without raising any religious question, and I believe it will be for the best interests of the State of Maine if it is submitted to the people, and for that reason I shall vote for that bill and not for the present one.

Mr. BRAGDON of Perham: Mr. Speaker and members: This question has been discussed so far largely on theoretical lines. I would like to have the members come down, briefly, to solid earth, and see whether such an amendment as proposed

would bring about the results contemplated or exactly the opposite results.

There is no doubt in the minds of any of those here that the last campaign was fought out largely upon this issue, and when anyone out in this part of the State was asked where this trouble existed that was causing so much commotion, they always pointed their finger toward the St. John Valley. That was where the great trouble existed that has got to be overcome by a constitutional amendment.

Now, I live nearer to the St. John Valley than any of the others who have addressed the House on this matter, and I feel that I understand conditions there as well as almost anyone in this House. I live on the border, where the two races come together, and I have observed, with a great deal of pride, the progress that has been made in that county under our present system.

You realize that the people of the St. John Valley were unjustly driven from their homes by our British ancestors, and sought refuge up there in the woods where they hoped that never again would they hear the hated English tongue spoken, and of course such a feeling as that retarded development to a considerable extent. But that feeling is being overcome, and it is education that is overcoming it. Up to a few years ago the English language, in that community, was only spoken by a few men who went down to work in the lumber woods or the potato fields, and who picked up a little English, but when they went back home they had no occasion for using it. Their wives could not speak a word of it. Consequently, the children never heard the English language. But when our Committee visited the normal school at Presque Isle a short time ago, twenty-eight girls in that institution stood up and said they came from the St. John Valley, from the Madawaska Training School, and they could speak the English language as well as I can, and probably a good deal better, and that is only a fraction of those who are learning English under the system that we are teaching those children today. I want to call attention, too, to the fact that in the next generation those young ladies who are there at the normal school—and oth-

ers who have been there in the past—will be the mothers of families, and then the English language will be the language of the St. John Valley.

Take the case of St. Mary's college at Van Buren, that school was established and run for years as a Catholic school. And then it was discovered there were Protestants along the river who wanted to send their children to a high school, and St. Mary's was the only high school in existence, and so an arrangement was made whereby the State appropriated \$4,000 a year and the town of Van Buren appropriated \$3,000 a year and they got high school privileges—and they have got one of the best high schools in the State of Maine, where the Protestants and Catholics can go to school together—

(At this point Justice Barnes was escorted to the left of the Speaker by the Messenger amidst the applause of the House, the members rising.)

Mr. Bragdon (continuing)—and no Protestant has occasion to feel that he is at any other place than at home when he is in that school.

Now the representatives of other Sectarian schools came before our Committee this winter and told us that they must have their usual appropriation or they would be compelled to close their doors. Representatives of St. Mary's did not tell us that they would close their doors, and they will not, but that school, under the present arrangement, is run under the approval of our Commissioner of Education, and no reference to any religious subject is made during the school session. But if we cut out this appropriation and remove that school from the influence of our State School Department, they will not close their doors; they have got enough money to run that school, but it will be run as a Catholic school purely and simply, and the result cannot be of benefit to the St. John Valley.

Where else would the Protestants along the river get a high school education? It is the only high school on the river with the exception of one at Fort Kent in connection with the Madawaska Training School. It has been established without authority from the Legislature, and is paid for entirely by the State of Maine. Do you want to cut out these small

appropriations to keep such schools as St. Mary's alive and adopt the policy of the State going into those places and establishing schools that the public is going to pay for entirely and have the education of only a handful of children, as would be the case if such a school were established finally in the St. John Valley?

I think if you consider this matter carefully, you will agree with me that the passage of this amendment would not bring about the result contemplated but exactly the opposite result. (Applause.)

Mr. STITHAM of Pittsfield: Mr. Speaker and members: It is not my intention to take up but just a few minutes of your time. It has been quite well known throughout the corridors of the State House that I have been opposed to the Barwise measure, and I want to go on record at this time as opposing the sectarian bill known as the Barwise bill.

I am against this resolve for the reason that it is unfair. It is aimed directly at one class of Maine's people; it appears to be aimed at, and will affect, only two academies under the control of the Roman Catholic church, and from, not my own interpretation, but from consulting with many lawyers and judges, and from talking with the attorney general's department and Dr. Thomas' department of education, I find that this is true: I find that this bill is not generally understood by the legislators themselves. I find a great many men whom I have talked with who really do not interpret this bill correctly. I feel that the public, your constituency, who is interested, perhaps, in your sending something to them, feel that they are going to get a resolve sent down to them calling for public money to be kept away from sectarian schools.

This bill, as interpreted by myself, as mentioned, stops with the two schools. The title of the measure is misleading: "Resolve, proposing an amendment to the Constitution prohibiting the use of public funds for sectarian schools." The resolve itself says: "And no grant, appropriation, or use of public money or public property, or loan of public credit, shall be made or authorized by the State or any political division thereof for the purpose of founding,

maintaining or aiding any school or institution of learning, whether under public control or otherwise, where a denominational doctrine is inculcated."

That is the only place in the bill where there is any mention of a sectarian work. The interpretation of the word "inculcate" is this: Webster says that inculcate means to teach, to impress by frequent repetitions, admonitions, to urge on the mind, as Christ inculcates humanity on his followers." And as applied to sectarianism, it means to consciously guide you to an understanding or appreciation of the religious doctrine, creed of belief of any particular sect.

As I have stated, this resolve, according to the word "inculcate," does not affect the Sectarian schools of this State. To my mind there are a dozen or fifteen so-called Sectarian schools or academies that will get out from under this particular measure. And I say that it is unfair to entitle a bill "Sectarian," and tag it "Sectarian," and get behind it and use it and fool the people in that way.

I do not believe the people who sent you here want you to sign a bill that is directed solely against two schools in the State. I, myself, want to go on record as voting absolutely against this measure, it is absolutely unfair, to my mind.

The SPEAKER: It the House ready for the question?

Mr. WING of Auburn: Mr. Speaker, other members have given their views with regard to this bill and I propose to give mine. I was sent here as a Republican. The word "Republican" was written over the column in which my name appeared on the ticket where the citizens recorded their vote for or against me in the city which I have the honor to represent. I have thought as I have heard and listened—with, I hope, respect, and certainly with interest—to certain members who have spoken here of the change which came over our method of transacting public business some years ago when we ceased, in a sense, to be a representative body and became merely the servants of the people.

The arguments advanced here to-day might well obtain when the

wording of bills was, "Be It Enacted by the Legislature of Maine in Legislature Assembled." They are now "Be It Enacted by the People of Maine." There seems to be a larger conception of the enactment of our laws.

Now, I feel the call of party. I feel a party responsibility, I admit it and I am willing to assume its obligations. The gentleman who, at the present time, heads this State, in seeking the nomination of his party, went before the people with practically this amendment which you are discussing, in his mouth. The great Convention of the party of which I am a member went on record in Portland with these words in regard to education: "While we recognize and commend the public service rendered by the numerous private institutions of learning within the State, we believe public funds devoted to education should be expended in support of the public schools to the exclusion of private institutions of learning except such as are the sole instrumentalities of furnishing high school education within the localities they serve and which are wholly under the supervision of the Commissioner of Education; and as to those we recommend such legislation as may be necessary to restrict the aid which they receive to such as is fair and equitable and measured by their actual requirements."

The Governor of Maine, when he addressed this Legislature, called attention to the demands of party. He called attention to the requirements of party platforms. He called the attention of this Legislature to the necessity of paying some attention to the platforms upon which they were elected. He said: "Anglo-Saxon traditions call for compromise in order to progress, and these party platforms constitute a contract by whose obligations we are bound unless prior to the election we have manifested our dissent. These platforms may seem meager in their directions on the pressing problems of our day but it is only by a sincere endeavor to interpret them in our acts that we can restore party government to the place of first importance it long occupied in our governmental life. This is the contribution which we are privileged to make to the stabilization

tion of conditions in our national life today."

So, I hear the call of party in this, I have heard a very distinguished Senator from Cumberland argue before a Committee, of which I have the honor to be a member, that party government was falling down, was breaking away, that there was no responsibility to the people; as a result thereof, because of the direct primary law, that we were proceeding by choice of men and not by choice of principle.

Now, I do not believe in a government of men. I believe in a government of law. I believe that law results from principle and not from the whim and caprice of men; and it is only by principle on this side and a proposition on the other that we can form any intelligent judgment, and principle can only come to the minds of the people but by party, and I am here as a party man to take my place as a party man as part of the Republican organization of this State which has endorsed this kind of legislation, and to keep my faith with the promise that my party made when they put me out as a man responsible to represent them.

And that is the ground I put my vote upon. I put it upon party and not upon the petty ground of religion or anti-religion or anything of that kind, and I shall vote for this measure and take the consequences as a party man. (Applause.)

Mr. HALE: Mr. Speaker, I wish to say only a few words in reference simply to the position which has been adopted by the gentleman from Auburn, Mr. Wing.

I am a party man. I feel the responsibility of party. I was elected by a ballot which had at its head "Republican." I was elected with my record on this measure two years ago well known to the people. I advertised in the public newspapers of this Commonwealth, my attitude. I received no votes from the gentlemen who are in favor of this bill. A great many of you came here without any support whatever from that particular "wing" of the Republican party—(Applause)—from that particular "wing" of the Republican party which is in favor of this bill.

Now, let us be honest about this party platform. Let us read it honestly. What does it say? "While

we recognize and commend the public service rendered by the numerous private institutions of learning within this State, we believe public funds devoted to education should be expended in support of the public schools"—all right; no objection—"to the exclusion of private institutions of learning except such as are the sole instrumentalities of furnishing high school education within the localities they serve." Now, some of those instrumentalities are sectarian in character, and if you vote for this measure you are going against party platform. (Applause) "And which are wholly under the supervision of the Commissioner of Education; and as to those we recommend such legislation"—does "legislation" mean a constitutional amendment? It never did before. I do not think it does today—"Such legislation as may be necessary to restrict the aid which they receive to such as is fair and equitable and measured by their actual requirement."

Support that legislation. I have no objection to it. But support it on the floor of this House where you ought to support it.

Mr. STITHAM: Mr. Speaker, just a word in regard to the party platform. This seems to be a pretty good opportunity to say that I have a measure before this Legislature which applies to the Republican platform and which is the only measure that does.

The SPEAKER: Is the House now ready for the question?

Mr. WING of Auburn: Mr. Speaker, I move that when the vote is taken, it be taken by the yeas and nays.

The yeas and nays were called for, a sufficient number having arisen.

The SPEAKER: The motion before the House is that of the gentleman from Auburn, Mr. Wing, that this resolve proposing an amendment to the Constitution prohibiting the use of public funds for sectarian schools have final passage. A vote of yes is for the passage of the resolve; a vote of no is against the passage of the resolve. This being a proposition to submit an amendment to the Constitution requires for its passage the affirmative vote of two-thirds the members of the House. Is the House now ready for the question?

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

YEA—Allen of Yarmouth, Allen of Hampden, Ayer, Bartlett of Bangor, Beckett, Bisbee, Bishop, Boody, Boman, Boynton, Briggs, Brown of Bethel, Brown of Waterford, Buker, Burnham, Campbell, Cole, Comins, Crockett, Curtis, Davis of Dexter, Decker, Deering of Denmark, Deering of Saco, Drake, Dudley, Dwinall, Eustis, Farley, Forhan, Friend, Frost of Belfast, Frost of Berwick, Frost of Eastport, Fuller, Garsay, Gilchrist, Goodrich, Greenleaf, Haggett, Ham, Harrington, Hayford, Hight, Holman, Houghton, Ingraham, Ireland, Jones, Kitchen, Lamson, Larrabee, Leighton, Lewis, Littlefield, Lowell, Ludwig, Lunt, Marden, Metcalf, Mills, Mitchell of Newfield, Moore, Morse, Nevins, Norwood, Palmer, Peaslee, Pendleton, Pierce, Pillsbury, Pullen, Roberts, Robie, Robinson, Sargent, Smith, Spear, Stone, Sturgis, Thissell, Thompson, Tupper, Warren, Waterman, Wheeler, Whitcomb, White, Wing of Kingfield, Wing of Auburn, Winn, Young.

NAY—Allen of Harpswell, Atwood, Audibert, Bartlett of Hanover, Benoit, Bragdon, Bump, Burns, Clarke, Cummings, Cyr, Daigle, Davis of Portland, Davitt, Dunbar, Dunning, Ellis, Flint, Foster, Gallagher, Gauvin, Gilmour, Gordon, Hale, Hall, Hallett, Hamilton, Harriman, Holmes, Jordan, Kilburn, Kinsman, Lait, Lausier, Leland, Lesard, Mansfield, Martin, Mathews, McDonald, Mears, Melcher, Mitchell of Houlton, Oakes, Page, Piper, Roy, Seidel, Snow, Spruce, Stitham, Towle.

ABSENT—Pike, Vall.

PAIRED—Gagne, Hammond, Johnson, Nichols.

By arrangement the gentleman from Lewiston, Mr. Gagne, paired with the gentleman from Brownville, Mr. Johnson, it being stated that the former would have voted no and the latter yes.

Mr. NICHOLS of Portland: Mr. Speaker, I am paired with the gentleman from Van Buren, Mr. Hammond, who has been called away on business since this session began. If present he would vote no and I would vote yes.

The SPEAKER: The House hears the announcement.

Mr. HALE of Portland: Mr. Speaker, may I inquire with reference to those who are paired? Should not each person who votes in the negative be paired with two voting in the affirmative inasmuch as two-thirds majority is required?

The SPEAKER: The Chair will state no.

Ninety-two having voted in the

affirmative and 52 in the negative, the resolve failed of passage.

The following papers were taken up out of order under suspension of the rules:

First Reading of Printed Bills and Resolves

H. P. No. 127: An Act relating to the better protection of smelts.

H. P. No. 512: An Act to amend Section 60 of Chapter 126 of the Revised Statutes, relating to old diseased or disabled animals.

H. P. No. 747: An Act permitting taking of pickerel and smelts through the ice from the Belgrade Chain of Lakes.

H. P. No. 1226: An Act to change the grades of the apple packing law.

H. P. No. 1227: An Act relating to ice fishing in Watchic Pond in the town of Standish, in the County of Cumberland.

H. P. No. 1232: An Act to regulate fishing in East Stream, so-called in the county of Washington.

H. P. No. 1231: Resolve granting authority to the Maine Agricultural Experiment Station for the purchase of land.

H. P. No. 748: An Act relating to the issuance of permits to propagate game birds, game and fur-bearing animals.

H. P. No. 1229: Resolve making appropriation for money for repairs and improvements to State Fish Hatchery buildings, grounds and equipment at Lake Megunticook in Camden, County of Knox.

H. P. No. 1230: An Act to amend Section 72 of Chapter 56 of the Revised Statutes, as amended by Chapter 16 of the Public Laws of 1921, relating to the ringing of the engine bell or sounding of the whistle at grade crossings.

The SPEAKER: Is there any further business under orders of the day?

Mr. HAMILTON of Caribou: Mr. Speaker, I wish to take from the table Senate Paper 271, report of committee on Inland Fisheries and Game reporting new draft (S. P. 546) S. D. 232 on bill an act to regulate fishing in Aroostook River, tabled by me March 23, pending acceptance of the report; and I further move that the bill be indefinitely postponed.

Mr. FLINT of Monson: Mr. Speaker, if in order, I move that it be re-tabled.

Mr. WING of Auburn: Mr. Speaker, I ask for a division.

The SPEAKER: A division is requested, the motion before the House being that of the gentleman from Monson, Mr. Flint, that this matter lie on the table.

A division being had.

Six voted in the affirmative and 41 in the negative, the motion to table failed of passage.

The SPEAKER: The motion now before the House is that of the gentleman from Caribou, Mr. Hamilton, that this bill be indefinitely postponed. Is the House ready for the question?

Mr. HAMILTON of Caribou: Mr. Speaker. I will not take up any time of the House in explanation of this measure. It only takes in a territory three times the area of Rhode Island. It is an innocent looking affair but it seems to me unwise that we should close up this immense area with a bill of this kind and I do not think the proponents of it are very much interested. Therefore the indefinite postponement of the bill would be satisfactory to everybody in Aroostook, and I do not think there is anybody outside who is interested.

A viva voce vote being taken, the motion to indefinitely postpone prevailed.

On motion by Mr. Littlefield of Kennebunk it was voted to take from the table Senate Document 145, report of the committee on Judiciary, ought not to pass, on bill an act relative to non-resident motor vehicles, tabled by that gentleman March 23, pending acceptance of the report; and on further motion by the same gentleman report, ought not to pass was accepted.

On motion by Mr. Littlefield of Kennebunk it was voted to take from the table Senate Document No. 59, report of committee on Judiciary, ought not to pass, on bill an act relative to motor vehicles and law of the road, tabled by that gentleman March 23, pending acceptance of the report; and on further motion by the same gentleman, the report ought not to pass was accepted.

On motion by Mr. Bragdon of Perham it was voted to take from the table House Document 269, an act relating to revocation of licenses issued by the Department of Inland Fisheries and Game, tabled by that gentleman March 18, pending enactment; and on further motion by the same gentleman the bill was passed to be enacted.

On motion by Mr. Gallagher of Limestone.

Adjourned until 9.30 tomorrow morning.