

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Third Legislature

OF THE

STATE OF MAINE

1927

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**HOUSE**

Tuesday, April 5, 1927.

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

Prayer by the Rev. Mr. McWhorter of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

From the Senate: Final reports of the committees on Commerce, Public Health and State Lands and Forest Preservation.

Come from the Senate read and passed

In the House read and passed in concurrence.

From the Senate: Report of the committee on Salaries and Fees reporting ought not to pass on bill an act relating to Judges of Probate, S. P. 343.

Come from the Senate report read and accepted.

In the House, on motion by Mr. Rounds of Portland tabled pending acceptance of report in concurrence.

**Senate Bills in First Reading**

S. P. 533, S. D. 316: An Act authorizing the treasurer and county commissioners of York county to procure a loan and issue bonds of said county therefor for the purpose of erecting additions to the Court House.

S. P. 554, S. D. 315: An Act providing compensation for Court Stenographers upon retiring by reason of disability.

S. P. 338, S. D. 314: Resolve providing for a State pension for Ivanilla Nute of Lewiston.

From the Senate: Majority report of the Committee on State Prison reporting "Ought not to pass" on bill an act to consolidate the general superintendence, management and control of the State Prison, the Reformatory for Men and the Reformatory for Women, under one Board of Trustees.

Report was signed by the following members:

Mrs. PINKHAM of Aroostook  
Messrs. MORRISON of Franklin  
BOND of Lincoln

—of the Senate  
BOSTON of Gardiner  
CARLETON of Winterport  
COLE of So. Portland

—of the House  
Minority report of same Committee reporting "Ought to pass" on same bill.

Report was signed by the following members:

Messrs. VARNUM of Westbrook  
HEATH of Guilford  
STURGIS of Auburn  
BREWSTER of Dexter

—of the House  
Comes from the Senate majority report read and accepted.

Mr. HEATH of Guilford: Mr. Speaker, I move that the House accept the minority report ought to pass, and I wish to state that at the proper time I have an amendment to offer.

Mr. COLE of South Portland: Mr. Speaker, I move that both reports lie on the table pending acceptance.

A viva voce vote being taken, the motion to table failed of passage.

Mr. CARLETON of Winterport: Mr. Speaker, as a member who signed the majority report, ought not to pass, I believe after listening and considering the evidence that the motion of the gentleman from Guilford, Mr. Heath, to accept the minority report is all right. I understand he has an amendment to offer which will be acceptable to me.

The SPEAKER: The question before the House is on the motion of the gentleman from Guilford, Mr. Heath, that the minority report ought to pass be accepted.

A viva voce vote was doubted.

Mr. ALDRICH of Topsham: What is the motion, Mr. Speaker?

The SPEAKER: The motion before the House, the Chair will state, is on the acceptance of the minority report ought to pass on Senate Document, 185, an act to consolidate the general superintendence, management and control of the State Prison, the Reformatory for Men and the Reformatory for Women under one board of trustees; and the gentleman from Guilford, Mr. Heath, moves that the minority report, ought to pass, be accepted. The Chair is in doubt on the vote.

Mr. HEATH: Mr. Speaker, I will state that my amendment has nothing to do with the Reformatory for Men or the Reformatory for Women.

The SPEAKER: The Chair is in doubt as to the vote. As many as are in favor of the motion of the gentleman from Guilford, Mr. Heath, to accept the minority report ought to pass will rise and stand until counted and the monitors will return the count.

A division being had, Sixty-eight voting in the affirmative and 24 in the negative, the motion to adopt the minority report, ought to pass, prevailed.

Thereupon the bill had its first two readings, and tomorrow assigned.

From the Senate: Majority report of same Committee reporting "Ought not to pass" on bill an act authorizing officials in charge of penal or correctional institutions to institute a system of compensation (S. P. No. 431) (S. D. No. 195).

Report was signed by the following members:

Mrs. PINKHAM of Aroostook  
Messrs. BOND of Lincoln  
MORRISON of Franklin  
—of the Senate  
VARNUM of Westbrook  
STURGIS of Auburn  
HEATH of Guilford  
CARLETON of Winterport  
—of the House

Minority report of same Committee reporting "Ought to pass" on same bill.

Report was signed by the following members:

Messrs. COLE of So. Portland  
BOSTON of Gardiner  
BREWSTER of Dexter  
—of the House

Comes from the Senate majority report read and accepted.

In the House, on motion by Mr. Varnum of Westbrook a viva voce vote being taken that body voted to accept the majority report, ought not to pass, in concurrence.

From the Senate: Majority report of the Committee on Ways and Bridges on Resolve appropriating money to aid in building a highway from Eustis in Franklin County to the Boundary Line between the State

of Maine and the Dominion of Canada, at a place near the Village of Woburn in said Canada (S. P. 162) (S. D. 67) reporting same in a new draft (S. P. 585) under same title and that it "Ought to pass."

Report was signed by the following members:

Messrs. BOND of Lincoln  
CASE of Washington  
—of the Senate.  
KITCHEN of Presque Isle  
PIKE of Lubec  
MARDEN of Waldo  
METCALF of Farmington  
AYER of Cornish  
LOWELL of Lincoln  
MERRILL of Dover-Foxcroft

—of the House.

Minority report of same Committee reporting "Ought not to pass" on same bill.

Report was signed by the following member:

Mr. SMITH of Somerset  
—of the Senate.

Comes from the Senate the majority report read and accepted and the new draft passed to be engrossed.

In the House, on motion by Mr. Metcalf of Farmington, a viva voce vote being taken, the majority report ought to pass was accepted, the bill received its first two readings, and under suspension of the rules received its third reading and was passed to be engrossed in concurrence with the Senate.

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

#### Appropriations and Financial Affairs

By Mr. Hammond of Van Buren: Resolve in favor of the Clerk of the Committee on State Lands and Forest Preservation (H. P. 1272).

By Mr. Kinsman of Augusta: Resolve in favor of Clarence C. Hunt, for preparing index to House Documents (H. P. 1273).

#### Reports of Committees

Mr. STONE from the Committee on Inland Fisheries and Game reported "Ought not to pass" on bill an act relating to Fisher Brook (H. P. 854).

Same gentleman from same Committee reported same on bill an act

relating to licenses of Indians for trapping fur-bearing animals (H. P. 1114) (H. D. 367).

Mr. BUKER from same Committee on bill an act relating to the protection of fur-bearing animals (H. P. 1113) reported that same be placed on file.

Mr. MACKINNON from same Committee reported "Ought not to pass" on bill an act relating to sale of deer (H. P. 352).

Mr. STORM from same Committee on bill an act relating to non-resident fishermen (H. P. 588) (H. D. 155) reported that same be placed on file as the subject matter has been incorporated in another bill.

Mr. MILLIKEN from the Committee on State Lands and Forest Preservation on communication in regard to The Maine Hardwood Association (H. D. 142) reported that the same be placed on file.

Same gentleman from same committee on petitions in favor of bounty on porcupines or hedgehogs H. P. Nos. 502 to 509 inclusive, 340 to 347 inclusive, 573 and 574, 656, 657, 658 898, 899 and 900, reported that the same be placed on file, as the subject matter to which they refer has previously been reported.

Reports read and accepted and sent up for concurrence.

Mr. STONE from the Committee on Inland Fisheries and Game on bill an act relating to salmon and trout in the lakes and ponds of the counties of Cumberland and York (H. P. 90) (H. D. 30) reported same in a new draft (H. P. 1274) under title of 'An Act to establish the legal length limit of square-tailed trout and land-locked salmon in Cumberland County' and that it "Ought to pass."

Mr. KINSMAN from same Committee on bill an act to prohibit hunting with dogs in the town of Verona (H. P. 591) reported same in a new draft (H. P. 1275) under title of "An Act to prohibit hunting with dogs in the town of Verona, in the county of Hancock" and that it "Ought to pass."

Mr. ROUNDS from the Committee on Claims on Resolve to compensate Augustus A. Gilbert, a farmer of Brewer, for a cow shot by a hunter (H. P. 700) reported same in a new draft (H. P. 1276) under same title and that it "Ought to pass."

Mr. FLINT from the Committee on Inland Fisheries and Game on bill an act relating to ice fishing by non-resident fishermen (H. P. 849) (H. D. 215) reporting same in a new draft (H. P. 1277) under same title and that it "Ought to pass."

Same gentleman from same Committee on Resolve in favor of establishing a feeding or rearing station for fish at, or near, Jackman, in the county of Somerset (H. P. 273) reported same in a new draft (H. P. 1278) under same title and that it "Ought to pass."

Same gentleman from same Committee on bill an act relating to ice fishing in Cochnewagon Pond, in Kennebec County (H. P. 716) (H. D. 484) reported same in a new draft (H. P. 1279) under same title and that it "Ought to pass."

Mr. BUKER from the same Committee on Resolve for the purchase and propagation of pheasants and Hungarian partridges (H. P. 357) (H. D. 88) reported same in a new draft (H. P. 1280) under title of "Resolve for the propagation and distribution of pheasants" and that it "Ought to pass."

Mr. MACKINNON from same Committee on bill an act relating to protection of fur-bearing animals (H. P. 350) (S. D. 57) reported same in a new draft (H. P. 1281) under same title and that it "Ought to pass."

Mr. WOOD from same Committee on bill an act relating to the possession of forbidden implements for hunting and fishing (H. P. 349) (S. D. 56) reported same in a new draft (H. P. 1282) under same title and that it "Ought to pass."

Same gentleman from same Committee on bill an act to regulate the trapping of fur-bearing animals (H. P. 980) reported same in a new draft (H. P. 1283) under same title and that it "Ought to pass."

Mr. STORM from same Committee on Resolve in favor of the construction of a fishway at Aroostook Falls on the Aroostook River in the Province of New Brunswick (H. P. 522) reported same in a new draft (H. P. 1284) under same title and that it "Ought to pass."

Reports read and accepted and the new drafts ordered printed under the Joint Rules.

Mr. WOOD from same Committee reported "Ought to pass" on bill an act relating to fishing in the tribu-

taries to Upper Shin Pond and in the tributaries to Sebœis River in the county of Penobscot (H. P. 351).

Mr. Storm from same committee reported same on bill, an act relating to fly fishing in the tributaries to the South Branch and West Branch of the Penobscot River; in the tributaries to the East Branch of the Penobscot River; and in the tributaries to the Allagash and St. John Rivers. (H. P. No. 464)

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

Mr. Kinsman from same committee reported same on bill, an act to create a fish and game sanctuary within the limits of property of the Dover-Foxcroft Water District, in the town of Guilford, county of Piscataquis. (H. P. No. 712) (H. D. No. 193)

Mr. Hammond from the committee on State Lands and Forest Preservation reported same on bill, an act in relation to the building and lot of land in Bangor known as the Bangor State Arsenal, being public land and owned by the State. (H. P. No. 1145) (H. D. No. 389)

Reports read and accepted, and the bills having already been printed, were read twice under suspension of the rules, and tomorrow assigned.

#### Passed to Be Engrossed

S. P. No. 319, S. D. No. 117. An act to incorporate the Marshall Dam and Improvement Company.

S. P. No. 468, S. D. No. 226. An act relating to fees of insurance brokers.

S. P. No. 454, S. D. No. 231. An act to prevent the improper use of the words "Trust Company."

S. P. No. 455, S. D. No. 301. An act relating to Indian tribes.

S. P. No. 456, S. D. No. 302. An act relative to the use of funds of Indian tribes.

S. P. No. 526, S. D. No. 306. An act to amend Chapter 120 of the Private and Special Laws of 1899, establishing the Livermore Falls Municipal Court, as amended by Chapter 35 of the Private and Special Laws of 1919.

S. P. No. 181, S. D. No. 307. An act authorizing the State Highway Commission to designate certain State and State Aid highways as through ways and to regulate traffic at intersection of such through ways with other ways.

S. P. No. 352, S. D. No. 309. An act relating to continuous roads through three or more towns.

Mr. EUSTIS of Strong: Mr. Speaker, I offer House Amendment A and move its adoption, stating that the

Amendment in no way changes the context of the act.

House Amendment A to S. P. 352, S. D. 309.

Amend by striking out all after the word "section" and inserting in place thereof the following: 'Any town or towns which are so located with reference to the state boundary or to adjoining towns that it is impossible to form an association of towns as contemplated in this act for the building of state aid highways may apply for and receive the benefits of this act for the building of a state aid highway on any location extending across said town or towns.'

The amendment was adopted, and the bill had its third reading and was passed to be engrossed as amended by House Amendment A.

S. P. No. 353, S. D. No. 310. An act relating to the apportionment among towns of the Third Class Highway Fund.

S. P. No. 550, S. D. No. 311. An act to increase the amount to be paid for clerk hire in the office of Clerk of Courts of Piscataquis county.

S. P. No. 551, S. D. No. 312. An act relating to the salary of the Clerk of Courts of Piscataquis county.

S. P. No. 205, S. D. No. 313. An act providing for the upkeep and maintenance of the bridge across Sheepscot river between Wiscasset and Edgecomb.

H. P. No. 1134, H. D. No. 384. An act relating to the registration of trucks.

H. P. No. 890, H. D. No. 558. An act relative to an increase in the salary of the Judge of the Presque Isle Municipal Court.

House Amendment A to House Paper 890.

Amend by striking out all after the enacting clause and inserting in place thereof the following:

'Section fourteen of chapter one hundred forty-five of the private and special laws of nineteen hundred seventeen, is hereby amended by striking out in the eighth line of said section the word "ten" and inserting in place thereof the word "thirteen", so that said section, as amended, shall read as follows:

'Sec. 14. Said court shall be held in the said town of Presque Isle, within the limits of the village thereof, and the County Commissioners of said county of Aroostook shall provide some suitable place for the holding of said court, at the expense of said county;

and all expenses of said court, including seal, blank books of record, dockets and all blanks necessary for the use of said court shall be paid from the treasury of the county of Aroostook. The judge of said court shall receive as compensation a salary of thirteen hundred dollars a year; and the recorder shall receive as compensation a salary of four hundred dollars a year to be paid quarterly from the treasury of the county of Aroostook. A condition precedent to the payment of said salaries as aforesaid shall be the rendering by said judge and recorder of a correct statement to the county commissioners of said county of Aroostook, and the payment over by said judge and recorder to the county treasurer, of all fees both civil and criminal, collected by said court for the preceding quarter or fractional part thereof.

Thereupon the amendment was adopted and the bill received its third reading and was passed to be engrossed as amended by House Amendment A.

Unanimous consent was granted Mr. Merrill of Dover-Foxcroft to introduce a bill out of order, under suspension of the rules, and that gentleman presented

An act to amend Chapter 25 of the Revised Statutes and to establish a new State Highway Commission.

The SPEAKER: Does the gentleman suggest any reference?

Mr. MERRILL: Mr. Speaker, I would suggest reference to the Judiciary committee.

Thereupon the bill was referred to the committee on Judiciary.

Mr. LAIT of Old Town: Mr. Speaker, does that bill call for printing?

The SPEAKER: The Chair will state that it does not.

Mr. LAIT: I move that five hundred copies be printed.

The SPEAKER: The Chair will state to the gentleman from Old Town, Mr. Lait, that if the motion is carried that he has just put for printing, it may hold the bill up. This bill can be sent directly to the Senate and printing ordered there in time to go to the hearing tomorrow afternoon, which I am advised the Judiciary committee is to have.

Mr. LAIT: Mr. Speaker, then I ask permission to withdraw my motion.

The SPEAKER: Does the gentle-

man from Dover-Foxcroft, (Mr. Merrill) wish this bill sent directly to the Senate.

On motion by Mr. Merrill, it was voted to send the bill directly to the Senate.

#### Passed to Be Engrossed—continued

(H. P. No. 1232) (H. D. No. 559)  
An act relating to smelts.

(H. P. No. 1244) (H. D. No. 560)

An act to increase the salary of the Register of Deeds, Oxford County, Western District.

(H. P. No. 1253) (H. D. No. 568)  
An act to provide for the compilation of the vital records of the State.

(H. P. No. 1243) (H. D. No. 569)

An act relating to the registration of undertakers.

(H. P. No. 145) (H. D. No. 572)  
An act relating to the salary of the County Attorney for the county of Hancock.

(H. P. No. 613) (H. D. No. 573)  
An act relating to increase in salary of the Recorder of the Western Hancock Municipal Court.

(H. P. No. 887) (H. D. No. 574)  
An act relating to the salary of the County Attorney for Franklin County.

(H. P. No. 1252) (H. D. No. 575)  
An act relating to School Supervisory Unions.

(H. P. No. 1256) (H. D. No. 576)  
An act providing for the payment of losses under certain policies of liability insurance.

(S. P. No. 171) (S. D. No. 71)  
Resolve in favor of Arthur L. Thayer of Bangor for use of his private car while Chairman of the Maine Industrial Accident Commission.

(S. P. No. 546) (S. D. No. 303)  
Resolve in favor of V. E. Cunningham of Milford, compensating him for damage to apple trees by deer.

(S. P. No. 547) (S. D. No. 304)  
Resolve in favor of the town of Anson.

(S. P. No. 548) (S. D. No. 305)  
Resolve in favor of Dr. A. J. Bradbury of Old Town compensating him for damage to apple trees by deer.

(S. P. No. 314) (S. D. No. 308)  
Resolve to aid in rebuilding the Blacks Woods Road in Township No. 10 Hancock County.

(H. P. No. 452) (H. D. No. 553)  
Resolve in favor of the town of Caribou for reimbursement of monies expended in defending five actions at law.

(H. P. No. 453) (H. D. No. 554) Resolve in favor of the town of New Vineyard, for reimbursement for damage done by bears in killing sheep.

(H. P. No. 460) (H. D. No. 555) Resolve in favor of the Trustees of the University of Maine.

(H. P. No. 707) (H. D. No. 556) Resolve to reimburse the town of Webster for support of Paul Pomeroy and wife, State paupers.

(H. P. No. 810) (H. D. No. 557) Resolve in favor of the town of Hiram for refund of taxes erroneously paid.

(H. P. No. 1245) (H. D. No. 561) Resolve in favor of the town of Robbinston for reimbursement for money expended on road.

(H. P. No. 1246) (H. D. No. 562) Resolve in favor of the town of Kennebunkport, for reimbursement for services and money expended in caring for James Ford.

(H. P. 1247) (H. D. 563) Resolve in favor of B. E. Lurchin compensating him for storage of dynamite and explosives in his building.

(H. P. 1248) (H. D. 564) Resolve in favor of Malcolm B. O'Brien for compensation due him for labor performed for the State of Maine.

(H. P. 1249) (H. D. 565) Resolve in favor of the town of Leeds, for reimbursement for money expended in rebuilding bridge.

(H. P. 1250) (H. D. 566) Resolve in favor of George Grant of Bangor, compensating him for personal injuries in a collision with a moose.

(H. P. 1251) (H. D. 567) Resolve to appropriate funds for the construction of and preparation for the use as an air port a portion of Muster Field, Augusta, Kennebec County, Maine.

#### Orders of the Day

The SPEAKER: Under unfinished business as the first matter, the Chair lays before the House Resolve in favor of the South Kennebec Agricultural Society, H. P. 937, H. D. 333, tabled by Mr. Robie of Gorham, March 30, pending final passage; and the Chair recognizes the gentleman from Gorham, Mr. Robie.

Mr. ROBIE: Mr. Speaker, what I have to say on this resolve applies also to another resolve that has been tabled and specially assigned. In order to expedite the business of the House and do away with duplication of debate, I move that this be re-

tabled to come off the table at the same time as the fifth tabled and today assigned matter.

The SPEAKER: The gentleman from Gorham, Mr. Robie, moves that this matter lie on the table and be taken off after the fifth specially assigned matter today.

Mr. WING of Auburn: Mr. Speaker, I rise to a point of order.

The SPEAKER: The gentleman will state his point.

Mr. WING: Mr. Speaker, how can two measures be considered at the same time?

The SPEAKER: The Chair will state that what the gentleman (Mr. Robie) has in mind is that the discussion will apply to both and that it would expedite matters to take them up, not together, but one following the other.

Mr. WING: That is the condition now, Mr. Speaker, and I oppose the motion.

The SPEAKER: The question before the House is on the motion of the gentleman from Gorham, Mr. Robie, that this matter lie on the table and be taken up following the fifth assigned matter for today. As many as are in favor of this motion will say aye, those opposed no.

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

The SPEAKER: The Chair lays before the House the second topic under unfinished business, being majority report of the committee on legal affairs, reporting ought not to pass on bill an act relating to the age at which persons are capable of consenting to marriage, H. P. 529, H. D. 138, and minority report out to pass on same bill, tabled April 1 by Miss Laughlin of Portland, pending acceptance of either report; and the Chair recognizes the member from Portland, Miss Laughlin.

Miss LAUGHLIN: Mr. Speaker, I move that the minority report be accepted, and I would like to address the House on that motion.

This bill, as it appears as House Document 138, is a very brief bill; it is that no person under the age of 15 shall be deemed capable of consenting to or consummating marriage. It is, in effect, forbidding the marriage of any person under 15. The principle involved in this bill is not new. There are various types of marriage forbidden at the present time, all of them



forbidden on one or the other of two grounds, either that the persons attempting marriage are, because of immaturity or some mental defect, incapable of consenting to marriage—because that is the fundamental basis of marriage—consent and the capability to consent. It is a contract, although something more than a contract. The other ground is, in these marriages which are forbidden, that it is bad public policy, that it produces conditions which are evil to the community. For this reason we prohibit polygamy. We do not permit a person to marry two, no matter what the conditions, no matter what his relation has been with another, whether a child is to be born or not, because we know that polygamy is an evil to society. We do not permit persons of certain relationships to marry. We do not permit an uncle and niece or an aunt and a nephew to marry. This State forbids marriage with a son-in-law or a daughter-in-law or a mother-in-law or father-in-law or with various others, because we hold that the evils of such relation are so great that they must be prohibited in any and all circumstances. On the ground of consent we forbid the marriage of insane and feeble-minded persons or of any girl under 12 or boy under 14.

In my thinking both of these reasons apply to the case of persons under 15. No child under that age can possibly understand what marriage implies, its duties and its obligations and the conditions which will result. So on that basis one is incapable of giving consent just as much as those with a mental defect. This is self-evident.

Then, the other reason, that the results of certain marriages are inimical to society, against the welfare of society and of the children themselves. It is self-evident also that children under fifteen are not competent to perform the duties of marriage, caring for children and training children, and bringing them up. A girl under fifteen does not know how to properly bring up a child. We hold that children of that age are not capable of handling property. Certainly they are not capable of handling human beings. At that age they are not capable of supporting children, and so children born of such marriages become public charges. But I probably do not have to argue this. We are all agreed that children under fifteen should not marry.

But there are objections that there are other evils which will result, greater than these evils of permitting children to marry. There have been two objections heard in committee, in the corridors and hotel. First, and the lesser, that it is an interference with parents' rights. We recognize that the right of the parents over a child is not absolute. In the old days of the Roman Empire the father had even the right of life and death over his children—his power was absolute—but we got beyond that long ago, and we hold that the rights of parents end where the welfare of the child for the good of society demands that they end. For that reason we have a compulsory school law. We do not permit parents to say that their children shall not go to school. We have laws against child labor. In the southern factories they permit little children of six years of age to labor. We say that the control of parents stops wherever the welfare of the child demands. There the right of parents does not control.

We recognize that principle in the fact that we have a law which will not permit children under twelve to marry, even with their parents' consent. That law dates back three hundred years, to Queen Elizabeth's day; we have not changed it since then. There is a growing evil in this country, by which parents are permitting their daughters of less than fifteen years of age to marry for the sole purpose of avoiding the school laws and the labor laws. That is the report coming now from all over the country. In most states these laws do not apply to persons if they are married. And this is the lesser objection. I do not imagine it would control with the majority of members of this House.

But the other objection, and that which is more potent and is sincerely offered by those who hold it; and that is that a girl under fifteen is sometimes about to give birth to a child and it is considered so important that this child be born in wedlock and the mother be married when the child is born that we say that we will leave it open so that any child under fifteen may enter into marriage.

In ninety-nine cases out of a hundred—not all—where this arises as a practical matter—it is the case of a

mature man who has committed acts with a little girl which constitute a crime, and to escape the consequences of that crime, he wants to marry her. Sometimes it is true that it is a boy under twenty-one, but that is seldom the case where they consent to marry, because the evil of letting the boy of such an age enter into the obligation of marriage is so recognized that that feeling against it seldom has to be urged.

We have an illustration of that right now in this case of Willie Buzzell. The law permitted him to marry, for that matter, and the town clerk violated the law when the license was refused. The selectman got excited and violated the law too in order to prevent his marrying. Willie Buzzell, under the laws of this State, was entitled to marry, and I do not doubt that if he had appealed to the court for a mandamus, he would have had a license issued. At about the same time another case occurred. Mr. Cornish, of the State Board of Charities and Corrections, mentioned the two together at the hearing on this matter where a little girl of twelve was married to a man of thirty-seven, and no town clerk refused a license and no selectman got excited about it. So in the case of the boy we are willing to violate the law for his protection.

I want a law such that we won't have to violate the law in order to protect the children. I want it to protect both boys and girls. These cases are almost always cases of mature men where they are willing to marry. Reports of these cases are coming from many states. Most states put the age of consent to marry up to fourteen and in many states it is fifteen. Where girls of anywhere from the age of twelve up are married to men anywhere up to the age of fifty-two, as I have said, in cases of this sort, when that happens and a man of that age has relations of this sort with a little girl, he proves himself a brutal, sensual man, and oftentimes a degenerate. He has committed a crime which in some states is punishable by death; in others it is punishable by life imprisonment. Only the other day a man in the Province of Quebec was sentenced to life imprisonment because of such relations with a little girl as a menace to the community.

Now we turn over this little girl

against whom this crime has been committed to the absolute control of the man who has committed the crime and is marrying her to escape the consequences. We are to remember that as soon as the marriage is consummated, guardianship stops. I have heard glib talk here about parents who would immediately get a divorce for the child, but that is beyond their control. They say to escape the stigma of it, let them marry. I cannot see how they escape the stigma. Of course I think the stigma is wrongly placed on any child. I think we should get rid of talking about illegitimate children and simply talk about children born out of wedlock. We are keeping the stigma there when we say they must marry in order to avoid the stigma. People attach just as much stigma when they say "Oh, yes, they had to marry," as when they say of a child that it is born out of wedlock. And so they say "to avoid this we will saddle the immature child with the obligations and duties of being married." That is to say "we will leave this degenerate man (and most of these cases are of that type) free to produce more of his kind, rather than to close the door so that no children under that age shall be married. The result is that other children are born of that sort of parents. I am not talking of the case of older people. I am not thinking of the many young people of an older age who have gotten into trouble. But I am talking only of little children; not of repairing mistakes in the case of people who are competent to enter into this relation. Those who are born into such an atmosphere are almost sure to come up to be delinquent. That is the history of these cases as reported by those who are familiar with them. Then, in many cases, the husband and father leaves the wife with two small children. If there is not abandonment, often there is divorce.

Frequently these people are feeble-minded. I have had cases mentioned to me since this bill was introduced, where a girl was feeble-minded and they married and produced feeble-minded children. The history of these cases is such that the people most familiar with them are practically unanimous in favor of this bill. Mrs. Smith, of the Children's Protective Bureau of Portland, came

up here to speak for this bill. The Women's Christian Temperance Union endorsed this bill, and there are five thousand of them. I do not know of any organization which has done more for such girls than this one, and they say that they believe this bill should pass. When I brought this matter up before the Literary Union of Portland at a meeting and luncheon there, only one woman stood up against it. All the others were for it. There was present a member of the Girls' Industrial School, Mrs. Flagg. I did not know how she felt but she said that she was in favor of this bill and that we should not permit marriage of such persons. Mrs. Huddilston the former President of the State Federation of Women's Clubs, said that the women of the Federation were almost unanimously in favor of it, and they are the organized women who are in touch with these things.

As I have said, we all agree that there are certain conditions, at least, where it is better that a child should be born out of wedlock than in such a marriage as I have talked about. Some have said that they have known of some cases where a girl was married under fifteen where the marriage turned out all right. Yes, there are such cases. I know of such a case. That might happen once in a blue moon. But it does not seem to me that that is a reason why we should permit it, because we know that to permit it in one case means that we will have one hundred cases terribly evil to the persons concerned. To me it seems an unspeakable cruelty to turn over a little child to the burdens and duties of marriage, and more than that it seems to me a degradation of marriage itself, and it is only upon elevating the conception of marriage, which is something more than a mere physical relation, a spiritual relation as well, upon which the welfare of the world depends. (Applause.)

Mr. GOODWIN of Sanford: Mr. Speaker, as a signer of the majority report, ought not to pass, on this bill, I feel I should very briefly give my reasons. I want to read from this bill. The bill simply says that "no person who is less than fifteen years of age shall be deemed capable of consenting to on consummating marriage." I agree with our friend from Portland, Miss Laughlin, that in the

majority of cases where boys and girls under fifteen marry, it is probably not desirable. But I do believe that there are many cases where such marriages are not only desirable, but are necessary. She made a statement that in some cases it would be better to be born out of wedlock than to have a marriage. This is one case where I cannot agree with her. I believe that if your daughter or my daughter fourteen years of age should get into that position, that we, as fathers and mothers, should have the right to say, under all conditions, what is better for our daughters without interference from the State.

There is one other reason why I signed the majority report. It is this: Suppose there had been a mistake made as to a girl's condition, and they were married in violation of this law, which, of course, might be possible. Suppose they were to live together for six months or so, and then the State authorities separated that couple. And suppose there had been a mistake made? What would become of that girl's future after they were separated? I do not that in this State there is any need why a good public policy, if we may use that word, which is rather overworked, that an absolute law of this kind should be put on our books. (Applause)

The SPEAKER: The question before the House is on the motion of the Representative from Portland, Miss Laughlin, that the minority report ought to pass be accepted.

Miss LAUGHLIN: Mr. Speaker, I ask for a division.

The SPEAKER: A division has been requested. As many as are in favor of the motion of the Representative from Portland, Miss Laughlin, that the minority report ought to pass be accepted will rise and stand until counted and the monitors will return the count.

A division of the House was had,

Thirty-eight having voted in the affirmative, and eighty in the negative, the motion of the Representative from Portland, Miss Laughlin, that the minority report ought to pass be accepted, was lost.

Thereupon, on motion by Mr. Blaisdell of Franklin, the majority report ought not to pass was accepted.

The SPEAKER: The Chair lays before the House the third matter of unfinished business, majority report ought not to pass and minority report ought to pass in new draft, committee on judiciary, on bill an act regulating the sale and use of certain firearms, silencers, and noxious gases and prescribing penalties and rules of evidence with reference thereto (H. P. 929, H. D. 273), the new draft under following title, bill an act regulating the sale, possession and use of certain firearms, silencers and noxious gases, and prescribing penalties, and rules of evidence with reference thereto (H. P. 1240, H. D. 542), tabled by Mr. Cole of South Portland, March 30, pending acceptance of either report; and the Chair recognizes the gentleman from South Portland, Mr. Cole.

Mr. COLE: Mr. Speaker, in order to expedite business, I do not wish to engage in debate on the acceptance of either report; but the State has paid out considerable money to have this new draft printed—13 pages—and I think that something should be done at some time, and if I could move to have this minority report accepted, I would then move to have it referred to the next Legislature. I, therefore, move that the minority report be accepted.

A viva voce vote being taken the motion to accept the minority report failed of passage.

On motion by Mr. Wing of Auburn, the majority report, ought not to pass, was accepted.

The SPEAKER: The Chair lays before the House the fourth unfinished matter being bill an act to make certain the legal boundaries of the town of Old Orchard and set off to the town of Old Orchard from the city of Saco any right, title or interest which the city of Saco may have within said boundaries (H. P. 873—H. D. 230) which was recommitted to the Committee on Legal Affairs by the House, came from the Senate the report of the Committee on Legal Affairs reporting that same be referred to the next Legislature, accepted in non-concurrence, tabled by Mr. Littlefield of Kennebunk, March 31, pending reconsideration; and the Chair recognizes the gentleman from Kennebunk, Mr. Littlefield.

Mr. LITTLEFIELD: Mr. Speaker, I yield the floor to the gentleman from Old Orchard, Mr. Milliken.

On motion by Mr. Milliken of Old

Orchard the House voted to insist and that a committee of conference be appointed.

The SPEAKER: The Chair appoints upon that committee as conferees on the part of the House, Messrs. Milliken of Old Orchard, Littlefield of Kennebunk and Hale of Portland.

The SPEAKER: The Chair lays before the House the fifth unfinished matter being House report ought not to pass of the committee on Agriculture on resolve making an appropriation for Northern Maine Fair, H. P. 691, tabled March 31 by Mr. Kitchen of Presque Isle, pending acceptance of the report; and the Chair recognizes the gentleman from Presque Isle, Mr. Kitchen.

Mr. KITCHEN: Mr. Speaker and members of the House: As there is a bill on its way through this Legislature relative to the apportionment of State aid to agricultural organizations—I do not know just what is the status of that bill, and I would like to learn its fate before I consent to the acceptance of this report. For that reason, Mr. Speaker, I ask that this matter be retabled.

A viva voce vote being taken the report was retabled.

The SPEAKER: The Chair lays before the House the sixth unfinished matter before House report ought not to pass of the committee on Ways and Bridges on bill an act providing for the State to take over all bridges on the State highways, H. P. 103, H. D. 37, tabled by Mr. Norwood of Warren, March 31, pending acceptance of the report; and the Chair recognizes the gentleman from Warren, Mr. Norwood.

On motion by Mr. Norwood the report, ought not to pass, was accepted.

Mr. LITTLEFIELD of Kennebunk: Mr. Speaker, I do not know whether this is the proper time, but I would like unanimous consent of the House to introduce something out of order. Yesterday, I guess possibly I was asleep, but on the calendar on page eight there was House paper 1144 to increase the salary of the Secretary of State which I let go by unnoticed. I would like unanimous consent of the House to bring that back.

Thereupon Mr. Littlefield of Kennebunk was granted unanimous consent

of the House to make a motion out of order.

On motion by Mr. Littlefield, the House voted to reconsider its action whereby yesterday it accepted the ought not to pass report on H. P. 1144, bill an act to increase the salary of the Secretary of State; and on further motion by the same gentleman, a viva vote, being taken, the matter was tabled pending acceptance of the report.

The SPEAKER: The Chair lays before the House the seventh matter of unfinished business being House report ought to pass of the committee on Salaries or Fees on bill an act to provide for compensation for Justices of the Superior Courts, H. P. 184, H. D. 60, new draft, H. P. 1241, H. D. 551, tabled by Mr. Williams of Webster, March 31, pending acceptance of the report; and the Chair recognizes the gentleman from Webster, Mr. Williams.

On motion by Mr. Williams, of Webster, the report was accepted and the rules were suspended and the bill given its two readings.

Mr. WILLIAMS: Mr. Speaker, I offer House Amendment A and move its adoption.

House Amendment A to H. D. 551, being an act to provide for compensation for Justices of Superior Courts.

Amend said act by adding thereto the following section: "Section 4. The provisions of this act shall not apply to the Justice of the Superior Court of the county of Androscoggin which said Justice shall continue to receive the same compensation as now fixed by law."

Mr. STURGIS of Auburn: Mr. Speaker, I hope the motion of the gentleman from Webster, Mr. Williams, will not prevail. Mr. Speaker, do I understand that the report of the committee was unanimous "ought to pass?"

The SPEAKER: The Chair will state that the gentleman is correct.

Mr. STURGIS: Mr. Speaker and members of the House: It is beyond me to see the consistency of this amendment. There are four Superior Courts in Maine—Cumberland, Androscoggin, Penobscot and Kennebec. Androscoggin is second in amount of business done, and a close

rival of Cumberland. To pick out Androscoggin it seems strange. Mr. Oakes, the presiding judge to my mind has been an efficient and conscientious judge. The Androscoggin Bar Association voted unanimously for an increase in the salary of the Judge of the Superior Court of Androscoggin county. It is felt that this is a piece of injustice—a gross injustice—for the good work done by this court. But you say he soon reaches his age limit. Yes, but he will hold the office some time yet, and when he retires would, if this amendment were adopted, receive three-quarters of his present salary where the judges in the other courts would receive the increase. Mr. Speaker and members of the House, I ask that this House extend the same courtesy to Androscoggin that is given to Cumberland, Penobscot and Kennebec.

The SPEAKER: The question before the House is upon the motion of the gentleman from Webster, Mr. Williams, that House Amendment A be adopted. As many as are in favor will say aye; those opposed no.

A viva voce vote being taken, the motion failed of passage, and tomorrow morning was assigned for the third reading of this bill.

The SPEAKER: The Chair lays before the House the eighth matter of unfinished business, bill an act relating to the employment of children, S. P. 367, S. D. 144, tabled by Mr. Eustis of Strong, March 31, pending third reading; and the Chair recognizes the gentleman from Strong, Mr. Eustis.

Mr. EUSTIS: Mr. Speaker, I offer House Amendment A and move its adoption.

House Amendment A to S. P. 367, S. D. 144, an act relating to the employment of children.

Amend by inserting after the word "occupations" in section 20, Line thirteen, the words "and by striking out in the fourteenth line thereof the word 'six' and inserting in place thereof the word 'eight.'"

Thereupon House Amendment A was adopted, and the bill had its third reading and was passed to be engrossed as amended by House Amendment A.

The SPEAKER: The Chair lays

before the House the ninth matter of unfinished business, bill an act to make the Chairman of the Androscoggin county commissioners a full time office with the duty of superintendence of buildings and to increase his salary to fifteen hundred dollars, H. P. 543, H. D. 515, tabled by Mr. Belleau of Lewiston, March 31, pending third reading; and the Chair recognizes the gentleman from Lewiston, Mr. Belleau.

Mr. BELLEAU: Mr. Speaker, I yield the floor to the honorable gentleman from Poland, Mr. McKnight.

On motion by Mr. McKnight, the bill had its third reading and was passed to be engrossed.

The SPEAKER: The Chair lays before the House the tenth matter of unfinished business, being an act relating to the taking of white perch in certain waters in Washington and Kennebec counties, H. P. 853, H. D. 464, tabled by Mr. Williams of Falmouth, March 31, pending passage to be enacted; and the Chair recognizes the gentleman from Falmouth, Mr. Williams.

Mr. WILLIAMS of Falmouth: Mr. Speaker, there seems to be an error in the calendar, and I yield the floor to Mr. Williams of Webster.

On motion by Mr. Williams of Webster, the bill was passed to be enacted.

The SPEAKER: Under tabled and today assigned the Chair lays before the House majority report ought not to pass and minority report ought to pass in new draft of the committee on Legal Affairs on bill an act to grant a new charter to the city of Portland, new draft H. P. 1233, H. D. 571, tabled by the member from Portland, Miss Laughlin, April 1, pending acceptance of either report, and the Chair recognizes the member from Portland, Miss Laughlin.

Miss. LAUGHLIN: Mr. Speaker, I move the acceptance of the majority report ought not to pass, and I will make a few remarks on that. I think I might begin by apologizing for talking twice in one day. Certainly it is my misfortune and not my desire; but as the only representative from Portland on the Legal Affairs committee, and a signer of the majority report, I feel it my duty to give some of my reasons for that report and the reasons why I as the signer of that report am in favor of it.

It is a further misfortune that my colleague from Portland, Mr. Hale, is not present here today, but before leaving yesterday, telling me that he would be unavoidably absent he wrote a letter which he desired me to read to this House as representing his view upon this matter. It is addressed to Honorable Gail Laughlin, House of Representatives, Augusta, Maine.

"April 4, 1927.

My dear Miss Laughlin:

I have to go to Portland tonight and to be there until tomorrow morning at ten o'clock so that it may be that I shall not be in the House tomorrow morning when the matter of the City of Portland charter comes up for consideration. I am accordingly writing you this word to explain my position on this matter and if you desire to read this letter in the House or to quote from it, I hope you will do so.

"As you know the present charter of the city of Portland was adopted by the electors of the city of Portland at a referendum held in 1923 pursuant to an act of Legislature passed at the 1923 session. As far as my own knowledge and information goes, the present charter providing for a commission-manager form of government has been working fairly well and I should not myself vote to repeal it. I have, however, said to several of our citizens both before and since the convening of the present Legislature that I would vote for a referendum on a new alternative charter, providing that there were shown to the Legislature a substantial demand for such a referendum. I never attempted to define in figures what I meant by a substantial but I feel that no demand could be termed "substantial" which came from less than ten per cent of the electors of the city. I certainly do not feel that the proponents of a new charter who appeared before the committee on Legal Affairs at this session showed such a substantial demand. As a matter of fact not a single citizen of Portland has written me in regard to this measure or has really urged me to support it. I accordingly feel that the majority report of the committee on Legal Affairs was correctly rendered, and I hope that nothing

will prevent its acceptance by the House

Yours very truly,  
(Signed) ROBERT HALE."

Mr. Hale has practically expressed my own position on the matter. Four years ago this Legislature spent a great deal of time on the question of a new charter for the city of Portland, both on hearings and on debate. There were at that time two proposed charters submitted to the voters of Portland and the question of the retention of the old charter was also submitted to them. They had the three propositions to vote on. They carried the present charter of Portland three years ago in September by the overwhelming vote of ninety-nine hundred as against a vote of sixty-nine hundred to retain the old charter and a vote of seven hundred and sixty to adopt the charter which is almost word for word the new draft submitted here. This was not of course the measure introduced in this House. It is not the measure submitted to the committee on Legal Affairs. The measure submitted to the committee on Legal Affairs was an amendment to the charter of Portland—a very defective amendment but an amendment only to certain sections. The new draft, which I have seen for the first time this morning, since coming here to this House, because yesterday, as this House will remember, or rather Friday, it was not back from the printer—is of course in no way, shape or manner that which was before the Legal Affairs Committee. I have as I sat here this morning compared it with the proposed charter which was one of the propositions submitted to the people of Portland and voted on three years ago. I have found only one difference and that is a few words about the school committee. It is copied word for word and provides in the body of the charter for twelve councilors, one from each ward and three at large. You will turn to this draft if you have it and you will find that one who is voting on this charter is voting for the mayor and a board of fourteen councilors, because whoever drew it up, copying the one submitted three years ago, forgot, when he got to that point. So that in all effects the new draft presented is the one voted on three years ago last September, which in Portland received seven

hundred and sixty votes. I got those figures from the City Clerk. So then three years ago we had this matter submitted. The present charter was secured by a vote fifty per cent greater than that for retaining the old charter, and ten times greater than that for the charter presented today.

It seems to me that to submit a new charter to the city of Portland so soon should be done only on the demand of an overwhelming number. I submit that that would be the only thing that would justify putting the city of Portland to the expense and turmoil of another election—if the people of Portland had, in three years, changed their mind. If that were the case, I would be the first to favor submitting another to them. But I do not believe it is carrying out the principle of home rule to submit anything which any one person or any small group of persons might bring to this Legislature. To justify submission in such a case as this there should be really an overwhelming demand.

Of course some people in Portland are opposed to the present charter. Probably there are a good many; there are in every city. But it is impossible to say yet how many are in favor of this charter before us. It seems to me that if any proposed charter is to be brought to this Legislature to be submitted, it should be publicly discussed before being presented by some representative group considering it. No representative group had considered this. There certainly was no petition for this, because no one has seen this except those immediately responsible for it. Now I was asked by a few persons before I came here where I stood. I said what I have said now, that I believe in home rule and if there were a sufficient number of persons to justify the expense of an election should petition to have a new charter submitted to the vote of the people of Portland, I should vote for such submission. But I am not in favor of putting Portland to the trouble and expense of a new election unless we have evidence that a substantial number of citizens want it.

We have here, in support of the amendments which were heard be-

fore the Legal Affairs Committee a petition signed by 1090 persons. I have gone over this, and I feel that that is not a sufficient number to have us put this matter to another vote. At that hearing there appeared only four persons for it. There appeared fifty against it. They brought a petition of more than fifty per cent more names, and the 1674 brought were secured in two days. I know it, because on the Monday before the hearing the Chairman of the Committee of one hundred responsible for the present charter met me and asked me about the petition. I said "A petition is here with 1090 names." And he said "Do you think we ought to get busy and get some names?" I said that the people opposed to this bill certainly should give the Legislature evidence of it. On Thursday they brought us 1674 names. That shows how the people of Portland feel on the matter of this change. I have not had one person ask me to support this that is now presented. I had a friend who is much opposed to the present charter who said "I do not blame you for opposing that with the kind of support it had and under the circumstances in which it was submitted." I know my colleague from Portland (Mr. Rounds) the proponent of this measure, will say that he was sent here for this change. He says that he got more votes than anybody else did. If he had publicly declared that he was coming to support a change in the charter, my judgment is that he would not have come.

(At this point Mr. Aldrich of Topsham, assumed the Chair, amid the applause of the House.)

Miss LAUGHLIN continuing: I am making no reference to the gentleman, but to his coming here to represent that sentiment. Probably he did say to persons privately that he would bring in a bill; and also it is quite likely that he got a good many votes on the ground of it. Those opposed to it were not aware of his opposition and they voted for him too.

I do not consider it necessary to discuss the new draft. My opposition is fundamentally that the city of Portland should not be put to the expense and trouble of voting, in three years, on the question of a new charter when there is no demand worthy of the name that has come to this Legislature. And especially so when the draft which

is before us is almost word for word the draft submitted three years ago which received only 760 votes by the people of Portland.

Mr. ROUNDS of Portland: Mr. Speaker, I am surprised that the member from Portland (Miss Laughlin) said that she signed the majority report and never saw the bill. I am surprised that any lawyer would make such a statement as that. That is the first thing I have to say.

The next is that Portland has decreased in votes in the last two years under this commission form of government 2248. That shows you whether they are going away from Portland under a commission form of government or not. I want to say that I was one in the Legislature who gave them the right to vote on this. The newspapers brought a man here from Connecticut and another from New York to see what they could do to draft a bill which would give the big people control, and they got it through by the use of money. It is true that they came here in large numbers and one man paid two hundred dollars to drive them up here before the committee on Legal Affairs. I want to say that on a railroad train not a thousand miles from Portland there were three gentlemen. One man said, "I am afraid Rounds will tell a good many truths before the Legislature." Another says, "I will take care of that renegade Democrat who signed that minority report." The other man was a member of the city council. The other man said, "Oh, no, you will not get anything now because my sister will look after him and the amendments are not right; that the Legislature will adjourn." Now she comes here and says that she never read the last one I put in, or she never saw it. It is true that there are ten hundred and ninety and a number more signers and I still hold a petition that I did not put in supposing the time had gone by; but I found when I came here that they had been through the big department stores and corporations and made everyone sign whether he was a citizen or not. That petition represents 1090 of the legal voters of the city of Portland, and it is time that they should be recognized in this House. It is true that this paper was against the charter of the city of Portland and it was against it all



the time because they assessed on a small valuation and poor people have been assessed on a large valuation. I tried to get the petition in the committee on Legal Affairs and I was told that they could not find it. I have been unable to see those petitions. The petitions that I have got were put in and passed on in this House and sent to the Legal Affairs Committee. If one side is going to have rights, the other side should have some. In the hearing held four years ago in Portland each one had a chance. I put in a bill to try and test out this House and it was jumped on. I know how it was done; I am not a greenhorn in this Legislature; I know how these things are worked out. Perhaps I may be a little blunt, but I tell you I know how it was done.

I want to say another thing. They told us that they would decrease the tax rate, but they have raised the valuation over eight million dollars, and it is mostly on the poor people. Why, one man in years gone by said he was overtaxed. He had a \$75,000 piece of property and you cannot buy it for that amount today. It is a six story and a half building on made land and the first story is of half-dressed granite. It is sixty by eighty and that man said he was overtaxed because he was taxed fourteen thousand dollars, and he came out in the paper with a great headline on the day of election telling what a business man of Portland had said. They had elected a city manager and I went to see him. He said we will fix him. We will make him pay taxes. They raised him seven thousand dollars on the valuation of his buildings and took ten thousand dollars off his personal property because they fixed him right. (Laughter). That is one thing that went on and I could name hundreds of others if I wanted to.

The poor people, the people who could not afford it, have paid to get the charter repealed, but they say in Portland that they would like a chance to vote on this charter. I will say as the lady from Portland has brought out that there was a mistake of one word in that last charter and they brought a lawyer here from Portland, one who objected to everything. They brought him up here and he was around all day

yesterday and he found "fourteen" instead of "twelve." That is all he could find and I suppose this charter could be amended if it ought not to be that way.

In 1923 they told us how they were going to pay the bonds. The total bonded indebtedness in 1923 was \$4,542,584.02. The total bonded indebtedness including the Deering High School and Central Fire Station was \$4,806,584.02. The net debt December 31, 1926, was \$4,319,954.70. How much is it reduced? I will tell you. They have sold the gas stock and they sold it for \$410,416.50, and that shows you they have not reduced the debt one iota in the three years they have had this fancy government. Now if that is not something what is? They have reduced the debt they say \$500,000, but they do not tell you that they have done this with the gas stock. That is how they have reduced it.

Now the rate of taxation! They did in 1923 put this city tax rate, outside of the county and state tax, 24.2 cents. In 1926 they got it up to 24.31—higher than it was in 1922. How much have they saved the city of Portland in that way?

The gas company's stock paid the city of Portland five per cent and it paid from six to seven, they don't owe the city one cent because they have got extra dividends of over 125 per cent. I remember when I was a director in the gas company that I got 50 per cent of a special dividend. Now they have gone to work and what? They have sold it and our Public Utilities Commission here in Augusta what have they done? They have told the citizens of Portland that they shall pay sixty thousand dollars a year extra for the gas stock—ten thousand people at fifty cents a month, making six dollars and if I am right sixty thousand dollars or three per cent on all the stock that is out. This does not go to Maine people; it goes to Massachusetts and New York. That is a nice way, isn't it, taking a five per cent stock and at the same time the stock has not cost the city of Portland a cent because they have had it back in extra dividends.

In 1922 there was hardly a vacant rent in Portland. In 1927 there are hundreds of vacant rents and there

is no building today on account of these vacant rents.

The Press Herald of March 31 said that jobs have been scarce. They have been scarce. When they stop building jobs are scarce; and I want to say they have kept the streets open very nicely, I mean the middle of the streets for automobiles to whisk by, but the gutters are there and they have been slippery and dangerous. In fact I had to carry a cane all winter to get along the streets of Portland when I was home. The gutters would freeze up every night and there would be two inches of snow and ice all over the sidewalk and I had to carry a cane so as not to fall down. I had a brad in it to keep me up.

I want to say that over a year ago I went to the city budget hearing as they call it and I happened to be there as one of the objectors. (Applause). I had been trying for three years to get a catch basin in and the city manager said we appropriated six thousand dollars for catch basins. I said that means nothing for Concord Street. The manager said we will have one put in. It got along in October, and I went up to see his Secretary, he calls it. I said, "You remember Jim that I came down here with a cane to see about a catch basin." And he said, "Yes," and I said, "I haven't got it yet." He said, "I will go in and see and in two days they went out and put in two catch basins so as to get the water down so I could get across the street. He has used me all right, but I want to say here about this committee of one hundred, as the lady from Portland has said. 'Her brother was chairman. One of the committee was here last night and what did he say, he said "that he drove me out of the manager's office and I paid twenty thousand dollars' taxes and he gets ten thousand dollars, more than ever known in the history of Maine for any political job in this State." That is the way they used one of the committee of one hundred and I could name thirty or forty the same way. When it came to the last election they got beaten and his executive committee disappeared but they revived it when they heard this charter was coming in.

Whoever heard of a dirt road costing five or six thousand dollars for

a mile and a half? That is what they have got in Portland and they call it the Baxter Boulevard. I went to this honorable manager and asked him if he would spend five hundred dollars on a more beautiful scenic proposition than that, and that I would give him the gravel for a road if he would do it. He said that he wouldn't spend five hundred dollars on that road. I said you are spending five hundred thousand dollars on the Baxter Boulevard and you have got nothing for it, you have got to spend five hundred thousand dollars before the thing is finished. That is another thing that the economical city government has done in the last three years.

Wholesale and retail business have decreased in Portland because they cannot stand what is going on here. They hold sessions behind closed doors twice a month and then come into the open and vote—five years, no nays. (Laughter). It took two years to get out the first report and then you could not read it because it was jumbled up so. If I am not right I would like to be corrected.

In 1925 it was told in the newspapers that all bills were paid the first week in January. I went to the auditor and found a bunch of bills two inches thick. My bill of over three hundred dollars was paid the last one in May. It took them over five months to find all of my bills. I did get the first one in three weeks. Under the old city government you would get your check on the first day of the month if you sent your bill in by the twentieth of the preceding month.

A few months ago there was a scandal in Portland about the City Home which came out in great headlines in the papers. They said everything was all right and they kind of whitewashed the report out to the City Home.

The police department: I want to say there is more scandal in the last three years than there was for twenty-five years before. The first thing was an effort to intimidate our Governor. What was the next. They sent a man up for selling rum, a policeman. Now we have a man, one of the silk stocking crowd as I said in the committee who offered a policeman a drink in his automobile. It had been me, they would

have had me up and the automobile would have been confiscated but what did they do? They put the policeman off for sixty days without pay because he took a drink from the silk stocking chap and let the other fellow go free. I want to say that those gentlemen startled the court with their accusations against officers and the man was put through the third degree in the judge's chamber so that the people would not hear him, and they told him if he did not do so and so they would put him in jail; so he took it back under the third degree as they call it.

I want to say here that every one of these petitioners is a voter in the city of Portland and I think there are quite a number more than ten hundred and ninety names. One man counted them and he counted over twelve hundred, but ten hundred and ninety names is quite a lot of voters.

Now the poor department! It is true that he spent over one hundred thousand dollars in machinery but the poor house has increased their stipend from the city almost twenty-five thousand dollars and for what reason? The old men who have to work on the streets removing snow have no work because they put on loaders and it costs them twice as much and they only take Congress Street and Cumberland Avenue and a few streets in the center of the city and the rest of us can get along the best way we can.

In all decency I am asking you,—you have voted here for water power referendum to go to the people and all that we ask will not cost the State or the city hardly a cent. I will pay for the printing of the ballots—putting the names on the ballots—and I am in hopes that this other report if accepted that I shall have a chance to amend and make it "twelve" instead of "fourteen" which is the only thing they can find wrong in the charter. It was made out by ten lawyers and that is as many as there were on the Legal Affairs committee. I hope that you will give the middle class—they all want this thing changed—a chance to vote on it. (Applause) (At this point Mr. Aldrich of Top-

sham retired, and Speaker Martin resumed the Chair.)

Mr. JACKSON of Portland: Mr. Speaker, I simply want to O. K. all that Miss Laughlin has said. She said it much better than I could possibly say it. I will also say that perhaps I am a little lower than the middle class but I favor the majority report. I feel that I would be untrue to my trust were I to vote for other than the majority report. My observation has been that there are comparatively few who desire any change in the government of the city of Portland. The work of the present form of government from its conception has been one of efficiency. Did I consider it necessary and did I now have consideration for your feelings in not wishing to tax your patience, I would read to you this report of comparative figures, comparing money expended and work done in the three years previous to our manager form of government with the three years since the government came into being. All these comparisons are in favor of the present form of government. I am not going to read it because it is a lengthy document, but permit me to assure you that in every case the present form of government is favored. I will, however, because my friend, Mr. Rounds, mentioned it, give you comparative figures on road building. In 1921 it was 14,762 square yards; in 1922, 13,590 square yards; in 1923, 22,817. That averaged for the period 17,056 square yards of permanent work. In 1924, when the present government came into being, it was 44,552 square yards; in 1925, 92,756 square yards; in 1926, 83,651, or an average for the period of 73,653 square yards as against 17,056 square yards for the three years previous to the present form of city government.

I would like to say that in the committee hearing Senator Holmes, one of the signers of the minority report, paid this tribute to this report when he said that it was the finest piece of city financing to which he had ever listened.

We believe that the government has been a great success. For instance our schools were never in better condition, and the school head, the different educational departments, the divi-

sional superintendents and the school teachers all seem to favor the present form. Other departments such as public works, the fire department and the police department, in spite of what the gentleman from Portland, Mr. Rounds, has said, have functioned more efficiently under the present form than under the old.

Now what is this amendment that is before us this morning? We have been waiting long for it to arrive. It appeared on our desks yesterday. It surely is not the proposition upon which the Legal Affairs committee had a hearing. It is not the proposition that nearly fifty of the citizens of Portland came down here to oppose. Somehow I recognize it as an old acquaintance. I believe it to be the old Murray plan, one of the plans submitted to the voters of Portland when we changed a few years back. Let us see where it stood in the running when the votes were counted?

In all there were 17,600 votes cast. The amended form, our present form, received 9,900 votes. The old form received 6,900 votes, and this form which you are asked to submit to the people received but 760 votes. It seems to me it is an insult to their intelligence to go back to them for them to consider something which they so overwhelmingly went on record as opposing.

Mr. ROUNDS: Mr. Speaker, I wish to correct the gentleman from Portland (Mr. Jackson) in a few of his figures and statements. The Murray charter was in 1921. The charter that he said got 750 votes was not the Murray charter at all. Mr. Murray, at that time, was kind of under the weather, and he was not in the Legislature, or the man who presented the charter was not in the Legislature but he was the mayor of the city of Portland. This was the Nichols charter, so-called. Perhaps some of you remember a man by the name of Nichols who was in that Legislature; I think Mr. Piper would remember that. It was his charter, not the Murray charter, because that was in 1921.

Now I want to say as to roads how it was that they could build so much. What does the State pay for those roads? The State paid in 1926 \$90,000 to get that paving done. Now that is last three years, owing to a change in the law, they paid every year, but before that the city of Portland had to do it alone.

Mr. DECKER of Portland: Mr. Speaker, I dislike very much to disagree with my old neighbor, Mr.

Rounds. I lived on Lawn Avenue that he referred to as in the water district, then he moved over shortly before I moved out. I want to say that I am in favor of the new government, and hope the majority report will pass.

Mr. ROBIE of Westbrook: Mr. Speaker, I am the treasurer of a concern in Portland which pays an annual tax of \$6500. I want to go on record as saying I am in favor of the present city government, and I hope the motion of the member from Portland, Miss Laughlin, will prevail.

Mr. CARLETON of Portland: Mr. Speaker, I have lived in Portland many years and have been in business there twenty-five years. My taxes have been raised on my property that I occupy as a store and on my home. I am well satisfied with that raise in the taxes. I have received benefit from it. I am very much in favor of the present form of government. At the present time I have had only three people come to me and say they wish for a change in the present form of government. I am on the street in Portland and people could meet me if they wished to. I trust this motion will prevail and the city of Portland will still hold its present government. We are well satisfied.

Mr. CHASE of Cape Elizabeth: Mr. Speaker, I would like to be permitted to ask a question of the gentleman from Portland, Mr. Rounds.

The SPEAKER: The gentleman from Cape Elizabeth may ask the question and the gentleman from Portland may answer if he desires.

Mr. CHASE: Mr. Speaker I would like to inquire if the gentleman from Portland, Mr. Rounds, if he is entirely satisfied with the present government of the city of Portland.

Mr. ROUNDS: Mr. Speaker, I should think, by what I have said today, that I am not.

Mr. EUSTIS of Strong: Mr. Speaker, I move the previous question.

The SPEAKER: The gentleman from Strong, Mr. Eustis, moves the previous question. As many as are in favor of the Chair entertaining the previous question will rise and stand until counted and the monitors return the count.

A division was had.

The SPEAKER: A sufficient number having arisen, there is no need to take the count. As many as are in favor that the main question be put

now will rise and stand until counted and the monitors return the count.

A division of the House was had,

Sixty-two voted in the affirmative and two in the negative.

Mr. WING of Auburn: Mr. Speaker, has not the vote disclosed that no quorum is present?

The SPEAKER: The gentleman's point is well taken.

Mr. WING: Mr. Speaker, I move that we recess until 4.30 o'clock this afternoon.

The SPEAKER: The Chair will state that it believes that a number did not vote and a quorum may be present; and unless we vote again that we would automatically adjourn until tomorrow morning; and the Chair suggests that if the gentleman from Auburn will withdraw his motion, the House can vote again.

Mr. WING: Mr. Speaker, I do not wish to embarrass the Chair nor the members of the House. How can we vote again. The vote has been declared.

The SPEAKER: The Chair will state that the vote was not declared. The vote had been taken but not declared.

Mr. WING: Mr. Speaker, will the Chair now declare the vote?

The SPEAKER: The Chair will declare the vote. Sixty-two having voted in the affirmative and two in the negative —

Mr. WING: I rise to a point of order.

The SPEAKER: The vote shows no quorum. The Chair will still state that it is its opinion that there were a number who did not vote, and that if the gentleman from Auburn wishes to raise the question of a quorum, it should be raised separately. Does the gentleman wish to raise the point of a quorum.

Mr. WING: Mr. Speaker, I move that we reconsider the vote.

The SPEAKER: The gentleman from Auburn, Mr. Wing, moves that the House reconsider its vote whereby it was ordered that the main question be now put.

Calls of "No, No."

Mr. ALDRICH of Topsham: Mr. Speaker, if such a motion is in order, I move that we recess until 4.30 this afternoon. So far as I can see, the question of a quorum has not been determined and cannot be except by a roll call. I do not desire a roll call on that question.

The SPEAKER: The Chair will

rule that the motion of the gentleman from Auburn, (Mr. Wing) that the House recess until 4.30 is in order and the previous vote did not necessarily disclose the lack of a quorum. As many as are in favor of recessing until 4.30 this afternoon will say aye; those opposed no.

On a viva voce vote, the motion to recess until 4.30 o'clock was carried.

### After Recess

The Speaker in the Chair.

The SPEAKER: Taking up the matter under consideration before recess that the main question be now put. The question before the House is upon the motion of the representative from Portland, Miss Laughlin, that the majority report, ought not to pass, of the committee on Legal Affairs on an act to grant a new charter to the city of Portland,—on her motion to accept the report of the committee. Is the House ready for the question? As many as are in favor of that motion will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had,

Sixty-seven voting in the affirmative and 13 in the negative, the motion to accept the majority report, ought not to pass, prevailed.

Mr. ROUNDS. Mr. Speaker, is a majority here present—thirteen and fifty-seven?

The SPEAKER: The vote is sixty-seven and thirteen the Chair will state.

The SPEAKER: The Chair lays before the House the second matter today assigned being Senate report of committee on Education.—legislation inexpedient—on bill an act relating to the qualifications of superintendents of schools, H. P. 1055, H. D. 354, tabled by the gentleman from Thurston, Mr. Appleton, pending acceptance of the report in concurrence.

On motion by Mr. Brown of Bethel, the matter was re-tabled on account of the absence of Mr. Thurston.

The SPEAKER: The Chair lays before the House the third today assigned matter being House report, ought to pass in new draft of the committee on Mercantile Affairs and Insurance on bill an act concerning financial responsibility for damages caused by the operation of motor

vehicles, new draft H. P. 1255, tabled by Mr. Aldrich of Topsham, April 1, pending acceptance of the report; and the Chair recognizes the gentleman from Topsham, Mr. Aldrich.

Mr. ALDRICH: Mr. Speaker, it is my understanding that the gentleman from Hollis, Mr. Crockett, who I think introduced this bill is absent; and in view of the fact that there are some features of that bill which strike me as being undesirable, I should prefer not to take it up when the gentleman from Hollis, is not here; and for that reason I ask that it be retabled.

The matter was retabled.

The SPEAKER: The Chair lays before the House the fourth today assigned matter being majority report, ought not to pass, of the committee on Legal Affairs and minority report, ought to pass in new draft, bill an act prohibiting business and recreation on Sunday—new draft, H. P. 1267, tabled by Mr. Hamel of Lewiston April 1, pending acceptance of either report; and the Chair recognizes the gentleman from Lewiston, Mr. Hamel.

Mr. HAMEL: Mr. Speaker and members of the House: I move the acceptance of the minority report, and in that connection I would like to say just a few words.

The purpose of the bill before the House is not to curtail the religious observance of Sunday, nor of any other day of the week. It is not to lessen the respect of the people for divine services, nor to bring disrespect upon the efforts of pious and churchly people. Its aim is altogether different. It merely seeks to legalize the activities which in this State are already indulged in on the first day of the week, commonly called Sunday. Everyone knows that the Sunday law as it at present exists on the Statute books is not enforced,—or if any attempt is made to enforce it, such attempt is spasmodic and local, and by no means represents the policy of the entire State.

And I think it must be clear to everyone that the present-day conditions, the present-day thought of the citizens of this State, the whole present-day attitude toward life, is against the rigid enforcement of this

Statute as it lies upon our books. Such a rigid enforcement is impossible, because it would work hardship and injustice to a large number of our constituents.

Nothing is more calculated to inspire disrespect for the law, nothing is more certain to diminish the regard with which the people contemplate the Statutes of this State, than to have existing laws unenforced. It is far better that such a law should be revised as far as is consistent with its enforcement, and that its wording should be so amended that it may better represent the present policy of our laws and the principles of our justice.

Please do not misunderstand me. I am not pleading that laws should be abolished or amended merely because they are infringed; but I maintain that when a law has survived the days of its usefulness; when changes in our manner of life and the practices of our civilization have rendered its provisions no longer reasonable and its enforcement no longer practicable; that under such conditions the time has come for an alteration in such law, and an amendment of its provisions which will bring it into closer harmony with the times and circumstances under which we live.

The bill before the House is House Document No. 578 as amended.

This bill is to legalize the sale of gasoline, the driving of taxi cabs, the printing and setting up of Sunday newspapers, the keeping open of hotels, restaurants, garages, drug, tobacco or confectionery stores; to giving scientific philosophical, religious or educational lectures. All of these things are now tolerated in some parts of the State in violation of this law. This bill also provides that this section shall not apply to amateur baseball games, golf, hockey, track, and other amateur field sports in cities or towns where such games are permitted by vote of the municipal officers of said cities and towns and at which no admission charge shall be made.

This law, Mr. Speaker and members, is the most violated of all laws. It is violated by everyone who buys gasoline on Sunday, who buys a newspaper, who does any work of any kind; and it seems to me that

the same should be repealed or amended.

We would not interfere in the slightest degree with those who are anxious to secure legal protection for their peculiar religious views. We are merely asking that whereas a large portion of the citizens of this State seek to devote the first day of the week to religious observances and the pious pursuits of their particular denomination, they may be permitted to do so in whatever way their own consciences may dictate; and whereas an equally large and perhaps actually a larger number of people seek to devote that day to such recreation and harmless enjoyment as may recommend itself to them, that to this second class we extend the same liberty which we accord to the first,—the liberty of spending the hours of the first day of the week, commonly called Sunday, in the manner which agrees with their individual consciences and tastes.

I will not say any more. I move the acceptance of the minority report and hope for its passage.

Mr. STURTEVANT of East Livermore: Mr. Speaker, I think the law as it now stands permits the works of necessity and charity to be performed on Sunday. This is an attempt to enumerate what this shall consist of. It appears to me that there are other items not enumerated here that are equally as important as those enumerated. For instance why should confectionery stores be allowed to open and not fruit stores? Why should not milk be allowed to be sold and other things of equal necessity? It would appear to me that this is an attempt to open the door in the way of amusements that will a little later seek to be opened wider. In view of this and other arguments equally pertinent, I hope the motion of the gentleman (Mr. Hamel) will not prevail.

The SPEAKER: The question before the House is upon the motion of the gentleman from Lewiston, Mr. Hamel, that the minority report ought to pass in a new draft be accepted.

A viva voce vote being doubted

A division of the House was had

Twenty-five having voted in the affirmative and 84 in the negative, the motion to accept the minority report, ought to pass, failed of passage.

On motion by Mr. Fuller of South-west Harbor, the majority report, ought not to pass was, accepted.

The SPEAKER: The Chair lays before the House Senate report ought to pass in new draft from the committee on Claims on resolve in favor of the Maine State Agricultural Society for the State stipend for 1926, new draft, S. D. 257, tabled by Mr. Greenleaf of Auburn, March 30, pending acceptance of the report in concurrence; and the Chair recognizes the gentleman from Auburn, Mr. Greenleaf.

Mr. GREENLEAF of Auburn: Mr. Speaker, I move the acceptance of the report in concurrence.

Mr. ROBIE of Gorham: Mr. Speaker, I would like to speak in objection to the motion of the gentleman from Auburn, Mr. Greenleaf. In Section 18 of Chapter 34 of the Revised Statutes, dealing with county and local agricultural societies, there is a provision which states that "each of the said societies, and all agricultural societies receiving aid from the State by special act of the Legislature, shall cause the prohibitory liquor law to be enforced on all grounds over which they have control, and not allow immoral shows, gambling in any form, or games of chance on said grounds."

If this law is right and just, as long as it is on our books it should be enforced. Its enforcement should be a matter of commendation rather than criticism. If wrong it should be removed and not kept as a source of embarrassment to our state officials. Section 19 of the same chapter provides that payment shall be withheld until certain statistics and specifications are filed and among them a certificate on oath from the Commissioner of Agriculture that the provisions in regard to immoral shows, gambling and the sale of intoxicating liquors have been strictly complied with.

The resolve in question is in favor of the Lewiston State fair for the State stipend, which was withheld by the Commissioner of Agriculture because of a "girl show" that was allowed to continue at that fair after notice had been given by the commissioner that he considered it immoral within the meaning of our statutes. The show referred to was one the complexion of which could be changed very readily and quickly by the mere removal of garments. The show exhibited at some of our fairs, but at others when the garment removing process had been carried to an extreme, and the officials had been

warned that the show was immoral in the meaning of the law, they had the show closed and supposedly kept it closed. If it was opened again, it was not by consent of the commissioner and certainly was a breach of good faith on the part of the fair officials.

The officials at Lewiston did not see fit to abide by the commissioner's decision and he withheld their stipend. They presented their claim for this stipend to the Governor and Council and were turned down. They have presented their claim to this Legislature, it was referred to the committee on Claims and now comes back from that committee with a compromise report. The compromise report of the committee on Claims is in itself an admission on their part that the show was morally questionable. This is not the commissioner's compromise or a compromise to which he has agreed. His statement to those who went to see him from the council and from the committee on Claims was to the effect that he would not be a party to a compromise, but would not oppose any report the committee saw fit to make. In other words, he rested his case at the close of the committee hearing. He has not asked me, directly or indirectly, to oppose this bill. I am doing it on my own initiative and with a sense of fairness to our commissioner.

The Commissioner of Agriculture who withheld this stipend is not elected directly by the people. He is not appointed by the Governor and Council. He is elected and placed in office by the Legislature. He is your agent, and as your agent you have given him certain duties to perform. Among these is the unpleasant task of supervising our State fairs.

At the present time we have as Commissioner of Agriculture a man whose honesty and integrity is unquestionable. I do not believe there is a harder working, more conscientious or better liked official in our employ. He is absolutely square. For the past six years he has seen fit to pass favorably on 98 per cent of these State stipends. When for any reason he sees fit to withhold a State stipend, I believe we should bear him out in his decision. I think we should give him our whole-hearted support. If we pass this claim over his head, we are in effect telling him, our employee, that he has been too diligent in enforcing our laws. We are in effect endorsing this risqué type of show for our fairs. We are in effect nullifying the State law which forbids shows of an im-

moral or indecent nature at our fairs. I cannot believe that this will be the attitude of this Legislature and I hope that the motion of the gentleman from Auburn, Mr. Greenleaf, will not prevail.

Mr. GREENLEAF of Auburn: Mr. Speaker, I do not intend to speak long on this matter. I did offend the House in that respect. Neither do I intend to go very far into the question of how much or how few clothes a woman should wear or how she should drape them. My memory goes back to my boyhood when I remember a hoop skirt hanging in the garret of our home, and I presume that my mother wore it. So I think I am safe in saying that this House has gone from the hoop skirt period until I see by the papers that a one grease bathing suit is in vogue. Personally, I have no objection to the results which have come. On the whole, I find them pleasing. I shall, myself, continue to stand one side and gaze with admiration or astonishment according to the view presented.

But now we have here a question brought out by the gentleman who has just spoken to you as to the authority of the commissioner. Personally I do not feel that the commissioner should be the judge and jury in these cases, especially in the question which was discussed so fully before the committee on Claims. At that time there appeared before the committee several people in the defense of this show which was presented by our State Fair Association. The commissioner, when he appeared before the committee, said that he did not care to go into details, that he would spare the committee that. But the committee wisely said that they felt that they should know how these women were clad. And I think that as many of you were not present I shall try, in the masterly manner of the commissioner, to tell you what they did wear. As I remember it, the commissioner said that these women wore nothing from the breast to the knees with the exception of a girdle and from that a strap passed down under the body. This fitted loosely and in the contortions of the dance and the bending around, absolutely nothing



was concealed. Shades of Anthony Comstock! What a charge!

Now I want the House to consider the probability of such a thing as that happening. Can you imagine four women getting up on the stage and going through any such dance? Now, mind you, this did not happen just once. According to the testimony of the commissioner and his subordinates, he went there and he saw Mr. Brown—I believe that was the name. Mr. Brown reported to him that this immoral show was going on and that he had seen it once. The commissioner then goes to the show. Then he goes at once, I believe, to the grandstand and he sees another of his men and he says "Have you seen the show?" The man said "Yes." "Well," he said, "What do you think of it?" And he said "I consider it an immoral show." "Well, will you see it again?" "Yes". So the man testified that he went out again and saw it. There are four times that this was seen. Now, if I remember rightly, there was another man there. If I remember rightly, there were three men, employees of the Department of Agriculture, who saw that show. Well, when the commissioner presented his evidence, he brought forth to substantiate it these four men who were employed in his department; and he said "Now I will not ask these men to go into details of testimony." He said "I will merely ask them 'Was it as I described it?'" And the "yes" men said "yes". That was all the testimony that was introduced to prove that these women were dressed as he said they were.

Now in opposition to that there were several people from our community who came there and testified. There was Chief Field of the State Highway Police Department, a former resident of Lewiston, who was there on the ground three days. He did not go into the show; he stayed on the outside and saw these girls come out on the platform and he did not see anything unusual about this show. Irving S. Watts, former Chief of Police of the City of Portland was there. He said that he did not go into the show but he did see them on the outside. He saw nothing unusual about the show. In-

spector Hodgkins, police plain clothes man, who was about the show all the time, said that he was into the show several times on account of the nature of the show to see to it that it was conducted as it should be. The inspector said he saw nothing unusual about this show. The girls, he said, were properly clad. And they went down and sat in the Judges' stand in the same garments in which they danced, through one of the races. Some one of the girls sat there with her feet up on the rail a little way. She sat there with a cape on that she had thrown over her. Furthermore, he said that he stood about the show and saw the people come out. He heard such remarks as "Barnum was right; a sucker is born every minute." Also, the show was poorly patronized. There were not many people there.

Now if this show had been of the nature as testified by the commissioner who had seen it three or four times during the three and a half days, can you imagine that it would have had a poor attendance. Now I ask you? The police could not have kept them back.

Dr. Randall, president of the fair association, told about the contract with this carnival company, and he said that their contract had a clause which barred all such things as the commissioner of agriculture objected to and which the state laws did not prevent. Furthermore, the secretary of the association, when he testified, said that the only complaint he heard about it was that this Mr. Brown, I believe it was, came there and said that this show had been closed in Waterville.

It was also brought out in the testimony that this show was closed in Waterville; but it was closed fifteen minutes and then went on. And I have been told that there are men who attended this show and who brought their women folks and there was nothing immoral about it. Now Dr. Goodrich of the State Health Department—his work took him all around the grounds inspecting the food stands, and there were many of these in that locality. And he found out something in those food saloons where he went to see the proprietor. On two occasions he found it neces-

sary, in the pursuit of his duties, to hunt out these men in this show. He testified as to what the girls had on on two occasions at least, and his sensibilities were in no way shocked.

Bob Hodgdon, known to many of you, was there and testified to the good character of the witnesses that stood up there and he said, "I did not see the show myself. I was down there and saw a man come out and said to him, 'How is it?'" He said, "It was no good, Bob; don't waste your money on it." Dr. Seulke of the Jefferson stock farms, an exhibitor, did not see the show, but one of his herdsmen did, and he said to him, "Did you see anything wrong about it?" And the herdsman said, "No." And the Doctor said, "Believe me, these herdsmen would remember it if they had seen anything out of the way."

It has been said that the authorities were not properly notified and that no action was taken. Now in that connection I want to read you parts of some letters between Chief Ashton and Commissioner Washburn. He enclosed a clipping in which it is said: "Mr. Brown declares that he complained to the fair officials and that the Lewiston police knew what the conditions were, yet nothing was done to correct them." The local police apparently did not wish to interfere with the matter. Now Mr. John H. Ashton writes to Mr. Frank P. Washburn as follows:

"Commissioner Frank P. Washburn, State Department of Agriculture, Augusta, Maine.

Dear Sir:

Enclosed find clipping from Lewiston Daily Sun and I feel it is only proper at this time to state my views.

"I met Mr. Pennell on the grounds and talked with him concerning conditions which prevailed. He informed me that Mr. Clarence Brown was now looking after that particular work, and I requested that he introduce me to Mr. Brown. He came with Mr. Brown to Police Headquarters at the grounds and I talked with them. Mr. Brown stated that the girl show had been stopped at Waterville and that he had taken the matter up with the local fair officials. I inquired if any complaints had been made against this show while in Lewiston and he

said that none had been registered. I asked Mr. Brown to inform me of any indecency which might be reported to him.

"Further, so that I might have better knowledge of the show, I had it covered on each day.

"I feel that whatever they may have done in Waterville is not up to me, but, if they had an indecent show in Lewiston it did not come to my attention. Mr. Brown did not complain to me of any indecency in their show at Lewiston.

"If Mr. Brown has any evidence to present in court, I will be glad to assist in prosecuting the parties responsible for such performances. I do not think it sufficient to merely close such places, when we have laws by which we may prosecute.

#### LEWISTON POLICE DEPARTMENT

JOHN H. ASHTON,

Chief of Police."

Now Commissioner Washburn replies:

"You will pardon my delay in answering your letter of September 17th as my time for the past ten days has been entirely taken up with the state of Maine display at Springfield.

"I feel that the newspaper comments upon what Mr. Brown and I have said with regard to Lewiston Fair were somewhat premature, for neither of us have made any authorized statement. From personal observations, however, and from reports of several of my inspectors, I am led to believe that one or two of the shows carried on in connection with the Carnival Company were immoral and indecent, and the fact that they were allowed to continue in operation for three and a half days may compel me to withhold the State stipend that would otherwise go to the Maine State Fair Association.

"You will understand that in such cases, my contact is with the Fair Association officials only; we have no police authority and do not attempt to exercise any, and I am entirely ignorant of the names of the offending parties, and would not be of much value as a witness against any particular party or parties. I quite agree with you, however, that it is not enough to simply close such

exhibitions; someone should be punished.

"I shall be very glad at any time to meet you and confer with you in regard to the situation, giving you all the information I have. Please let me hear from you if you think I can be of any assistance."

In order to get a little more direct testimony on this affair, I should like to ask, Mr. Speaker, through the Chair, a few questions of Representative Deakin of Howland.

The SPEAKER: The gentleman from Howland, Mr. Deakin, may answer the questions if he so desires.

Mr. GREENLEAF: Mr. Deakin, did you not attend this girl show that has been discussed?

Mr. DEAKIN: Two years ago I did.

Mr. GREENLEAF: I have been mistaken. (Laughter and Applause)

I understood Mr. Deakin, in a previous conversation, that he saw this show last fall. That is why I wished to bring the direct testimony out. I am glad I am misinformed.

In this connection I might say that a letter was written by the head of the Women's Christian Temperance Union, which organization runs a hotel on these grounds, to Senator Holmes, stated that nothing was brought to their attention of any such indecent performance going on on the grounds. Furthermore, there were, I think, the Elm Street Universalist Church ladies who had a booth, and nothing was heard from them. I believe there was one other church; I do not recall what it was now. But several of their good ladies were dispensing sandwiches and refreshments to the crowd. It seems strange that if all this was going on for three and a half days, as the commissioner says, viewed on five different occasions by members of his department, still he could raise up no testimony except that of men in his employ; and they were not allowed to testify as to what they saw but were asked "Is it not so and so?"

Now these are things that I have wanted to leave with the members of this House to consider and then vote on whether you think Commissioner Washburn should be made judge and jury in these cases and his decision be final. Personally, I believed that his eyesight must have been defective at least. May I ask another question of another Representative here, Representative Piper?

The SPEAKER: The gentleman may answer if he sees fit, but he is under no obligation to do so.

Mr. PIPER of Jackman: Mr. Speaker, I refuse to answer.

Mr. ROUNDS of Portland: Mr. Speaker, I was one who would not sign either report. I thought it was a moral show from what I heard. I want to say that I endorsed everything, so far as the evidence is concerned of the gentleman from Auburn (Mr. Greenleaf). And I want to say further that I think I have seen burlesque shows in the State of Maine a good deal worse than what the evidence showed occurred on the Lewiston fair grounds. I was in the show business some three years myself—burlesque shows. I have had some experience in that line of business (laughter) and I want to say that I think those ladies were clad in tights. I will say that I can see nothing wrong in that, and I want to say further that this Dr. Randall took a mother and her daughter, took two of the performers to his house, to dinner, and I do not think he would have taken them to the house where his wife and children were if there had been anything wrong with that show.

If it had been all that the gentleman from the Agricultural Department has said, you could not have got into that tent at all, for every young man and every old man would have been there. (Laughter) I do not think there is anything wrong in it at all. I did not sign either report. If I were going to sign any report, it would be "ought to pass."

Mr. GREENLEAF: Mr. Speaker, I would just like to say that I understand the committee split. There were five members who stood out for the full payment of twenty-five hundred dollars. There were some who stood out and said that something should be done towards supporting the Commissioner to a certain extent, and I understand that there were some who were absolutely opposed to any compromise in the matter and were for standing by the commissioner. The compromise, however, was arrived at whereby the fair association, which was represented by Senator Holmes, agreed to be smeared with five hundred dollars' worth of immorality in this matter, that the Commissioner might to some extent be supported, and we agreed to that. Then the first thing I knew I under-

stood that the bill was to be attacked by the gentleman from Gorham, Mr. Robie, and I went to Mr. Robie and he told me that he intended to attack it from the commissioner's standpoint. I then saw Mr. Holmes and we later saw Councilor Furbish. Mr. Holmes told me before we saw Councilor Furbish that Councilor Furbish was there at the time this agreement was made and represented the Governor and the commissioner. We called up Mr. Robie and explained the matter to him and Mr. Robie said he was against all compromise. Well, then, Mr. Furbish went to the Governor and called the Governor's attention to it. When I went down on the elevator it so happened that Governor Brewster was on the elevator. I said to him, "Did Councilor Furbish speak to you in regard to that matter?" He said "Yes, I will be glad to talk with the Commissioner." He said "that is right and that was the trade and I thought it was agreeable to the commissioner and that he was a party to it." He saw the commissioner and the commissioner saw Mr. Robie and Mr. Robie said that we were still to go to bat. Then I heard through one of the representatives that the commissioner thought I was threatening his salary to get this thing by. That is why I inquired further and found out that the Commissioner had not authorized Mr. Robie to tackle this proposition. So I saw the Governor and spoke to him in regard to this and he said "For Heaven's sake, hasn't that thing been cleared up?" And I said, "No, it hasn't." He said—

The SPEAKER: The Chair wants to be very liberal with the gentleman from Auburn, Mr. Greenleaf, but is this material to the issue?

Mr. GREENLEAF: What I am trying to prove is that this was an agreement entered into by the members concerned in which the Governor was interested to the extent that he had a representative there. I am trying to lay before the House the facts that this was an agreement which we would have never entered into had it not been for the fact that the Governor wanted us to do it.

The SPEAKER: The Chair wants to be very liberal in all matters of debate, and unless the House objects the gentleman may proceed.

Mr. GREENLEAF: I do not know, Mr. Speaker, as I care to pursue the subject any further.

I have a letter which I would like to read:

"Auburn, Maine, February 28, 1927.  
Trustees Maine State Agricultural Society, Lewiston, Maine.

Gentlemen: The Auburn W. C. T. U. have maintained a restaurant on the Maine State Fair grounds for the past twenty-five years where we serve hundreds of meals yearly, and for the past years no complaints have been entered to us but rather words of commendation regarding the conditions of the shows and the manner in which the fair was conducted. Yours very truly,

W. C. T. U.

(Signed) Mrs. Mary R. McCallum,  
Pres."

Furthermore, I would like to say that these people showed all over the State two years ago the same as they showed this last year, and that was the time Representative Deakin saw them and saw nothing objectionable. For some reason we have been picked on as the ones who should be singled out to point a moral in this respect; and as I have said before when we have gone from the days of the hoop skirt clear down to the days of the knee length skirts, I do not know as I want to pose as the judge of how much or how little the ladies shall wear. I will say that I have been to classes in aesthetic dancing in my own home town attended by our best people and the daughters of our best citizens who had as little on as has been described by the witnesses who saw this show.

Mr. STURGIS of Auburn: Mr. Speaker, I would like to ask through the Chair who signed that report from the Woman's Christian Temperance Union.

The SPEAKER: The gentleman may answer if he wishes.

Mr. GREENLEAF: Mrs. Mary R. McCallum, president.

Mr. STURGIS: I would like to know how the Women's Christian Temperance Union who were furnishing a dinner up there would know anything of what was happening on the midway? Furthermore I would like to ask if the gentleman from Auburn, (Mr. Greenleaf) acted as the attorney for the Fair Association. He says "We" in regard to settling up this fair.

Mr. GREENLEAF: Mr. Speaker, I will merely say that many of the owners of stock of this Fair As-

sociation and several of its directors are residents of my home town and of his home town.

Mr. STURGIS: Mr. Speaker, I did not expect to get into this but I feel that the Commissioner of Agriculture is a man of high standing and a man who would have a high ideal of shows and he is instructed by this Legislature to use his judgment, and he can withhold the stipend. I do not know as I have any more to say at this time. I felt that we were getting off the track a little.

Mr. WING of Auburn: Mr. Speaker, I think the Maine State Fair should have another side presented than has been presented here, and if the House will have patience with me I will give them some figures relating to this particular fair so that they may judge whether this is a real institution or not or whether this institution is of some benefit to the agricultural interests of this State.

The fair is known as the Maine State Agricultural Society and at the fair which was held from the 6th to the 10th of September there were 105 horses and colts exhibited for which the fair paid premiums of \$621. There were 130 bulls and bull calves exhibited and the fair paid premiums of \$724. There were 370 thoroughbred cows, heifers and calves and the fair paid premiums of \$2852. There were 159 oxen and steers exhibited and they paid premiums of \$1020.50. There were 434 neat cattle exhibited and they paid premiums of \$156. There were 110 cattle shown in herds and they paid premiums of \$560. There were 165 sheep exhibited and they paid premiums of \$886 for them. There were 153 swine exhibited and they paid premiums of \$475 for them. There were 450 coops of poultry and they paid \$563 for them. There were six town teams exhibited at this fair and they paid premiums of \$84 for them. There were 263 exhibits of grain and food crops and they paid a premium for them. There were 287 exhibits of fruits and flowers and they paid \$580.35 for them. There were 20 dairy products exhibits and they paid premiums for them. There were 101 exhibits of needle work and there were five grange exhibits. Five

granges came to this fair and made an exhibit and were paid premiums; and in addition to those various items that I have described to you there were exhibits of cookery, drawing, painting and creamery exhibits. They paid in all for the premiums having to do with the agricultural side of this fair \$9319.75, and there were 35,112 people to see them.

That is the Lewiston State Fair that has been treated here with some levity. This fair, with its grounds, stables and equipment, exhibition halls and everything, is carried on their books at \$41,129. They owe a bank \$32,500. There are some people interested in my community in having this agricultural exhibit in the industrial heart of Maine and there is due the bank \$32,500. We say—and I use the word we because I am interested as a citizen in the Maine State Fair—that we have made and the Maine State Fair has made a distinct contribution to the agricultural interests of this State when they paid nearly ten thousand dollars premiums and have five grange exhibits at this fair. They say that this fair which yet owes \$1144.56 which did a business in premiums and gratuities of \$52,000, should not receive the State stipend because of a pecking State Commissioner of Agriculture who says there was an immoral show there. This matter has been heard by a committee and this committee has made its report. It has been passed in the Senate, and you are asked to deprive these men, these trustees of the Maine State Agricultural Society, of a stipend that in equity and good conscience belongs to the Maine State Fair.

There is much talk in this State at the present time about agriculture, the abandoned farms, and the electrification of farms—the rural electrification—\$250,000 a year! Here is a body of men that offered to the farming interests of this State and paid them to come and exhibit and show others what they could do—nearly ten thousand dollars; and I say to this House, and I say it sincerely, and I hope with some force, that the State of Maine can well afford to pay the Maine State Fair this two thousand or twenty-five hundred dollars. If you wish to do

something for the agricultural interests of the State, these are the methods and the ways for you to do it. You cannot be parsimonious and you cannot be unfair, and you cannot sidetrack the issue. How much encouragement does the Maine State Fair,—how much does it hope to have from the farming interests of this State if you refuse to pass this stipend upon which your committee has divided and upon which there is this report? Do you think next fall there will be five granges at the State Fair? Do you think there will be an effort to attract the farming interests to that fair. I think not. I know that these trustees of the Maine State Fair have tried to be fair and square with the farmer. These premiums show it, and the attendance shows that there were some people there to see it. I support the motion of my colleague, Mr. Greenleaf, and I trust that this House will at least be generous in this respect to an institution that on the figures does something for the farming interests of Maine. (Applause.)

Mr. HALE of Portland: Mr. Speaker, can the Clerk inform us as to the contents of Senate Amendment A? May we have it read?

(Senate Amendment A read).

Mr. ELLIS of Fairfield: Mr. Speaker, I did not intend to have anything to say on this subject, but there are one or two things that I will say. This show at the Waterville Fair was closed the first night. I have been informed by the President of that Association that it was kept closed. At the Skowhegan Fair the gates were closed and, to my knowledge, were kept closed.

Further than that, the only thing I have to say is that as a farmer representing the agricultural interests of the State, I do object to the way this matter has been presented by the gentleman from Auburn (Mr. Greenleaf). I do not believe that the farming interests of this State want encouragement in this way. If the members believe that there is anything wrong in regard to it and have information of anything wrong—but as I look at the matter the Commissioner is the only person provided by the law to be out there and carry out the enforcement of this law. I do not believe the agricultural interests want any encouragement in this way from this House for they believe it is not right.

Mr. McKNIGHT of Poland: Mr. Speaker, owing to the lateness of the

hour, I did not intend to speak on this bill but I would like to say a few words. In regard to the Maine State Fair, as the gentleman from Auburn, Mr. Wing has said, they put in \$9,319.81. I have it here from the Commissioner of Agriculture. That is the biggest premium paid for agricultural exhibits of any fair in the State of Maine. I am a little surprised at the attitude of the gentleman from Gorham, Mr. Robie.

On page twelve of the House calendar there is a resolve in favor of the South Kennebec Agricultural Society. I would like to read this short resolve: "Resolved that there be paid to the South Kennebec Agricultural Society the sum of one hundred dollars, said sum being the amount of State stipend for 1921 withheld by the Department of Agriculture." On the back side of the new draft of that resolve it says—here is a statement of the facts in the case.—that the stipend for 1921 was withheld for negligence in supporting the laws against gambling. The officials reported that the facts in the case were not reported to the Department. On page 12 it appears that that resolve was tabled on March 30 by Mr. Robie of Gorham. For some unknown reason today he has retabled that. I was hoping that it would come before the House today so that we could see what disposition he would make of that particular fair. The other day when I was talking on the State stipend for these smaller fairs, he opposed me again on that. He said it was spreading the stipend mighty thin to give these small fairs a show. I do not know whether he has a grudge against the small fairs or not.

In my experience as a farmer going to fairs—I have the highest respect for the Commissioner of Agriculture; I have known him a long time in connection with these fairs. He and I and most of the members here attended the hearing that was held. It is a well-known fact that in the decision of that committee on Claims it was taken into consideration that the fair at Lewiston should receive two thousand dollars. That was the way it was settled, fairly and squarely. I believe that the Legislature should do this, from the fair and square point of view.

In regard to the fairs there is another resolve here with regard to another fair. I am for fairs. I realize that if the agricultural interests of this State are ever going to get any-

where, it is through the fairs. I do not know but what it may come through publicity, but I doubt it. The Maine State Fairs in the last few years have largely increased their amounts of premiums. They are already generally of the first order.

We have already heard the details of this particular show. And we have heard both sides. And I want to say in conclusion, this: From my experience with fairs, and I think I have had as much experience around fairs as anyone here—I lived with fairs seven or eight years and attended some of our big fairs—it is my honest opinion that when you shut down on this State stipend for State fairs, you will open the door to all the immoral shows. When I was connected with fairs, there was an agitation to let the State stipend go. Some officials connected with the fairs would say "Let the State keep the stipend. We will run this as an open show." That is the idea exactly. When they do not get any stipend, they will take any show that can get by the officials. When there is a big fair going on, the officials, unless somebody makes a complaint and follows it up pretty strongly, will make no great effort to close those shows. For the moral effect of this thing I believe it is a good thing for this State to hold out a little encouragement to these fairs. If I were here again, I should enter a resolve to give four cents instead of keeping it at three and a half cents. I hope you will look at this in a fair and square way, and I hope the motion of the gentleman from Auburn, Mr. Greenleaf, will prevail.

The SPEAKER: The question before the House is on the motion of the gentleman from Auburn, Mr. Greenleaf, that the Senate report ought to pass in a new draft be accepted. As many as are in favor of the motion—

Mr. ROBIE of Gorham: Mr. Speaker, I ask for a division.

The SPEAKER: A division is requested. As many as are in favor of the motion of the gentleman from Auburn, Mr. Greenleaf, to accept the report in a new draft will rise and stand until counted and the monitors will return the count.

A division of the House was had, Ninety-four having voted in the affirmative and 26 in the negative, the motion to accept Senate report ought to pass in a new draft prevailed.

Thereupon Senate Amendment A was adopted in concurrence and the resolve as amended by Senate Amend-

ment A had its first reading and tomorrow assigned for second reading.

On motion by Mr. Robie of Gorham, it was voted to take from the table resolve in favor of the South Kennebec Agricultural Society, H. P. 937, H. D. 333, tabled by that gentleman earlier in the day.

Mr. ROBIE: Mr. Speaker, my objections to this are the same as I had against the Lewiston proposition, that it is over-riding the veto of the commissioner whom we placed in office and charged with the enforcement of these provisions. This particular stipend was held up for gambling or the running of a game of chance. Mr. Tucker, who inspected that fair, told them that those wheels of chance would have to be stopped or they would withhold the stipend. I believe they went and saw the man running those wheels and they were stopped. There was such a hue and cry raised that they held a meeting of the officials and decided that they could make more by allowing them to run than by having the wheels stopped. So they told Mr. Tucker that he might keep the stipend and they would let the wheels run. The wheels were stopped, however, the next day by civil authorities.

Also in connection with that affair it might be of interest to know that the same man who was running the concession has been charged with illegal possession of intoxicating liquor. Before the court he was found guilty and sentenced to pay a fine of one hundred dollars and costs of fifty dollars, and serve two months in jail.

I move the indefinite postponement of the resolve.

Mr. DOUGLAS of Chelsea: Mr. Speaker, as the sponsor of this resolve, also as having had something to do with this fair in question, perhaps it devolves on me to say a little something. In the first place I will call attention to the fact that this resolve was presented to the committee on Claims, reported to the House, as I understand, by a full unanimous report from the committee, passed the House and went to the Senate and had its several readings there, and is now on its final passage in the House.

This fair is an association which has been in existence for about forty years—thirty-nine to be exact. They have distributed to the people of that vicinity something like fifteen or eighteen thousand dollars in

premiums on agricultural products alone. The fair of 1921 was the only time that an official representing the Agricultural Department saw fit to charge that they were negligent in enforcing the law against gambling on the grounds. Previous to that time and since that time our stipend has come along regularly and we have been approved by the Commissioner in the regular way. The facts of the matter are these: In that particular year, 1921, there was some gambling on the grounds. I think everyone who is at all familiar with the handling of fairs or even who attends fairs is cognizant of the fact that gambling is apt to be present on these grounds. That little fair has never stood for anything but an absolutely legitimate purpose; and they have not taken any money for any purpose not absolutely right and legitimate. Those fakirs or concessionaires, as they like to be called, will at an opportune moment, conceal their regular occupation and go to playing some regular game. Sometimes they are all right and sometimes there is an element of chance which needs to be suppressed. And the directors of that fair have been as diligent in suppressing those affairs as it is possible to be. In that case in question the inspecting officer, who is not quite familiar with the problems that confront those handling these things, called attention of the officials to the fact that gambling was going on in certain quarters. They immediately stopped it.

I do take exception, however, to the statement that any official of the fair told him that they would rather get money out of illegitimate shows than to have the stipend. I want to say to you, gentlemen, that no one who had anything to do with the handling of the fair ever made such a rash statement.

Further, this fair has always paid its premiums. They have had their ups and downs. Sometimes they have had a little money and sometimes none. Often the officials have had to sign a note to raise the money to pay the farmers and the people who earned money at the fair. At the present time this association is in debt. But every bill against the association is paid. I hope sincerely that the House will not vote to indefinitely postpone this resolve.

Mr. WEBBER of China: Mr. Speaker, as a member of this committee on Claims who heard the evidence of this agricultural society, I wish to say that it was the unanimous report of the committee, after listening to the evidence on both sides, that we give them a report "ought to pass in a new draft."

I believe and think that the records will show that my speeches have been brief up to this day. I hope that the motion of the gentleman from Gorham, Mr. Robie, will not prevail.

Mr. KINSMAN of Augusta: Mr. Speaker, I just want to add my bit by saying that I have attended several of these fairs and I have never in my life seen anything which I thought was wrong. I have always found it to be a clean fair in every particular; and I hope that the motion of the gentleman from Gorham, Mr. Robie, will not prevail.

Mr. ROUNDS of Portland: Mr. Speaker, as Chairman of the committee on Claims, I, for one, cannot see that there was anything very wrong. Perhaps there was something covered up that the management could not see. But I, for one, could not see anything wrong. I wanted to put the stipend at \$125 instead of \$100, but the majority wanted \$100 and so I signed the report.

The SPEAKER: The question before the House is on the motion of the gentleman from Gorham, Mr. Robie, that this resolve be indefinitely postponed. As many as are in favor will say aye; those opposed will say no.

A viva voce vote being taken, the motion to indefinitely postpone the resolve was lost.

Thereupon on motion by Mr. Douglas of Chelsea, the resolve was finally passed.

The SPEAKER: The Chair lays before the House the sixth assigned matter for today, an act relating to equal school privileges for all pupils, H. P. 262, H. D. 394, on which the House adhered to its former action whereby the bill was indefinitely postponed, tabled on April 4 by Mrs. Gay, the pending question being the motion by Mr. Marden of Waldo, to adhere; and the Chair recognizes the member from Waldoboro, Mrs. Gay.



On motion by Mrs. Gay of Waldoboro, this matter was retabled.

The SPEAKER: The Chair lays before the House the seventh assigned matter for today, an act to amend an act to abolish the board of public works of the city of Lewiston and to provide a Highway Commission, H. P. 1211, H. D. 469, on which the House substituted the old draft, H. P. 673, H. D. 236, for the report and passed the same to be engrossed, tabled on April 1 by Mr. Belleau of Lewiston, pending reconsideration; and the Chair recognizes the gentleman from Lewiston, Mr. Belleau.

On motion by Mr. Belleau of Lewiston, the House voted to insist on its prior action and ask for a committee of conference.

The Chair appointed as such conferees the gentleman from Lewiston, Mr. Belleau, the gentleman from Bethel, Mr. Brown, and the gentleman from Appleton, Mr. Thurston.

Under suspension of the rules Mr. Aldrich of Topsham, offered the following order out of order and moved its passage:

Ordered, that an act to amend the Revised Statutes relative to the members of the Highway Commission which was this morning referred by this House to the Judiciary Committee be returned to this House.

Mr. ALDRICH: Mr. Speaker, in explanation of that order I wish to say that just as this House convened this afternoon there came to my attention the wording of the preamble of the act which we, by unanimous consent, permitted to be offered here, and I would like to read it to this House:

"Whereas the State Highway Commission by its activities and operations has produced a condition of distrust and remissness militating against highway improvement and extension, thereby rendering it expedient that this Legislature shall abolish the existing commission and create in its place a new commission conferring upon it such authority and power as are requisite for the uninterrupted continuation of the highway projects now under consideration and for the effective maintenance of traffic service upon the highways;

And whereas, in the judgment of this Legislature, by reason of the foregoing facts the passage of this act is immediately necessary for the

public peace, health and safety, and constituting an emergency within the meaning of the Constitution as amended,

Be it enacted, etc."

I for one wish to say that had I at the time unanimous consent was requested of this House known that a bill was to be offered which contained any such preamble as that, I should not have given my consent, for this reason: This House has a committee now which has under investigation certain matters in connection with that Highway Commission. That investigation has not been concluded, and I submit that for this House to give its unanimous approval to the offering of an act which contains a preamble of that kind is almost tantamount to the finding by this House that that Commission is guilty of the act with which it has been charged. And in order that there may be no prejudgment, and in view of the fact that this has been done by unanimous consent and presumably with knowledge of what was contained therein—in order that there may be no misunderstanding that this House has prejudged this matter, I offer this order regardless of how the gentleman may feel about it. For myself, I never would have given consent had I appreciated the contents of that preamble.

Mr. MERRILL of Dover-Foxcroft: I appreciate the sentiments expressed by the gentleman from Topsham, (Mr. Aldrich). It was not my intention to insult the intelligence of the membership of this House by the request that I made. It seemed to me an urgent necessity that this House be prepared to take some action at the close of the present investigation, which, to my mind, whether it leads to anything more or not, has in any event, at this time, lead to this much, that the continuation of the present Highway Commission is an unthinkable thing in any event, regardless of whether the charges are proven or not. It is very manifest that conditions cannot go on in any way that you might attempt to smooth over, in any event, whatever the outcome may be.

I cannot conceive, and I do not admit, that the wording of the preamble is prejudgment of the case. I asked unanimous consent simply that that bill might be presented and referred to a committee, which committee would be handling another

proposition of similar nature tomorrow afternoon; believing as I did that the provisions of the bill were in many respects superior to the provisions of the other bill. And I feel perfectly safe in leaving the bill in the hands of the committee to judge of it and report on it as it sees fit.

I personally hold some slight resentment at the inferences as to my intentions or my acts of the gentleman from Topsham. And I submit to you that it is my firm conviction that the preamble was wholly warranted, and that the committee to which it was referred is amply able to report on it after deliberating.

Mr. ALDRICH: Mr. Speaker, I did not intend to reflect upon the gentleman from Dover-Foxcroft, but I would call the attention of this House to the fact, as has been indicated by what the gentleman has just said, that, if I understand correctly, there is a bill which is to be heard tomorrow before the Judiciary committee, which deals in some way with this subject. And if that bill does not meet the situation, I would suggest that there was no need at this time, while this matter was in the air and this Legislature had decided nothing, and this investigation is still going on—there was no need for the introduction, so far as I can see, of another bill to deal with it. If the bill before the Judiciary committee, if favorably considered, needs amendment or needs to be changed by a new draft, which is no new experience to this Legislature, that may be very readily done. So the question, so far as I myself am concerned,—and I have no hesitation in placing myself distinctly on record—so far as I myself am concerned, if this were a new proposition of this kind, my consent would never be granted for the introduction of a bill which requires the unanimous consent of this House to its introduction, which I say, by implication in its preamble, certainly does pre-judge this situation, because it says that the State Highway Commission, by its activities and operation, has produced a condition of distrust and remissness militating against highway improvement and extension. If that does not amount by implication to pre-judgment—and I think that the gentleman's remarks indicate that

so far as he is concerned, he has formed his judgment. I have no criticism for that; but I object to this House taking any position in regard to this matter which might be misinterpreted. That is the sole purpose of offering the order which I have offered. (Applause)

Mr. MERRILL: Mr. Speaker, I wish to call your attention to the fact that had this matter not been brought up this afternoon, no pre-judgment in the minds of this House would have been possible. The method used in presenting the bill, I felt was necessary because of the lateness in the session and the impossibility of putting through the regular procedure. I will not hold you with any argument or any further remarks. I simply leave it, as I said before, with the committee to do as they see fit. And I ask for a vote on the subject. I move the previous question.

The SPEAKER: The previous question is moved. As many as are in favor of the Chair entertaining the motion for the previous question will rise and stand until counted and the monitors return the count.

A division of the House was had.

The SPEAKER: Sixty-one having voted in the affirmative and it being a sufficient number, the question now is shall the main question be put now? As many as are in favor of this motion to put the main question now will rise and stand until counted and the monitors return the count.

A division of the House was had.

The SPEAKER: It is apparent that a sufficient number have voted in the affirmative and the main question will now be put.

Mr. HALE of Portland. Mr. Speaker, will the Clerk kindly re-read the order?

The order was re-read by the Clerk. Mr. PATTERSON of Castine: Mr. Speaker, as a member of the investigating committee, I would like to be excused from voting.

The SPEAKER: The House hears the request of the gentleman from Castine, Mr. Patterson, that he be excused from voting, being a member of the investigating committee. As many as are in favor will say aye; those opposed will say no.

A viva voce vote being taken, the gentleman from Castine, Mr. Patterson, was excused from voting.

Mr. Decker of Portland, and Mr.

Rawley of St. George made the same request on the same ground, and on viva voce votes, were excused from voting.

The SPEAKER: The question before the House is on the motion that this order receive a passage. As many as are in favor of this motion will say aye; those opposed no.

A viva voce vote being doubted,

A division of the House was had,

Sixty-eight having voted in the affirmative and 34 in the negative, the order received a passage.

On motion by Mr. Rounds of Portland, it was voted to take from the table out of order bill an act relating to judges of probate, S. P. 343, tabled by that gentleman earlier in the session; and on further motion by the same gentleman the report ought not to pass was accepted.

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On motion by Mr. Davitt of Millinocket, it was voted that the House adjourn until 9 o'clock tomorrow morning.