

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

representatives to use their influence in removing customs from coal coming into the United States from Nova Scotia.

Bill, to establish Old Orchard park system.

Bill, about probation.

Resolve, for Jefferson C. Smith.

Bill, about towns receiving gifts for public libraries.

Bill, about detectives.

Bill, about Bodwell Water Power Company.

Bill, about Waterville Trust Company.

Bill, about meter inspectors.

Bill, about Portland Young Women's Christian Association.

Bill, about Augusta municipal court.

Bill, to allow George R. Kuetchum to build a dam in Big Machias river.

Resolve, for Susan Baker.

Bill, about fishing in Bagaduce river.

Bill, about the duties of the labor commissioner.

Bill, for transfer of patients in insane hospitals to Maine School for Feeble Minded.

Bill, to divide the town of York and establish the town of Yorktown.

Mr. Smith of Berwick offered House Amendment "A," to strike out in the first and second lines of said act the word "southerly" and inserting in place thereof the word "within."

Mr. CHASE of York: Mr. Speaker, I don't know just what that amendment is for, how it affects the bill. I would like to inquire of the gentleman from Berwick whether or not that is an amendment to the original bill or an amendment which was offered yesterday.

Mr. SMITH: I will say, Mr. Speaker, this is an amendment to the minority report which was adopted yesterday, and I would state for the benefit of the gentleman from York that through a clerical error in drawing the bill they began on one side of the town and went by the Portland road, so called, to a certain point, and then down to the Atlantic ocean and then back by the Atlantic ocean to a point, and then up, enclosing on all four sides the original draft as adopted yesterday by southerly on this line, and the amendment offered by me is simply within these lines, and not southerly of the lines.

Mr. CHASE: Mr. Speaker: I move

that the amendment lie upon the table. I want to compare the whole business.

Mr. MARSHALL of Portland: Mr. Speaker: As I understand it, this is purely to make plain a clerical error in defining the bounds. It does not in any way change or attempt to change the true intention of the bounds.

Mr. CHASE: Mr. Speaker: I raise a question about it.

The SPEAKER: The gentleman will state his point of order.

Mr. CHASE: My point is that the motion to lay on the table is not debatable.

The SPEAKER: The Chair will sustain the point of order raised by the gentleman from York.

Mr. PETERS of Ellsworth: May I suggest that the gentleman from Berwick withdraw his amendment, and it may simplify the situation for a moment.

Mr. SMITH: I will accept the suggestion of the gentleman from Ellsworth and will temporarily withdraw the amendment.

Mr. PETERS: Mr. Speaker, I desire to move that we reconsider the vote of the House taken yesterday adopting House Amendment "B" to this bill; and I do so for the purpose of allowing the friends of the bill to propose a substitute amendment, and which I presume they will explain to the House.

Mr. CHASE: Mr. Speaker, the question arises in my mind whether the gentleman from Ellsworth has the right to reconsider the vote. I think he voted in the minority.

Mr. PETERS: I will say through the Chair that I voted for the adoption of the amendment.

The SPEAKER: If the gentleman from York desires to make certain the Chair will have the records examined.

Mr. CHASE: Mr. Speaker, I hope the motion will not prevail. We voted here yesterday nearly all the afternoon and voted on that proposition to submit the question to the voters and the residents of that particular district. That having been decided by so large a vote of the full House as we had yesterday I cannot see where the fairness of the proposition lies.

Mr. McLain of Bremen: Mr. Speak-

er, I move that this House now take a recess until 2 o'clock this afternoon.

The motion was agreed to.

#### Afternoon Session.

On motion of Mr. Burleigh of Augusta the vote was reconsidered where by the resolve laying a tax on the counties of the State for the years 1909 and 1910 was referred to the committee on appropriations and financial affairs.

On motion of Mr. Burleigh the rules were then suspended and the resolve received its first reading, Senate Amendment A was adopted in concurrence, and on further motion by Mr. Burleigh the rules were suspended, the resolve received its second reading and was passed to be engrossed.

Unfinished business: Motion of Mr. Peters of Ellsworth to reconsider the vote by which the House adopted House Amendment B to the bill to divide the town of York and establish the town of Yorktown.

Mr. ALLEN of Jonesboro: Mr. Speaker: I am sorry to be compelled to take a little of the time of the House again on a question which has occupied so large a portion of our time for the last few days. After having voted by an overwhelming majority to adopt House Amendment B, someone has discovered that there is some flaw in the amendment. Now we are asked to overturn the vote that was taken yesterday and open the whole matter for another afternoon session; and I sincerely hope that the members of the House who may have some desire to get home in time to see their wives and families before they are entirely grown up beyond their remembrance (laughter) will refuse to reconsider this vote. If it is necessary I can stay here all summer but I should like to get home and see my family before they have grown up beyond my remembrance; and I hope that the House will insist that if the gentlemen who wished to reconsider this shall give us good reasons why they should take so much of our time and involve us in another afternoon's discussion of this matter.

Mr. PETERS of Ellsworth: Mr. Speaker: I voted for the amendment proposed by the gentleman from York

because I believed it had merit. I voted for the minority report to divide the town of York because I believed and still believe that under circumstances like those existing in this case where separate communities get to pulling apart in that way, the only thing is to divorce them. In regard to this particular question I made the motion to reconsider because I was informed by the friends of the bill that in the amendment offered by the gentleman from York there were various deficiencies in the way of machinery—there was no date fixed and no adequate machinery for carrying out the project of authorizing a referendum by the people, and I think it is the only fair that the friends of the bill should have the opportunity of offering their substitute for the amendment. I simply ask that they have a chance to be heard and I would suggest, if it is perfectly in order, that the friends of this proposed amendment should argue to the House the merits of it now.

Mr. CHASE of York: Mr. Speaker: If the only object of the gentleman from Ellsworth is to put the matter in a position to be discussed, I have no objection.

Mr. PETERS: I simply desire that we listen to the discussion by these gentlemen as to the relative merits of the two amendments.

Mr. BURLEIGH of Augusta: Mr. Speaker: With the understanding that it would be in order to present the amendments desired by the friends of the minority report at this time, I will offer the amendment for that purpose.

The Speaker read the amendment as follows:

Amend said act by striking out House Amendment "B" and substituting therefor the following:

Provided, however, that this act shall not take effect unless a majority of the taxpayers who were assessed a tax for the year 1909 upon a poll or property within the limits of said proposed town of Gorges who are present and vote at the meeting hereinafter provided for, vote to accept this act at a meeting of said taxpayers to be called by a justice of the peace or no-

tary public of the county of York on petition of not less than 10 of said taxpayers, which meeting shall be presided over by a moderator elected by written ballot, and which meeting shall be held at some time during the month of August, A. D. 1909, at some suitable place within the limits of said proposed town of Gorges, and which meeting shall be called by posting three notices within the territory of said proposed town, to wit: One at the postoffice at York Beach, one at the postoffice at York Harbor, and one at the postoffice at York Village, all in said town of York, at least seven days before the date of holding said meeting. The only business which shall be acted upon at said meeting, except the choice of a moderator and secretary and the appointment of the committee hereinafter provided for, shall be upon the following question namely, viz: Shall the act entitled "An Act to divide the town of York and establish the town of Gorges" be accepted? The vote at said meeting shall be by written ballot, those in favor of said acceptance to vote "yes," and those opposed "no." At said meeting the polls shall be open at ten o'clock in the forenoon and remain open until four o'clock in the afternoon. The ballots cast at said meeting shall be counted by a committee of six, of which committee the selectmen of York shall be three, the other three to be appointed by the moderator from among the taxpayers within the limits of said town of Gorges; and should said selectmen decline or refuse to act said moderator shall appoint as members of said committee three taxpayers living in said York outside the limits of said proposed town of Gorges. A correct list of said taxpayers within said limits of said proposed town of Gorges who were assessed a tax for the year A. D. 1909 shall be prepared by a committee of three residents of said proposed town of Gorges to be appointed by the justice of the supreme judicial court presiding at the May, A. D. 1900 term of said court in York county, which committee shall have access to the books of the assessors of said town of York, and who shall sign and make oath to the correctness of said list, which shall be used as a check list at said meeting.

If at said meeting this act is not accept-

ed, another meeting of said taxpayers similarly called and held shall be held during the month of Augusta, A. D. 1910, to act upon the same matter, and if at said second meeting said act is not accepted, then this act shall be void. For the purposes of said second meeting a correct list of said taxpayers within said limits of said proposed town of Gorges who were assessed a tax for the year A. D. 1910 shall be prepared by a committee of three residents of the proposed town of Gorges to be appointed by the justice of the supreme judicial court presiding at the May, A. D. 1910, term of said court in York county, which committee shall have access to the books of the assessors of said town of York, and who shall sign and make oath to the correctness of said list, which shall be used as a check list at said meeting.

The moderator and secretary of either of said meetings shall make return under oath to the secretary of State of the result of the vote at such meeting.

Mr. BURLEIGH: Mr. Speaker, it strikes me that the amendment offered by the friends of the minority is a fairer proposition than that offered yesterday. We voted quite decisively that this town ought to be divided. The particular conditions which call for a division seem to be that the people who are congregated in this section which is proposed to be set off are people who built up the place and who want modern improvements and their wishes are perhaps in opposition to the other portion of the town, so there is necessarily this friction. They are people who wish to progress in their own way and pay for their own improvements. Now is it not a fair proposition not only that this should be submitted to the voters of the town but also to include the people who are building up these improvements, the other taxpayers? The Legislature can impose that condition if it sees fit to make the acceptance of this act dependent on the vote not only of the technical legal voters of the town but of those people who have property interests there. That is all there is to this proposition.

Mr. MONTGOMERY of Camden: Mr. Speaker, I would ask the gentleman from Augusta what this word "taxpawers" in his mind would include, if it would not

include minors and people living outside the State?

Mr. BURLEIGH: Mr. Speaker, this is my understanding of it, a majority of the taxpayers who are assessed a tax for the year 1909 upon a poll or property. I should understand it would not take in minors. It would take in all the property taxpayers.

Mr. MONTGOMERY: Whether they live in the State or out of the State?

Mr. BURLEIGH: Whether they live in the State or out of the State.

Mr. MONTGOMERY: Would it not include people under guardianship?

Mr. BURLEIGH: Possibly it might. If there are two or three people who are under guardianship I think no real injustice would result if they should vote.

Mr. PATTANGALL: Mr. Speaker, I suppose the women in the proposed town of Gorges own property and are taxpayers. I would like to inquire of the gentleman from Augusta if under that amendment the women of Gorges would vote on this question?

Mr. BURLEIGH: I understand that they could; and I see no reason why they should not.

Mr. PATTANGALL: Any woman living in New York and owning property in the proposed town is allowed to vote?

Mr. BURLEIGH: Yes.

Mr. PATTANGALL: Then the object of the amendment is to confer limited woman suffrage? (Laughter).

Mr. COOLIDGE of Lisbon: Mr. Speaker, it seems to me that the matter we voted upon yesterday was eminently fair. When we live in a town we have some interest in its schools, in the business arrangement, the methods by which we shall live, and those are the things that we care about; they are the vital things in the town. If we are going to give the right to everybody from Boston to San Francisco to say whether a piece of a town shall be cut off or not it seems to me we are going too far. I do not believe we have any moral right to subject the residents of that part of York to the mercy of those people who may live somewhere else except with the interest of owning a house or a lot of land in that town. I believe this amendment in that respect is all wrong. When we leave it to anybody it

should be to the legal and actual residents in that place, and I do not believe we have any right to leave it to fools and children and Indians untaxed simply because they happen to have property in the town. I do not believe this amendment ought to be considered for a minute. (Applause).

Mr. MARSHALL: Mr. Speaker, I asked the House yesterday to table the amendment offered by the gentleman from York in order to look it over. The House did not take that view. Now I think the amendment is defective. If this amendment goes through I have serious fears that the result will be the same as though you had rejected the vote of the Senate to divide the town. Knowing something of the disposition of the selectmen of that town I firmly believe that they would never call a town meeting for that purpose; I believe the citizens residing within the limit of this corporation will never have a chance to vote on it. Again it may be called at any time. These and other reasons which the gentleman from Auburn (Mr. Wing) suggested yesterday render in my judgment this adopted amendment entirely nugatory; it practically kills the bill. Now do you want to have the town of York back here two years hence and try again at this thing? Haven't they fought long enough? Isn't it about time to divide them?

As to the proposed amendment offered today I agree with the gentleman from Camden that it should be limited to those who are not paupers or under guardianship and who are 21 years of age and over. I believe that is right. And pray tell me why those who have built up this place, who now are seeking the improvements and who now cannot get them, should not have a chance to express themselves upon this question? It is for that reason that they who desire to see it go forward and see it developed now come before you asking for justice. I do not want to see the old town stand still. I think it would be well for the State of Maine to give one honorable monument to Sir Ferdinand Gorges who did so much to found the State of Maine. I hope the amendment offered by the gentleman from Augusta, as modified in the line suggested, may prevail. I see no reason

why women, who have put large sums of money into summer cottages there, should not have a right to express themselves upon this one question. It is not a question of electing officers or of taxation, it is a purely statutory matter, and I submit to any lawyer in this House that upon those matters the State has a perfect right to prescribe conditions. The supreme court of this State has so held. Those conditions seem to me fair. The conditions prescribed in the amendment which you adopted are eminently unfair. I do not say that they are knowingly unfair, I say they are so absolutely inadequate that the result will be that you cannot accomplish the purpose which you attempted to accomplish yesterday. I hope, if either amendment is to be accepted, the amendment offered by the gentleman from Augusta will prevail. (Applause).

Mr. COUSINS of Standish: Mr. Speaker: The gentleman from Portland (Mr. Marshall) says he hopes if either amendment prevails that the one offered by the gentleman from Augusta will. I do not think that either one of them should be considered. I do not think that this matter should be submitted to a referendum. I am satisfied from the information I got by going through the town of York a few days last fall and seeing the conditions that exist there, that there never could be any more division that exists at the present time. We tried to hold an agricultural institute there but they were not interested in agriculture, they were interested in York bridge. There has been a gentleman round the House for a few days who had a plaster on his neck and he informed me that he had a boil. That boil last night came to a head and broke. This bridge was the boil that has troubled the town of York for a number of years and it came to a head and broke; now we want to give some medicine for it. (Laughter). The conditions of the town of York are such that you cannot harmonize them. They are growing farther apart instead of coming nearer together. By division you will promote harmony instead of discord. I am informed that half of the valuation of this proposed

town of Gorges is owned by non-resident taxpayers, and about one-third of them would be voters if they were residents of the State. Now I do not believe in a referendum where only about half of the people can express their opinions and desires. If this Legislature does not separate that town they will be in two years again. I do not think that the next Legislature will be any better qualified to act on it than we are now and I think this matter should be settled by this Legislature and not leave it for those people to quarrel over for the next two years because they will not be satisfied. These people who ask to be set off are ready and willing and anxious to assume the responsibilities of this bridge. It was built at their request, it is for their benefit. They do not want to burden the other part of the town with any of their trials and tribulations. They are wealthy people, they want modern improvements and inventions and they are willing to pay for them. If this was a small town with a couple of hundred thousand dollars of valuation it would be one thing, but here is about three million dollars of property in this town and it would not be a burden but it would be a benefit to both parties to divide it; and I hope that this Legislature will feel it their duty to act on this matter and act right.

Mr. PATTANGALL: Mr. Speaker: There are certain questions in connection with this case which we have settled. The Legislature has voted that on some condition or other they will divide the town of York. There is no need of discussing that. The only thing left for us to discuss it seems to me is in what way the question of final decision of this case will be sent to a portion of the people of York. The gentleman from York yesterday proposed to submit the case to all the voters and the Legislature decided that that would be unfair. He then proposed to submit it to the voters in the part set off from the town of York and the Legislature decided that that proposition was fair. The only criticism made now to that is that the machinery provided for holding the town meeting was not sufficient. There may

be something in that criticism. If there is it can be readily arranged by amending the amendment of the gentleman from York so as to provide a day certain when the town meeting shall be held. But in room of that simple suggestion, Amendment D is brought in here which to my mind is the most outrageous proposition I have ever read. It leaves the matter to the taxpayers, poll or property taxpayers, within the limits of the proposed town of Gorges, not the people who are taxpayers there now, but the people who may be taxpayers there on the first of April, 1909; and if I owned an acre of land in Gorges I could make a 100 citizens of Portland taxpayers in the town in April, 1909, by simply making a 100 deeds of a 100 little lots of land and I could take for fear that the people who are going to divide that town anyway whether anybody in it wants it divided or not—because they do not like to leave that question to the inhabitants—the proposition is made that if they fail to get enough taxpayers in 1909 to divide the town they can wait until 1910, and by April, 1910, you can have without spending very much money 10,000 voters qualified to vote for that amendment in town meeting in the town of York, women and children and anybody else scattered from San Francisco to Eastport. Anybody could undertake for a reasonable amount of money to carry that town meeting on a proposition that could properly come before it because you have got the whole electorate of the United States to appeal to and all you have got to do is to deed them a foot and a half of worthless land on the beach there and you have made them legal voters. (Laughter).

I was too sanguine yesterday. I said that I considered the amendment offered by the gentleman from York was so fair that it would appeal even to the lobby. It appealed to the House. The House adopted it. But the sober second thought of the lobby was that it would not do and so they come in with this thing. Now if the gentlemen who have this amendment in hand are serious about it and want to be fair about it, they they would strike

out from that amendment wherever it occurs the word "taxpayers" and the qualifying words following it and put in "legal voters" then they would have the machinery that they say the gentleman from York left out of his amendment. They would have everything except the preposterous proposition that a man or woman or a minor with a legal residence in Chicago could go into a Maine town meeting and vote and could bring with him or her coachman, her hired girl, her maid, or anything in the world that she wanted to bring which was human and could receive a deed of a piece of property. (Laughter).

Mr. BURLEIGH: Mr. Speaker, I think this amendment should properly contain a provision after the word "taxpayers" in the 4th line "21 years of age and over" and excepting persons under guardianship. As a general proposition that the taxpayers there should have a right to be heard, it strikes me that it is a fair proposition.

Mr. MARSHALL of Portland: Mr. Speaker, I will just state that this is no new proposition in Maine. It has been in existence for years in Squirrel Island where residents and non-residents have the exercise of the full right to vote in all their affairs.

Mr. CHASE of York: Mr. Speaker, I would ask the gentleman from Portland (Mr. Marshall) if Squirrel Island is a town, is an organized town in this State?

Mr. MARSHALL: Mr. Speaker, it is a village corporation, and they exercise a right to vote in all their municipal affairs. But in this case we don't ask that the non-residents should vote only on this one single question of whether the town shall be set aside. And I will state that the assessors' books are in the hands of the selectmen, and if the gentleman thinks that anybody can get his name on there who is not entitled to vote he is very much wistaken.

Mr. PATTANGALL of Waterville: Mr. Speaker, I would like to ask the gentleman a question. If between now and April, 1910, some gentleman in Gorges deed land to 100 different individuals won't their names be on the assessors' books in 1910 as taxpayers?



Mr. MARSHALL: I don't know. (Laughter and applause.)

Mr. PATTANGALL: I think it would be well for the gentleman to look into that matter before we adopt his amendment. (Laughter and applause.)

Mr. MARSHALL: I was going to suggest that it might take a writ of mandamus to get the names on there.

Mr. PETERS of Ellsworth: Mr. Speaker, I just want to say that the matter appeals to me in this way. The House is in favor of dividing this town of York. An amendment was passed at the instance of an opponent of that division and accepted by the House. The gentlemen who are in favor of dividing this town say that that amendment practically renders the division bill nugatory. I have not examined it in detail myself, but the friends of that bill say if the amendment goes that we passed yesterday it will render our other action practically nugatory; and they come in here and they want the opportunity of presenting another amendment to take the place of the first one. Various criticisms have been made touching this proposed amendment. Some of them I think are well founded. I don't think that the fears of the gentleman from Camden (Mr. Montgomery) or the gentleman from Waterville (Mr. Pattangall) are entirely well founded that this may be an opening wedge for woman suffrage. I can see that this proposed change in the amendment should be modified somewhat as it doubtless will be before it is introduced. I suggest that only property owners in 1909 should be allowed to vote. When the amendment is offered that can be arranged. The only question here now is one between the principle of allowing the native voters of this town to decide the question or allowing all the property owners including poll tax payers to decide it. It rather strikes me it is fully as much or more a question of property as anything else. I am told there is a very large valuation here owned by people resident without the State, not voters in the State, and I am told there is great friction between the different parts of the town. It seems to me this is a question of property and that these gentlemen are right in their conten-

tion that the property should govern the adoption of this bill. This proposition is that the people who own different sections of that part of the town whether they live there all the time or not shall be the ones to say whether their lands shall be taken off from the town of York and called by another name. That appeals to me as being a true and correct principle, and I am in favor of giving these gentlemen a chance to put this amendment in, modified as has been suggested, and keep to the principle that the owners of this land are the ones to say whether they want it set off and called by another name.

Mr. CHASE of York: Mr. Speaker, I think I was correct in my first position. I yielded at the suggestion of some of my friends. I see the drift of this thing now, and that is to have this discussion on the line suggested by the gentleman from Ellsworth (Mr. Peters) so that this thin, this amendment "D" which they propose here, the iniquity of it should be covered up in that way should not get the mind of the House settled distinctly on the enormity of this proposition. The Squirrel Island matter has been referred to as a precedent. I know about that. The people bought that island and they made a corporation of it. It was a business affair and 't has no political significance whatever. And there is not one single case in this State where this thing has ever been proposed in a town before. What would the gentleman from Portland (Mr. Marshall) think if we should propose to have the matter of building the city building of Portland decided by men who own property there but who live somewhere else? It was not necessary to move to reconsider the vote which we took yesterday in order to get this in here. But it is done in my opinion as a subterfuge and the purpose is to mix up the matter so as to carry through this iniquitous scheme to divide the town of York.

The gentleman from Portland (Mr. Marshall) referred to a decrease according to the assessors' report of the center portion. I can explain that. There is a house there known as the Norton house which cost \$25,000 or \$35,000, and it is vacant. That was owned by the bank in Biddeford and it was taken on

account of money loaned. The same bank owned property in the eastern section of the town, so that the assessors last year in order to put the thing together transferred that property on the books of the eastern section so that the property there was decreased to that amount, about \$4000 I think. That was the explanation that was made before the committee and it was not disputed. I think there are some other cases which are similar.

Now, they say there are serious flaws in amendment "B." I drew that up in my room hurriedly. Now, I say that if this proposition is voted down and the matter remains on amendment "B," I assure this House that that amendment "B" shall be arranged so that every citizen of that town shall have two chances, one this year and one a year afterwards, to vote on the question whether every citizen of that section shall have a chance to vote on the question whether that shall be divided from the town of York. I want it submitted to the citizens who live there and who have always lived there. This amendment "D" says "property owners or poll tax payers." In the month of August when these elections take place to divide this town, according to the proposed amendment, that section of the town of York is jammed full of men from all the way from Boston to Chicago, and Denver and Texas and even California. They come with their chauffeurs, their hostlers and their servants. Every one of those men can be made a poll tax payer or property owner in that town, and I know from my own knowledge that men come there as hostlers or teamsters and their names have been placed on the voting list and more than twenty votes in one year I know were cast by that class of men who when they left there in the fall never paid a dollar; their poll tax is paid by somebody interested in their vote.

Now, it is for you to say whether or not you will have that bill amended if necessary. I left it open without machinery in it in order that the people might have some leeway and decide for themselves. I expected there would be amendments offered; I am willing there should be; but I want the amendments made to amendment "B." As to the

suggestion about the selectmen not calling the meeting, I know there is no possibility of that being done.

Mr. PETERS of Ellsworth: Mr. Speaker, it is unnecessary to say that the only way this question could be discussed was by making the motion that was made. It is also unnecessary to say that the only way we would be able to vote intelligently on the matter was by hearing the arguments of the gentlemen who proposed to offer an amendment. Before moving the previous question I desire to say that those of us who favor giving to those who want division the opportunity of presenting an amendment changing the one offered yesterday on the general principles laid down, will vote yes on the motion to reconsider; and I demand the previous question.

The motion was agreed to.

Mr. PIKE of Eastport. Mr. Speaker, I understand the motion before the House is a motion to reconsider the action of yesterday. After the vote of yesterday we decided to adopt amendment "B." The matter was thoroughly threshed out and decided. I see no reason why that vote should be reconsidered. We have been proceeding this afternoon entirely out of order, discussing this amendment which is not before the House. I am very glad it is coming up that way. I should hope that no such outrageous amendment as this one should ever come directly before this House for consideration. It is the most absurd proposition I ever read. Anybody within the confines of the United States could vote upon the question of division. If they are beaten at one election that does not settle it; they are entitled to another one. It seems to me manifestly unfair, and I hope that the members of this House will refuse to reconsider its action of yesterday. Let us close the door now. The matter has been thoroughly threshed out and settled, and we should now end it.

Mr. CHASE of York: Mr. Speaker, I understand it is not possible to amend my amendment now, but can we at a later stage of the proceedings? I ask the opinion of the Chair in regard to the matter.

The SPEAKER: The situation is this. The gentleman from York (Mr. Chase) yesterday offered House amendment "B"

which was adopted. Today the gentleman from Ellsworth (Mr. Peters) moves to reconsider the vote by which House amendment "B" was adopted. The parliamentary question put to the Chair is, can any part of the amendment "B" which was adopted yesterday be stricken out, or can the whole be stricken out without reconsideration? Upon that point the Chair desires to read a part of Section 136 of Reed's Rules. "If an amendment is decided in the affirmative then the words inserted cannot any of them be stricken out except with other words, and then only when with other words they constitute a new proposition."

Mr. CHASE of York: Mr. Speaker, whether or not after this amendment has become a part of the bill, when the bill has taken its further reading, whether this amendment cannot be further amended?

The SPEAKER: The Chair would rule not. This is an amendment that has been adopted by the House; and it is not competent for the House under the rule to strike out anything without reconsideration,—to strike out any part of the amendment. It seems to me that the rule found in Section 136 of Reed's Rules is clear upon that point.

The question being, shall the main question be now put?

It was agreed to.

Mr. Weld of Old Town, called for the yeas and nays.

The motion was agreed to.

The SPEAKER: The question is on the motion to reconsider the vote whereby House amendment "B" was adopted. All those in favor of reconsideration, when their names are called, will answer yes; all those opposed will answer no. The Clerk will call the roll.

YEA:—Additon, Andrews, Bartlett of Stoneham, Beals, Beyer, Bisbee, Blanchard, Bowley, Bradford, Burleigh, Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of Sebec, Clark, Colby, Cole, Cousins, Drake, Edwards, Frost, Grant, Hall, Hannaford, Hanson, Harris, Havey, Hersey, Higgins, Hines, Hodgkins of Temple, Hussey, Hyde, Jordan, Joy, Kavanough, Kelley, Lambert, Lane, Ludgate, Marshall, Mercier, Millett, Morse, Nelson, Packard, Patterson, Paul, Perry, Peters, Redlon, Richardson, Silsby, Smith of Andover, Smith of Berwick, Spear of South Portland, Stanley, Strickland, Trickey, Trimble, True, White of

Columbia, Whitehouse. Wing of Auburn —64.

NAY:—Allen of Jonesboro, Allen of Richmond, Bearce of Eddington, Bemis, Bigelow, Bigney, Blake, Bourassa, Bragdon, Burse of Pittsfield, Bussell, Buswell, Chase of York, Connors, Cook, Coolidge, Couture, Doble, Donnell, Dorr, Duncan, Dunn, Farnham, Ferguson, Fortier, Gilbert, Harriman, Harrington, Hill, Hodgkins of Damariscotta, Holt, Libby, Lombard, Lord, Mace, McLain, Merrifield, Merrill of Bluehill, Merrill of Durham, Miller, Montgomery, Moulton, Orff, Pattangall, Patten, Pelletier, Pike, Pinkham, Porter, Pressley, Putnam, Quinn, Rounds, Sanborn, Sawyer, Sleeper, Snow of Brunswick, Snow of Scarborough, Spear of Warren, Stetson, Stover, Thompson, Thurlough, Tibbetts, Trafton, Varney, Weld, Whitney, Wing of Kingfield—69.

ABSENT:—Bogue, Cummings, Davies, Day, Dufour, Hamlin, Harmon, Jones, Moore, Nickerson, Robbins, Ross, Smith of Biddeford, Stackpole, White of Wayne —15.

PAIRED:—Bartlett of Eliot, no; Emery, yes.

So the motion was lost. (Applause.)

The bill then received its third reading.

Mr. Smith of Berwick offered House Amendment C, to amend Section 1 of said Act by striking out in the first and second lines thereof the words "southerly of," and inserting in place thereof the word "within."

Mr. Chase of York, moved to lay the amendment on the table.

The motion was lost.

The question being on the adoption of the amendment, —

The amendment was adopted.

The bill was then passed to be engrossed as amended.

On motion of Mr. Eisbee of Rumford, the House voted to take a recess of 20 minutes.

#### AFTER RECESS.

##### Passed to Be Enacted.

An Act to amend Chapter 154 of the Private and Special Laws of 1895, as amended by Chapter 157 of the Private and Special Laws of 1907, relating to the charter of the Wiscasset Water Co.

An Act to amend Sections 42 and 44 of Chapter 8 of the Revised Statutes, as amended by Chapter 167 of the Public Laws of 1907, relating to taxation of express companies.

An Act to amend Sections 58 and 59 of Chapter 9 of the Revised Statutes,