

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Seventy-Fourth Legislature

OF THE

STATE OF MAINE

1909

acted and passed to be engrossed, Senate Amendment A was adopted in concurrence, and on further motion by the same gentleman the bill was passed to be engrossed as amended in concurrence.

On motion by Mr. Pattangall of Waterville, the vote was reconsidered whereby House Doc. No. 805, An Act in relation to possession under defective proceedings in eminent domain, was passed to be engrossed, and on further motion by the same gentleman the bill was tabled pending its passage to be engrossed.

Division of Town of York.

An Act to divide the town of York and establish the town of Yorktown.

This bill was passed to be engrossed in the House as amended by House Amendments B and C; it comes back from the Senate, House Amendment C adopted in concurrence and House Amendment B rejected.

Mr. Additon of Leeds moved that the House recede and concur.

Mr. Chase of York moved that the bill be laid upon the table until the House reached "Orders of the Day."

Mr. MARSHALL of Portland: Mr. Speaker, I think we can settle this matter here and now. It has been laid aside and deferred, and it seems to me this is a good time to settle it. I hope the motion of the gentleman from Leeds to recede and concur will prevail.

Mr. CHASE of York: Mr. Speaker, I am at a loss to understand why the gentlemen from the different towns in Cumberland county should take such an interest in this bill. I think the people who are interested in the town should have some rights in the matter, and I ask that the matter be laid aside for the present. I don't expect it will go over today; I don't want it to, and we are ready to discuss the matter, or shall be in a little while and for that reason I ask that it be laid aside until we reach Orders of the Day.

Mr. ADDITON: Mr. Speaker, when I came here I certainly was not acquainted with the town of York, but I have come to feel very familiar with the town. We have heard so much about it, and it has taken up so much of the time of the House, that we all

must be very familiar with the town of York. When men and women are obliged to quarrel and continue to quarrel to such an extent that they cannot live in peace and harmony they usually go to the courts and our judges consider it wise to divorce them; and now it seems that the people cannot agree, and they have come here asking this Legislature to settle their difficulties, and if I understand it there are something like 125—

Mr. PATTANGALL of Waterville: Mr. Speaker, I raise a point of order.

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

Mr. PATTANGALL: What is the motion now before the House?

The SPEAKER: The pending question before the House is on the motion of the gentleman from York, Mr. Chase, that this bill be laid on the table.

Mr. PATTANGALL: Mr. Speaker, is that motion debatable?

The SPEAKER: It is not.

A division was had and 49 voted in the affirmative and 62 in the negative.

So the motion was lost.

Mr. ALLEN of Jonesboro: Mr. Speaker: This is rather an unusual performance in the last few days, and it reminds me of a story which I heard a while ago, and if you will bear with me a moment I will repeat it. It seems that a couple of Irishmen, and by the way they are most always Irishmen, were walking through a certain cemetery noting the inscriptions on the tombstones, and they came to one that was inscribed with the name of the individual whose remains were there interred, and on the stone were these words emblematic of Christian faith: "I still live." The Irishman stood back and viewed the inscription and then said to his companion: "Be Jabers, an' if I was dead I wouldn't deny it." (Laughter). Now it seems to me Mr. Speaker that this sentiment of the Irishman might apply to the conduct of this bill. In the first place the bill was brought up before the committee and a complete and exhaustive hearing was held, the result of which was that the committee with the exception of

one man was entirely satisfied that there was no reasonable ground presented for the division of the town of York. One man reserved to himself the right to bring in a minority report, and we had what I think has seldom taken place before—I do not remember a parallel case during the present session of the Legislature—that one man without consulting any other member of the committee brought in an entirely new bill, the provisions of which were so different from the original that it seems as though it was a sort of one man rule; and this new bill without any reference to any committee, without giving the people of the town who were more interested in the case than anybody else could possibly be by nature or by honesty, without giving those people any opportunity whatever to express themselves in the matter, this bill was brought into the House and acted upon, and the House voted to accept the report of the minority, a report to divide the town of York on altogether different lines from those which were suggested in the beginning. The representative from that town, understanding better than the most of us do the conditions there and feeling that those people had a sacred right to be heard upon that matter, a right that I think no man here would care to question—the representative from that town asked permission that these people be heard from.

Now, Mr. Speaker, I may be narrow, but it seems to me that that proposition was a just and a fair one. I can conceive of nothing more reasonable than that down there in the southwestern corner of Maine the people who are interested and vitally interested in that question have a sacred right to be heard on the matter. I say, I cannot conceive of anything more unjust, more outrageous, than to go to work and separate that town without hearing from the people themselves. The amendment simply gives those people a chance to be heard. There was no opportunity for a meeting here before the committee: that was the only way that it seemed possible for them to register their desires in the matter, and my fellow seat-

mate, the representative from York, submitted his amendment and the provisions of that amendment have been seriously criticised. But I think I am authorized to say for that gentleman that he would be willing to have any meeting called by any men at any time that was reasonable under any circumstances, that would give those people a chance to say what they wanted in this particular matter. That is all he asks, and that is all he wants; and I shall be very much surprised and very much disappointed if in my sizing up of the character of the men of the 74th Legislature I find that you are unwilling to give him that right. I will have misjudged the men who are here and with whom I have associated so pleasantly during the last 13 weeks if you are unwilling to let these people say what they want. The amendment was carried by an overwhelming majority, and the bill suffered a second death. No one pretends to claim, as I understand it, that the people down there have any doubt as to what they want. This matter was killed first in the committee room, and killed in the second place by the outcome of the amendment—not killed, because there was some trick in it. We don't care the snap of your finger whether these selectmen call the meetings or not; that is not the vital point in the amendment at all. The men who suspect this gentleman at my right hand of playing some low trick misunderstand the character of the man entirely. There is nothing further from his intention, and he wants to play the matter honestly and squarely, and give those people the chance to say just what they want. The next morning a new proposition came up, and that proposition was the most outrageous one I ever heard tell of. I don't know who was guilty of that, but whoever was, if he had any sense of common honesty and decency and was aware of what that amendment led to, he ought to blush with shame. It simply opens wide the door for any man from Maine to California to go down there and vote on the division of that town. That is what it provides. And it is not only confined to

this country but for Canada, and anywhere else. It would make it possible for the servants, for men, women and children to vote upon that matter. They come here and ask this intelligent body of men to vote for such a proposition as that. And you did the wise thing, a thing you ought to be gratified to go on record about, that you voted it down and refused to consider a proposition so infamous.

Now, this matter went into the Senate after the action of the House and they have refused to accept this proposition placed before them by the Representative from that town, and the motion is now before the House that we recede and concur with the Senate; in other words, that we go down there to the town of York and say to them "You have no right to be heard in this matter." This question is one that we are perfectly capable of settling in this Legislature, and we should not say to the people of that town, "We don't care to know what you think about it,—no matter how great your desire is that the town should remain a united town; no matter how strong your convictions and how sacred the history of that town; no matter how strong your conviction may be on the matter, you have no right to be heard, and we refuse to give you a chance to express your views upon the matter; go back to your home, you have nothing to do with this and we will settle it for you." That is the proposition put up to us by the Senate. Do you want to stand by that? Is that square and honest dealing? Is there any reason in God's Heaven why these people should not be heard? If there is, we would like to know what it is. If any man in this House will give me any reason why these people down there are not entitled to say what they want, I will take my seat and hold my peace and let the matter go. But there isn't any reason. I don't know and I cannot explain why it is that I am interested in this matter as I am. There is not a cent of money in it for me. I never have seen the town of York and never expect to see it. No man has asked me even to speak upon this matter; I have offered my services. I suspect the reason for my interest may be in the fact

that I have been seated for thirteen weeks beside a man who has commanded my respect and my esteem, and I am not willing to see that man treated so shamefully without doing what I may be able to do to help him in a just cause. If it should ever occur that I should be unwilling to take such a step as that, then I hope the people in the class which I have the honor to represent will send somebody else here at subsequent sessions of the Legislature. This man who occupies a seat by my side is a lawyer, and after the things we have heard of that profession we are not always inspired with the greatest of confidence in the profession. Perhaps it is because I have been led to believe that this man was a little different from some others that I have taken so much interest in his matters.

It seems to me there has been a remarkable interest taken in this town of York. The gentleman from Leeds, (Mr. Addition) who spoke a moment ago, told us that the people are in a wrangle down there, and that they had a fight on, and the men who spoke upon this question a few days ago said it was a great wrangle down there and that he was down in the town and that was all he could hear, and so they propose in order to settle that wrangle that they should divide the town; that is the only remedy they have for settling this dispute, dividing the town; it doesn't make any difference which way the proposition went, but they were to divide first by running east and west; they were to divide it again by a line running north and southwest, and we have heard lately that they were to propose another division line, to run north and south, but the only remedy which is offered to settle that matter is to divide the town. This is the only remedy they had for the town of York, to divide it. There are difficulties there, and they have been wrangling about a bridge, as they say. Now, I want to ask you a question, and I would like to have thinking men try to answer it in their own minds, and it is this: Is this petition of the town going to be a remedy for the difficulties in that town? If you divide the town are you going to remove the serious friction there? If that is the one remedy to cure the evils of a

wrangle such as they have described, why under Heaven didn't you try it on the town of Biddeford yesterday? We think there has been something in the nature of friction down there, and we think the report of it has reached the Legislature here, and as near as we can understand it is not settled yet. Why not divide the city of Biddeford? The city of Portland has been in a fight here all winter. Do you want to divide the city of Portland? Do you think that is the proper way to settle a wrangle? I say, Mr. Speaker and gentlemen, that if it is good for the town of York, why is it not good for Biddeford; and if it is good for York, why is it not good for Portland? Sometimes if you divide the town you have the same difficulty, the same friction, the same condition to overcome that you have at the present time. You have not added one jot or one tittle to the solution of the problem. The problem will take care of itself if we don't get in too much of a hurry and let the honorable gentlemen in the lobby dictate as to how we shall vote in this matter. You need not worry about the matter, it will work out in good time.

The reason for dividing the town is that it would stop this quarrel down there, and this is the first time in my life that I ever saw a great company of men very much interested to stop a fight. My experience has been that sometimes when boys get to fighting, the best thing to do is to let them alone; if one is trying to pick upon the other, and that is what generally causes a fight, the best and only way you can settle it for good and all is to let them fight it out, and see which one is the stronger; and that will settle it for all time. Now, gentlemen, don't try to interfere in this matter, it does not concern us particularly, and I believe the town of York is capable of managing its own business. I don't believe we ought to interfere and to do so radical a thing as to divide the town, with the perfect understanding that we must have that neither part of the town wants the division. If you divide the town the warring factions are still there. You know what the trouble is about. It is about the building of a bridge. There was no fight in the town before that, but some few years ago there were people in the

town who conceived the idea that they ought to have a bridge, and while the proposition was voted down at the regular town meeting, at a special town meeting held during the summer or fall they voted to build a certain bridge. They voted to appoint a committee of four to act in conjunction with the selectmen for the building of the bridge. There was not a dollar appropriated for the work, and while preliminary steps were taken probably all right it looks to me as though the selectmen were justified in delaying the matter until that appropriation was made and could be voted by the town. It seems to me that was a reasonable proposition; I may be mistaken, but if I am so mistaken I am willing to be set right. Now, as a matter of fact, these four men went on and built the bridge. They built it without a dollar of appropriation, and after the bridge was built the difficulty arose in regard to the payment for it. There are in the courts at the present time several suits, the deciding of which by the courts of our State will solve the problem of the wrangle in the town of York. That is the only way in which it can be solved. Don't delude yourselves with the idea that dividing the town will settle anything; it will only settle this thing, that this branch of the Legislature will lend itself to do an act which is a rank injustice both to the town of York and to yourselves. You cannot afford to do it and it means too much to you yourselves. Let the matter go to the courts; it is being threshed out there now, and all in good time it will be settled and it will be settled right because in the jury of 12 men that are appointed to try that case there will be no condition of prejudice, there will be no chance for a lobby to get in their work, there will be no chance for injustice to be done. The case will be settled and it will be settled right, it will be settled finally, and it will be settled whether you divide the town or not. Dividing the town will not settle that case. It looks to me as though this procedure may properly be termed rather small. It looks to me as though there are some things connected with this movement that are not worthy of our attention.

There are some reasons why this town should not be divided, and I want to state

them briefly. The people do not want it divided. You cannot draw a line across the town, no matter where or how you draw it, where you will satisfy the people on the other side. My seatmate has a petition signed by almost 3000 men, and letters from about 100 more, nearly the entire number of voters of that town have taken this their only way of being heard in relation to the matter. The Senate said: "You can't go down there and put this case to them and let them vote upon it themselves. The only thing for them to do is to come here." And they have come here, and this is the only possible way, by sending these petitions, no committee for them to go before, but the committee of the House as a whole, no chance for them to be heard in any fair and square way, but they have come here with petitions and letters representing almost every voter in that proposed section. Haven't those men a right to be heard? Are you going to say to them: "Go back, we don't care what you think or what you want in this matter. There is a fight in the town and we are going to divide the town and thus settle the fight." The town of York is an old, historic town, and the history of the town is sacred. There is one man who has \$2000 in that bridge and I am informed that he says he would rather lose every dollar of it than have to have the town divided. You cannot divide the town without doing an injustice, and we ought to hesitate before we do it. I hope the House will refuse to concur with the Senate. (Applause).

Mr. BISBEE of Rumford: Mr. Speaker, it seems to me that we have heard a great deal of history in connection with the town of York and have heard both sides, and now I move the previous question.

The motion was agreed to.

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

Mr. MOORE of Saco: Mr. Speaker and gentlemen of the House, I want to say just a word in regard to this matter and I won't delay you long, and I know that I am under the five minute rule. I do not want to speak for Josiah Chase or any other individual; I want to speak a word for the town of York. 22 years ago it was my privilege to live there for

three months, and I say that the town of York should never be divided; it should be kept together, from the Nubble to Agamenticus, from the harbor to Cape Neddick, it all belongs together. The people there don't want it divided. The people down here lobbying this winter when they stop and consider for a moment will say they do not want it divided. As one gentleman talking with me last night said, "I don't want the old town divided," and none of us do. The Senate has refused to concur in this amendment which it seems to me should appeal to every member of the House as the fairest thing possible, leaving it to the people of that part of the town which is proposed to be set off to determine whether they want it divided or not. What fairer proposition could we have than that? As I understand it, there was another proposition, the so-called Heath amendment which was offered and which provided that Chinamen, Indians, people in Texas, women and children could vote. Even with that I believe that the Japanese and the Chinese, the Indians and the idiots and all the people of that part of the town would much rather keep the old place together. That is what we should do today. Who is prompting this? A lobby, a paid lobby, which has been here all winter, all winter long trafficking and tying people up on this proposition to divide the town of York. The gentleman from Leeds (Mr. Additon) says that when a man and his wife cannot agree the proper thing to do was to divorce them. I say to you, Mr. Speaker, and I know in your own office in Fairfield that you have always, when a man or a woman has come to you who could not agree with their other half, tried to get them together, tried to get them to live together, to remember their children, remember their posterity, and you have done all that you could to protect them and their names. That is what we should do with the town of York and that is what the people of that town want. It was attempted here to pair my vote, to traffic and trade my vote with the honorable gentleman from Lebanon when it was known that we both stood together. That is not fair; that is not right, and this House should not recog-

nize such actions and I hope it won't; I ask it as a personal appeal on my own account, not only on account of the town of York but for myself, I hope that this House will stand where it stood last week.

Mr. BEARCE of Eddington: Mr. Speaker, I wish that I had the talent of some of the members of this Legislature to tell you my opinion upon this subject, but I have not that talent, and so I must tell you in my own rough and hayseed kind of a way. It has been my opportunity to be placed upon the committee of towns, and when this claim or this question came before the Legislature last week I was called home and could not at that time state my position upon that question. I want to state my position here at this time, and I will say this, that they had a good hearing, both sides were there at that first hearing and stated their case; and after the hearing we took a straw vote. Now, many of you may know what that is, and I will say that every man was in favor of not dividing the town excepting one man and he was the chairman of the committee. Perhaps I am giving away some secrets, but I am telling you the truth. That chairman of the committee made us understand it was unanimous, while he didn't vote, and claiming he has no need to vote. When we came to vote upon it for good he stood out and said perhaps he would bring in a minority report. That minority report he did bring in, and I believe it was the influence of this paid lobby that brought that minority report. The people of old York didn't want their town divided, they wouldn't consent to it. They hadn't the ghost of a chance to divide it before the committee, and I think I am stating it fairly when I say that we should let the people of that town do as they wish to do. It is right that they should. My brother here, the gentleman from Leeds, comes up and says "Let us divorce them." How would he like to take it right in his own town? If they had a little trouble in that town, a thing which almost every town has to a greater or less extent, if some one should come down here and influence the people of this House by a paid lobby and cut his town in two?

Now, gentlemen of the Legislature, you people who live in the country or anywhere, take it home to yourselves and ask yourselves if it is right that this Legislature should divide that town without the consent of the town or without the vote of the town in any way? They have used a trick here and you all can see it; it is plain trickery. The paid lobby that has been here with money in their hands I truly believe has carried this matter to this point. Now, gentlemen, stand by your manhood and let us do what we think is right. (Applause).

Mr. MARSHALL of Portland: Mr. Speaker, I think I know the town of York as well as the gentleman from Saco (Mr. Moore). I know it from its mountain to its rugged coast. I know it all. I know it better than the gentleman from Jonesboro (Mr. Allen). I have lived there, and my ancestors before me have lived there and I know the conditions. I know that there have been citizens of the town of York here this winter asking and demanding that this town should be divided. They are interested; their property is at stake. The gentleman from Saco speaks about taxing Chinese, Japanese, and that sort of people. I want to ask him whether he will give votes to a man like Francis Lynde Stetson and a man like Thomas Nelson Page? I had a letter here from Mr. Stetson.

Mr. CHASE of York: I would like to ask the gentleman what date he has on his letter from Mr. Stetson?

Mr. MARSHALL: The letter is dated January 12th, 1909 and is as follows:

"Edward S. Marshall, Esq.,

"York Harbor, Me.

"My Dear Sir:

"I would state that since my erection of a house at York Harbor, my judgment has been that it would be to the interests of all parts of the town of York if the interior could be separated from the shore district, enabling each part to conduct its affairs according to the local preference of each for the provision and expenditure of money for the public needs. I say this not for the benefit of the residents of York Harbor only, but for those of the western part of the town as

well; for I believe that there would result not only the avoidance of friction, but a better use of the public funds and the public opportunities of this attractive locality.

"For these reasons, as well as others, I am heartily in sympathy with the movement to divide the town of York, so that the interior part may be separated from the shore district.

"I am,

"Faithfully yours,

"FRANCIS L. STETSON."

Mr. Speaker: It is for 135 of the real estate owners and taxpayers there that I speak, men who represent three-quarters of the valuation of that town who come here and ask to be divided and who are on the petition asking for the division. It is for those people that I speak, those men who have made the town of York what it is today, those men who have seen it grow from a little hamlet, from a fishing village to one of the best and most popular summer resorts upon the coast of Maine.

Mr. CHASE of York: Mr. Speaker: The only thing that I have asked and the only thing I now ask is that this amendment be retained in this bill. Two of the selectmen of the town of York live within that region, in this section which they want to set off. Now, they may take the map of the town of York, and I don't care where they draw their lines, they may draw it from north to south or from east to west, or from northwest to southwest, or from northeast to southwest, and they may take any line of latitude or any line of longitude and they may cut off a small piece or a large piece just as they see fit, and if they will put Amendment A on to that bill then I will help carry it to the Governor for his signature. That is all we ask, and it is a right which we demand of this House.

Now, Mr. Speaker, a good deal has been said about the difficulties in the town of York. I positively deny that there has been any sectional difference in that town. There are always certain differences where you find people of positive views, but there is no essential difference. You will find dif-

ferences all over the town in relation to different matters, but nothing of any great importance. There never would have been any dispute about this bridge if it had not been for the fact that this same crowd of conspirators which is driving the knife into this town had been determined from the beginning to put that bridge across York river, whether the people so wanted it or not. The man who first started this scheme told me that he advised people who first came to him about it that it was no use for them to try to get a vote of the town because they would be voted down three to one. He said you get the county commissioners to lay it out and the town won't have anything to do with it except to pay the bills." They came to the Legislature about it and they got the people of the town to sign a petition to present to the Legislature granting the town of York the right to build that bridge over the river. And what did they do when they got here? We had a senator here, one of the conspirators in this act, and when he got into the committee the name "York" was cut out and in place of it they put in the county commissioners, so that when the town of York came to get it what did they find? They were bound hand and foot like the galley slave in ball and chain. They hadn't anything to do; the town hadn't anything to say about it except to pay the bills, and that is all there was of it.

Now, Mr. Speaker, I want to call attention to a few letters which I have here, and I will beg the pardon of the House if I overstep my time, but I want to call attention to a few out of the 90 odd letters which I have here from citizens within the limits of this section which is under discussion. I will now read a few of these letters:

"March 28, 1909,

"Josiah Chase, Esq.,

"Augusta, Maine.

"My Dear Mr. Chase—As a lifelong resident and taxpayer of York I appeal to you as our honored representative to use every honorable means in your power to prevent this injustice of division of the old town of York. I

have always been interested in the welfare and prosperity of the town and a division would be the greatest detriment possible to all sections of York.

"Instead of promoting peace and harmony it would mean bitterness and strife for the next century to come.

"Very cordially yours,

"JOSEPH C. BRIDGES."

"York Harbor, Maine, March 28, 1909.

"Josiah Chase, Esq.,

"House of Representatives,

"Augusta, Maine.

"My Dear Mr. Chase—Being the oldest citizen at York Harbor, so-called, and one of the largest taxpayers I most emphatically protest against this unjust division of the town of York.

"I have helped to build up the summer business here from its foundation. I have advocated improvements in opposition to the very ones who are now trying to divide this town, and in many instances have won out.

"Twenty-five years ago my parlors were thrown open to the summer visitors for Episcopal services every Sunday morning and a few years later I gave them a lot of land on which they built a church and two years ago they bought a larger lot and are now building a fine stone church thereon. The town is not at a standstill as the opposing side is trying to represent, but should they carry out their vile scheme and thus get the old town deeply in debt, our taxes will increase to such an extent that we never could rise above them and business would certainly drop.

"Oppose this unfair proposition and you will always have the good will of the citizens of the old town of York.

"Very truly yours,

"ELIAS BAKER."

"York Harbor, Maine, March 28, 1909.

"Josiah Chase, Esq.,

"House of Representatives,

"Augusta, Maine.

"My Dear Mr. Chase—As one of the older citizens of this town and one of the largest taxpayers at York Harbor, I wish to offer my most emphatic protest to any division of the town of York.

"Having taken an active part in the summer business here at the Harbor from its very beginning, I feel that I

am able to form a fairly correct opinion in this matter. I have endeavored to give it my most careful consideration from various points of view.

"My conclusion is that the proposed division would not only be a gross injustice to a large number of our citizens, but would result in causing serious damage to the progress of the summer business here.

"Yours respectfully,

"JOHN E. NORWOOD."

Mr. Speaker, I have here 91 letters and they are from practically the best citizens of that section. I also have a petition signed by 282 of the citizens of that section against this iniquity. I hope the motion of the gentleman from Leeds will not prevail.

Mr. Varney of Lebanon moved that the yeas and nays be called.

The motion was agreed to.

The SPEAKER: The House passed this bill to be engrossed as amended by House Amendment B offered by the gentleman from York, Mr. Chase. In the Senate House Amendment B was rejected. The bill now comes back from the Senate and the gentleman from Leeds, Mr. Additon, moves that the House recede and concur with the Senate in the rejection of that amendment. Those in favor of rejecting the amendment will, when their names are called answer yes; those opposed will answer no. The Chair simply makes that explanation to the House. Those in favor of the motion, when their names are called, will answer yes; those opposed will answer no. The clerk will call the roll.

YEA:—Additon, Allen of Richmond, Andrews, Bartlett of Stonham, Beyer, Bigelow, Bisbee, Blake, Blanchard, Bowley, Bradford, Burleigh, Bussell, Buswell, Campbell of Cherryfield, Campbell of Kingman, Charles, Chase of Sebec, Clark, Cole, Conners, Cousins, Davies, Drake, Emery, Gilbert, Grant, Hall, Hannaford, Hanson, Harris, Havey, Higgins, Hodgkins of Temple, Holt, Hussey, Jones, Jordan, Joy, Kavanough, Kelley, Lane, Lord, Marshall, McLain, Merrill of Bluehill, Millett, Morse, Nelson, Paul, Perry, Peters, Redlon, Rounds, Smith of Andover, Smith of Berwick, Snow of Scarborough, Spear of South Portland, Stanley, Strickland, Trafton, Trickey, Trimble, True, Whitehouse, Whitney, Wing of Auburn, Wing of Kingfield—69.

NAY:—Allen of Jonesboro, Bartlett of Eliot, Bearce of Eddington, Bemis, Bigney, Bogue, Bourassa, Bragdon, Burse of

Pittsfield, Chase of York, Cook, Coolidge, Donnell, Duncan, Dunn, Edwards, Farnham, Ferguson, Fortier, Frost, Harmon, Harriman, Harrington, Hersey, Hill, Hines, Hodgkins of Damariscotta, Libby, Mace, Merrill of Durham, Miller, Montgomery, Moore, Moulton, Nickerson, Orff, Pattangall, Patten, Patterson, Pelletier, Pike, Pinkham, Porter, Pressley, Putnam, Quinn, Richardson, Sanborn, Sawyer, Silsby, Sleeper, Smith of Biddeford, Snow of Brunswick, Spear of Warren, Stetson, Stover, Thompson, Thurlough, Varney—58.

ABSENT:—Beals, Couture, Cummings, Day, Doble, Dorr, Dufour, Hamlin, Hyde, Lambert, Lombard, Ludgate, Mercier, Merrifield, Packard, Robbins, Ross, Stackpole, Tibbetts, White of Columbia, White of Wayne—23.

PAIRED:—Colby, yes; Weld, no.

So the motion to recede and concur was carried.

The following petitions, bills, etc., were presented and referred:

On motion by Mr. Miller of Lincolnville, Ordered, That W. G. Harrington be excused from further attendance upon this session of the Legislature and that the clerk be instructed to make up his pay in full to the end of the session. (Referred to committee on leave of absence).

On motion by Mr. Miller of Lincolnville, Ordered, That C. H. Merrifield of Rockland, be excused from further attendance at the 74th session of the Legislature and that the clerk be instructed to make up his payroll in full. (Referred to committee on leave of absence).

Orders.

Mr. Havey of Sullivan, presented the following order:

Ordered, That after the disposition of the matters specially assigned for today all matters appearing on the calendar as tabled and not assigned be taken up and disposed of in the order in which they appear on the calendar.

On motion by Mr. Havey of Sullivan, the order was given a passage.

Reports of Committees.

Mr. Hyde from the committee on appropriations and financial affairs, reported "ought to pass" on resolve in favor of James A. Chase, mail carrier for the House. (The report was accepted and on motion by Mr. Hyde of Bath, the rules were suspended, the resolve received its two readings and

was passed to be engrossed without being printed).

Same gentleman from same committee reported "ought to pass" on resolve in favor of the clerk and stenographer of the committee on mercantile affairs and insurance and of the committee on telegraphs and telephones. (The report was accepted, and on motion by Mr. Kavanough of Portland, the rules were suspended, the resolve received its two readings and was passed to be engrossed without being printed).

Same gentleman from same committee reported "ought to pass" on resolve in favor of the secretary of the committee on State School for Boys and the committee on public health. (The report was accepted and on motion by Mr. Jordan of Cape Elizabeth the rules were suspended; the resolve received its two readings and was passed to be engrossed without being printed).

Same gentleman from same committee reported "ought to pass" on resolve in favor of the messenger of the committee on railroads and expresses. (The report was accepted, and on motion by Mr. Strickland of Bangor the rules were suspended, the resolve received its two readings and was passed to be engrossed without being printed).

Mr. Strickland from same committee reported "ought to pass" on resolve in favor of the clerk to the committee on education. (The report was accepted and on motion by Mr. Cole of Kenduskeag, the rules were suspended, the resolve received its two readings and was passed to be engrossed without being printed).

Mr. Kelley from the committee on sea and shore fisheries reported "ought to pass" on bill, An Act to prohibit the taking of scallops in Pennequaquian and Cobbsecook bays from the first of April to October 1st of each year. (The report was accepted).

On motion by Mr. Harriman of Meddybemps, the rules were suspended, the bill received its three several readings and was passed to be engrossed without being printed).

Mr. Bowley from same committee, re-