

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
Sixty-Eighth Legislature
OF THE
STATE OF MAINE.

1897.

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pp. 1-14, 49-52, 233-234, 417-430

"3—Strike out all after the word 'manufacture' in line 31, to and including the word 'Piscataquis' in line 36, and insert in lieu thereof the words, 'Said lien may be enforced in the manner provided in sections 38 and 39, of chapter 91, of the Revised Statutes, for enforcing liens on logs and lumber.'"

Amendment adopted, bill read the second time as amended and passed to be engrossed.

On motion by Mr. Grindle of Hancock, bill an act to incorporate the town of Swan's Island, was taken from the table.

Mr. Grindle: I have an amendment which I wish to offer. The substance of it simply gives the voters of Swan's Island the privilege of voting upon the question and of deciding whether they will be incorporated or not, by a vote at any time within two years. It seems to me a very reasonable request that they make, and I hope the amendment will be accepted and the bill passed as amended.

"Amendment A. Amend section 5 by adding at the end thereof the following words: 'By a majority vote of the duly qualified voters of Swan's Island plantation, at a meeting duly called therefor, at any time within two years from the date of the approval of this act by the Governor.'"

Upon motion by Mr. Chamberlain of Lincoln, the bill with amendment was laid on the table.

Upon motion by Mr. Wyman of Washington, the Senate adjourned.

HOUSE.

Wednesday, March 3, 1897.

Prayer by Rev. Mr. Cummings of Augusta.

Papers from the Senate disposed of in concurrence.

The following Senate bills were read and assigned:

An act establishing the Maine school for the deaf.

An act relating to chapter 136, of the Private and Special Laws of 1895, entitled, an act to incorporate the Sabattus Water Company.

An act to extend the rights, powers and privileges of the public works.

An act in relation to the disposition of unclaimed baggage by common carriers.

An act relating to the Portland Safe Deposit Company.

An act to ratify and confirm the organization and acts of the New Portland and Eustis Telephone and Telegraph Company and to make legal and valid certain doings of said company.

In the Senate this bill was amended by Senate amendment "A." The House reconsidered its action whereby this bill was passed to be engrossed, Senate amendment "A" was adopted and the bill was then passed to be engrossed as amended.

Petitions, bills, etc., presented and referred:

(Mr. Hamilton of Biddeford in the chair.)

LEGAL AFFAIRS.

By Mr. Kinsman of Cornville—Remonstrance of C. O. Small and 75 others of Madison, against the amendment of charter of the Somerset Traction Company.

By Mr. Walton of Skowhegan—Remonstrance of Forest Goodwin and 32 others of Skowhegan, against the same; remonstrance of J. B. Dascombe and 15 others of Skowhegan, against the same; remonstrance of George A. Shurtleff of Skowhegan and 58 others, against the same; remonstrance of A. J. Barnard and 39 others of Skowhegan, against the same; remonstrance of E. W. Marble and 33 others of Skowhegan, against the same.

By Mr. Floyd of Brewer—Bill an act additional to chapter 146, of the Public Laws of 1893, relating to the taxation of collateral inheritance; bill an act to amend section 7, of chapter 180, of the Private and Special Laws of 1869, relating to the organization of the Protestant Episcopal church of Maine; bill an act to enforce the payment of State and county taxes on timber and grass on reserved lands in this State.

By Mr. Rowell of Kittery—Remonstrance of Charles L. Wellman and 106 others of Parsonfield, against a polling place at Kezar Falls.

EDUCATION.

By Mr. Simpson of York—Resolve in favor of the town of York.

By Mr. Dickey of Fort Kent—Resolve to change the mode of warming the normal and training school at Fort Kent.

RAILROADS, TELEGRAPHS AND EXPRESSES.

By Mr. Greenleaf of Southport—Petition of Alfred Lennox and 83 others, to incorporate the Wiscasset and Moosehead Lake Telegraph and Telephone Company.

MERCANTILE AFFAIRS AND INSURANCE.

By Mr. Burns of Westbrook—Petition of H. N. Fairbanks and 16 others for change in insurance laws.

SHORE FISHERIES.

By Mr. Lane of St. George—Petition of Ed. F. Geyer and 9 others, for a close time on clams; remonstrance of George F. Wheeler and 4 others against any change in the lobster law.

TOWNS.

By Mr. Fuller of South Portland—Petition of D. A. Meaker and 135 others, for a city charter for Willard, in the town of South Portland.

PLACED ON FILE.

By Mr. Luce of New Vineyard—Remonstrance of Frank Luce and 70 others, against bill for licensing guides.

By Mr. Stetson of Bangor—Petition of Mr. M. Waldon and 75 others of the Woman's Christian Temperance Union of Bangor, praying for the passage of the cigarette bill.

Mr. Daggett of Smyrna, presented a resolve in favor of the committee on military affairs, and on motion of that gentleman, the rules were suspended, the re-

solve was read twice and was passed to be engrossed.

ORDERS.

On motion of Mr. Macomber of Augusta,

Ordered, That the sincere sympathy of this House be extended to Mr. and Mrs. W. H. Williams for the great loss they have sustained in the death of their only daughter, which occurred at their home in this city, on Monday last.

REPORT OF COMMITTEES.

Mr. Houghton, for the committee on financial affairs, reported in a new draft and ought to pass resolve in aid of the Little Samaritan Aid Society of Portland, Maine. Printed under rule.

Mr. Houghton, for the same committee, on resolve in favor of the executors of the will of Cyrus Cole, reported that the same be referred to the committee on claims.

Mr. Houghton, for the same committee, reported in a new draft and ought to pass resolve providing for the preservation of the regimental rolls in the adjutant general's office. Printed under rule.

Mr. Rowell for the committee on legal affairs, reported ought to pass on bill an act to incorporate the Flanders Cemetery Association. Printed under rule.

Mr. Shaw, for the committee on pensions, reported in a new draft and ought to pass resolve in favor of the Soldiers' Home in Maine. Printed under rule.

Mr. Hamilton of Mattawamkeag, for the committee on temperance, reported ought to pass on bill an act to regulate the purchase and sale of intoxicating liquors by cities and towns.

Mr. Kaler, for the committee on railroads, telegraphs and expresses, reported ought to pass on bill an act to incorporate the Southport and Boothbay Harbor Telephone and Telegraph Company. Printed under rule.

Mr. Philbrook, for the committee on judiciary, reported ought to pass on bill an act relating to chapter 189, of the Private and Special Laws of 1895, entitled an act to incorporate the Milbridge Water Company. Printed under rule.

Mr. Fogler for the committee on judiciary, on bill an act to incorporate the Chain Lake Dam and Improvement Co., reported that the same be referred to the committee on interior waters.

Mr. Fogler for the committee on judiciary, reported ought to pass on bill an act to amend an act to incorporate the Farmington Village Corporation. Printed under rule.

Mr. Hurd, for the committee on ways and bridges, reported in a new draft and ought to pass resolve in favor of the town of Cutler, for repairs on highways and bridges. Printed under rule.

Mr. Tolman, for the committee on ways and bridges, reported ought to pass on resolve in favor of aid in building a highway bridge across the Mattawamkeag river at Kingman.

On motion of Mr. Tolman, the rules were suspended and the resolve was read once and assigned for next Wednesday.

Mr. Dudley, for the committee on State lands and State roads, on petition praying that aid be granted in building a road in the towns of Starks and Anson, reported that the petitioners have leave to withdraw.

Mr. Whiting, for the committee on ways and bridges, reported in a new draft and ought to pass resolve in aid of building a bridge across the Mattawamkeag river in the town of Haynesville, county of Aroostook.

On motion of Mr. Bither of Linneus, the rules were suspended and the resolve was read the first time and assigned for Wednesday of next week.

Mr. King, for the committee on interior waters, reported ought to pass on bill an act to incorporate the Machias Dam and Improvement Co. Printed under rule.

Mr. Currier, for the committee on banks and banking, reported in a new draft and ought to pass bill an act to incorporate the Mercantile Trust Co. Printed under rule.

Mr. Spear, for the committee on railroads, telegraphs and expresses, on petition reported bill an act to incorporate the Eastport Street Railway. Printed under rule.

Mr. Moore, for the committee on interior waters, reported ought to pass on bill an act to incorporate the Old Stream Dam and Improvement Co. Printed under rule.

Mr. Hamilton, for the committee on judiciary, reported ought to pass on bill an act to amend sections 7, 9 and 14, of chapter 106, of the Revised Statutes, relating to the issue and serving of venire. Printed under rule.

Mr. Saunders, for the committee on railroads, telegraphs and expresses, reported ought to pass on bill an act to amend the charter of the Portsmouth, Kittery and York Street Railway. Printed under rule.

Mr. Floyd, for the committee on legal affairs, on petition of William M. Cook and 8 others of Casco, praying that they may be incorporated under the name of the Green Grove Cemetery Association, reported that the petitioners have leave to withdraw.

Mr. Smith, for the committee on inland fisheries and game, on petition of James Marston and 175 others of Knox county to prohibit hunting dogs from running at large in close time, reported that the petitioners have leave to withdraw.

Mr. Lincoln, for the committee on claims, reported in a new draft and ought to pass resolve in favor of the city of Calais. Printed under rule.

Mr. Staples for the committee on inland fisheries and game, reported ought to pass on bill an act to regulate the shooting of ducks on the Kennebec river and Merrymeeting bay. Printed under rule.

Mr. Cushman, for the same committee, reported ought to pass on bill an act to repeal the bounty on bears. Printed under rule.

Mr. Murchie, for the committee on railroads, telegraphs and expresses, reported in a new draft and ought to pass, bill an act to extend the charter of the

Waldo and Somerset Railroad Co. Printed under rule.

Mr. Dickey, for the committee on ways and bridges, on petition, reported resolve in favor of aid from the State to repair the Wiscasset bridge, so called. Printed under rule.

Mr. Dickey, for the committee on ways and bridges, on petition reported resolve in favor of building bridge over Dickey brook. Printed under rule.

Mr. Simpson, for the committee on financial affairs, reported ought to pass on resolve in favor of the town of Brunswick. Printed under rule.

Mr. Wilson, for the committee on salaries, reported ought to pass on bill an act to fix the compensation of the sheriff of Franklin. Printed under rule.

Mr. Tolman, for the committee on ways and bridges, reported ought to pass on resolve in favor of a road in Jerusalem plantation. Printed under rule.

Mr. Tolman, for the committee on ways and bridges, reported ought to pass on resolve in favor of a road in Dallas plantation. Printed under rule.

Mr. Durgin for the committee on inland fisheries and game, reported in a new draft and ought to pass, bill an act providing for the registration of guides and to aid in the gathering of statistics relating to inland fish and game. Printed under rule.

Mr. Durgin, for the same committee, on petition, reported bill an act to repeal chapter 197, of the Private and Special Laws of 1895. Printed under rule.

Mr. Durgin, for the same committee, reported ought to pass on bill an act to amend section 41, of chapter 40, of the Revised Statutes, relating to taking of salmon in the Penobscot river above the water works dam. Printed under rule.

Mr. Stevens, for the committee on shore fisheries, reported ought to pass on bill an act to authorize the construction of a weir in tide water in Sheeps Cove ledge in the river in the town of Pembroke. Printed under rule.

Mr. Longley, for the committee on interior waters, on petition of E. G. Dunn and others of Ashland, praying that Elbridge G. Dunn be given the exclusive right to navigate Portage lake in Aroostook county by steam and electricity, reported that the petitioners have leave to withdraw.

(The Speaker resumed the chair.)

READ AND ASSIGNED.

Resolve in favor of the State College of Agriculture and Mechanical Arts.

On motion of Mr. Burns of Westbrook, this resolve was laid on the table pending its first reading and Tuesday of next week assigned for its consideration.

Resolve in favor of the town of Canton.

On motion of Mr. King of Canton, this resolve was laid on the table pending its first reading.

An act to extend the rights and privileges of the Underwood Co.

An act to grant the commissioners of inland fisheries and game authority to destroy mink in and around all fish hatcheries in the State.

An act to amend section 7, of chapter 249, of the Public Laws of 1893.

Resolve in favor of Potter academy of Sebago.

An act relating to waiving the provisions of a will by the widow of the testator, and to wills in which no provision is made for the widow of the testator, and the interest which the widow shall have in the estate of the testator in such cases.

PASSED TO BE ENGROSSED.

An act to incorporate the Searsport Water Co.

On motion of Mr. Whelden of Portland, this bill was laid on the table pending its third reading.

An act to amend section 2, of chapter 287, of the Public Laws of 1893, entitled an act for the better protection of sheep.

An act granting Ernest E. Abbott the right to establish and maintain a ferry between Sullivan and Hancock.

An act to amend section 45, of chapter 140, of the Revised Statutes, relating to the State prison.

An act to incorporate the Hallowell water commissioners.

An act to incorporate the Deer Isle Water Co.

Resolve in favor of the State Reform school.

Resolve in favor of Josiah T. McLellan of Gorham.

Resolve making appropriation for the Passamaquoddy tribe of Indians.

Resolve in favor of breakwater at Mattawamkeag bridge.

On motion of Mr. Hamilton of Mattawamkeag, the resolve was re-committed to the committee on ways and bridges, pending its second reading.

An act to incorporate the Penobscot East Branch Log Driving Co.

An act relating to appeals in case of damages for land taken for ways.

Resolve in favor of the Maine State prison.

Resolve in aid of repairing the bridge across the Narragaus river in the town of Milbridge.

An act relating to the Coburn Steamboat Co.

An act relating to the organization of the Washington County Railroad Co.

An act to confirm the organization of the New York Machine Co., and to enable it to aid in the construction of railroad tracks.

On motion of Mr. Philbrook of Waterville, this bill was laid on the table pending its third reading.

An act in relation to the Rumford Falls & Buckfield Railroad Co.

Resolve making appropriation for the Penobscot tribe of Indians.

On motion of Mr. Hamilton of Biddeford, this resolve was laid on the table pending its second reading.

Resolve in favor of the Maine Insane hospital.

On motion of Mr. Spear of Rockland, this resolve was laid on the table pending its second reading.

Resolve in favor of Simon B. Gates.

Resolve in favor of George M. Coombs.

On motion of Mr. Macomber of Augusta, this resolve was laid on the table pending its second reading.

An act to extend the charter of the Maine Water and Electric Power Co.

An act relating to instruction in the use of tools and in cooking in public schools.

On motion of Mr. Merrill of Portland, this bill was laid on the table pending its third reading.

An act to incorporate the Kingfield Water Co.

Mr. Blanchard of Wilton, offered amendment "A," to strike out all of section 8, and re-number sections 9, 10, 11, 12 and 13 consecutively.

The amendment was adopted and the bill, as amended was read a third time and was passed to be engrossed as amended.

An act to legalize the doings of school district No. 5, in the town of Falmouth, and of the trustees of the Crispus Graves fund, so called, and to enable said trustees to convey and the inhabitants of said Falmouth to purchase the school building erected out of said fund in said district.

An act to authorize the erection of piers and booms in the Mattawamkeag river at the Oxbow.

Resolve in favor of the Maine Eye and Ear Infirmary.

Resolve in favor of Calais Academy.

An act amendatory of and additional to chapter 594, of the Private and Special Laws of 1893, entitled an act to incorporate the Lawry Dam Co.

PASSED TO BE ENACTED.

Resolve in favor of the Gorham State Normal school.

ORDERS OF THE DAY.

On motion of Mr. Guernsey of Dover, bill an act authorizing the Governor and Council to execute a contract for water for the Maine State prison, was taken from the table.

Mr. Guernsey offered an amendment by striking out after the word "Maine" in the sixth line, all in said line and all in the seventh, eighth and ninth lines and those words in the 10th line to and including the figures "1887," and adding after the word "Maine" in the sixth line the words, "for such length of time and at such annual rate or rental as the Governor and Council and said company may agree upon; the rate or rental not to exceed the rate or rental now paid under the contract between the State and said company."

Mr. Walton of Skowhegan, moved that the bill and amendment lie on the table and that Friday morning be assigned for its consideration.

The question being on the motion to lay on the table, the motion was lost.

The question being on the amendment offered by the gentleman from Dover, (Mr. Guernsey),

Mr. Guernsey of Dover: Perhaps I ought to apologize for saying anything on this question at this time, but if we are elected here for any purpose, we are elected to do what we think is right.

This bill carries with it an appropriation of \$25,000, yes, nearly \$27,000 if interest be reckoned for the time that payment under the contract will be paid in advance, and I think it is worth the time and attention of the House to consider the matter before we act upon it, and it is to that end that I have introduced this amendment. This act orders the Governor and Council to execute and sign a contract on terms and conditions for the next 10 years that was considered proper for a contract nearly a decade ago. The present Governor of this State is a man who stands for economy in fact as well as in name. A man of extensive business ability and experience; the members of the present Council are men of undoubted business qualifications—and I have introduced this amendment for the purpose of enabling those men, when they come to execute this contract, to consider what is the proper and the right thing to do to meet this company in a business way and negotiate this contract on a business basis. It is rather unpleasant for a man to come in here and oppose a corporation which is backed up by his friends, and it is also unpleasant and hard to appear here and advocate a measure that has been lobbied as well as this measure has been lobbied. Across the river is a State institution which I think will bear comparison with this institution at Thomaston as a State institution. At this institution across the river, there are about 900 people, patients and help, and about 150 head of stock. They have a water contract which provides that they shall have water for all purposes. They have nearly 50 water closets and bath rooms; and in an institution of that kind everyone knows that those things require a very large amount of water. They have nearly 10 times as many bath rooms as they have at Thomaston. There are four times as many people in the institution across the river as there are at the institution at Thomaston. At this institution they pay \$2000 for water, while the institution at Thomaston has paid \$2500 per year. I know it may be said that the people across the river have their drinking water from a different source; but the contract provides that they shall have water for all purposes, and the fact that they take water from other sources does not matter; it does not change the contract. There have been other contracts executed in regard to the State prison, to which I will refer later. I am opposed to this contract, this act as it now stands, first, on account of the amount of money that it calls for; and, secondly, the length of time it is to run.

A contract was executed in 1893 and that contract was in regard to lights. That contract provided that lights should be furnished by a gas and light company for a term of 10 years. In 1893 it cost under that contract \$1250 to light the State prison. In 1894 it cost \$1159 to light the State prison. In 1895 it cost \$3753 to light it. In 1896 it cost \$4191 to light it; and I have examined the estimates which have been furnished by the State treasurer and I find that it will cost \$4500 to light

the prison for the next year; and it is only by a stretch of the imagination that we can set a limit to the ultimate cost of the lighting of that institution. Under that growing contract, I believe it will take \$6000 to light that prison in a very short time. I am creditably informed that before that contract went into force it cost between \$200 and \$300 for lighting the State prison; and you want to compare that with the present estimate and then say what you think about the contract for lighting the institution at Thomaston.

I am opposed to this measure because it has a long time to run and I believe that it should be renewed at a less rate than it now calls for. There is no limit to what the cost may be if we adopt the policy of perpetuating this contract with this company. I believe that the prison contract if renewed is 100 per cent. higher than the price paid for water supplied to any institution of a similar size in the State of Maine. I believe that if this contract is renewed, it ought to be renewed at about \$1500 per year; but you may entertain different ideas in regard to that. That is simply my opinion.

My friend, the gentleman from Rockland, Colonel Fogler, who I am sure will follow me and who will present the other side of this matter with all the force that he is eminently qualified to bring to bear, will tell you that this water system has cost a great amount of money; that the Thomaston branch does not pay; that \$1000 from the town for hydrant service, and \$1700 from individuals, is not enough; that \$2500 from the State is necessary to make the stock pay a dividend. But you must remember, if you see fit to consider this, that a water system once located is a vested, a perpetual right; that, once in a town, it is there to stay and to grow; that it is future and not immediate profit the investors expect.

Now the question is, shall we consider the interests of the State of Maine and vote what we think is right, or shall we vote a dividend on the stock of a water company? If we vote for this act as it is, we will pronounce a decision against the people of this State, and they will have no motion in arrest of judgment, no writ of error will lie, no appeal can be made to a higher court; we shall simply have sentenced the taxpayers of this State to Thomaston for a term of 10 years at hard labor under a water contract.

Mr. Fogler of Rockland: There are certain equities connected with this measure which I think deserve the serious attention of this House. I do not propose to enter into any extended argument in this matter. I propose to state certain facts which in my judgment is the best argument that can be adduced in favor of this bill: The Camden & Rockland Water Co. was organized some years before 1837, and under their charter they put in a system of water works in the city of Rockland, the town of Camden and the village of Rockport. Their source of supply was Oyster River pond, situated eight miles from the city of Rock-

land. After the works had been put in for the three places I have mentioned; the company was urged by the people of Thomaston and by the State officials to extend their works, lay their mains and supply water for Thomaston, including the State prison. The company investigated the matter and found what contract they could make with the town, and also made an estimate of the compensation which they could have from individual takers. The State was vitally interested in having the water works carried to the town of Thomaston so that it would reach the State prison. The State has a large amount of money invested in that prison, a large amount in the buildings and the necessary appliances for the care of the criminals and in the manufactures carried on there. I have no means of knowing the value of that class of property, but the State was carrying on manufactures within the walls of the State prison, and while I have no particular data except from the sales as reported by the officials, I have no doubt that at times there are deposited in the warehouses and shops of the State prison articles manufactured or materials for manufacture to the amount of \$100,000. Now in 1837 that property was without any adequate protection from fire; I might almost say without any protection whatever. They had only such means of extinguishing fire as existed upon and within the State prison grounds. The State prison is situated very high above the river, so it is impossible for a fire company to force water from the river to afford any protection to the prison. And it was for that reason that the Governor and Council—Governor Bodwell at that time—urged upon this company to put in a system of water works in the town of Thomaston. The company looked the matter over, learned what contract they could make with the town; estimated the amount they would receive from individual water takers, and said to the Governor and Council: "We cannot afford to put in these water works into Thomaston, we cannot stand the expense which will be necessary, unless the State will agree to pay us \$2500 a year for furnishing water for all purposes for the State prison." They said that that was the lowest sum for which they could afford to expend the amount necessary for furnishing Thomaston and that institution. The Governor and Council and the State prison officials assented. Of course they could make no contract without Legislative authority, but they assented to that proposition as a fair one, as a just one under the circumstances. The matter came before the Legislature in 1837 and the Legislature authorized the contract which the Governor and Council and the State prison officials had agreed to so far as they were authorized to agree, that which they had assented to, and in May following the contract was made. They agreed to furnish to the State of Maine for the term of 10 years a good and sufficient supply of water for fire, power for manufacturing, domestic and all other purposes, for the use of the Maine State prison and for all buildings

in Thomaston which belonged to the State. I will read from the contract: "Said company agrees to introduce the water inside the walls of said prison in a pipe six (6) inches in size, connecting said pipe with their ten (10) inch main, and for the purpose of extinguishing fires, they agree to furnish and set such number of hydrants with three outlets each, as the Governor and Council from time to time may consider necessary, wherever the same may be located by the Governor and Council, and on pipes of sufficient size. The use of the hydrants is expressly restricted to fire purposes and to the protection of the property of the State of Maine."

This carried out the agreement which was made or assented to by the Governor and Council. And the understanding was that this was not merely for 10 years, but that if this system of water works should be put in and this company should furnish to the State prison the water for all purposes, completely and fully, the compensation should continue to exist. So we say that this is not the case of an ordinary contract between a water company and some institution; but is a case where the company at the express solicitation and upon an express agreement for 10 years and an implied agreement for a longer time were induced to do that which they would not have done and could not have done on good business principles without such support from the State. Now the company went on when this contract was made, the same summer, extended their main from the nearest pipe which was available in the city of Rockland to the State prison, the end of the line. They have fulfilled on their part every clause either express or by implication in that contract. They laid four miles of 10 inch pipe before they reached the village of Thomaston. They extended that through the village and up to the State prison, and have put into the State prison and about it all hydrants and all facilities for the use of water which have been required by the Governor and Council or the prison officials. The State owns property outside of the State prison itself. There are 12 houses in the vicinity belonging to the State occupied by the State prison officials. These houses are supplied with water and protected against fire by hydrants furnished by this company under the terms of its contract. The State prison is situated on the outskirts of the village of Thomaston, and the town of Thomaston itself has been economical in their contract for hydrants, and without hydrants in and about the State prison grounds the property of the State could not have been properly protected against fire.

This company under that agreement expended over \$70,000 in the beginning, laying their mains from Rockland four miles into Thomaston, distributing their plant over the town and putting in the necessary appliances into the State prison—and this \$70,000 includes merely the actual expense of extending the main from Rockland to Thomaston. It includes no part of the great expense of some \$300,000, and

I don't know but more, of bringing the water from the lake over the eight miles to the town of Rockland. It includes no part of the expense. If you undertake to reckon the entire expense for Thomaston it is only fair to add to the \$70,000 its proportional part of the money expended in bringing the water from the lake into Rockland. Not only that, but the company found that the main to which the Rockland pipes were attached was not large enough to carry sufficient water for local uses and the State prison, and they were obliged to take up a long line of pipes and put in a larger one in order to furnish sufficient water. That expense is not included in the \$70,000. After taking on Thomaston and the State prison it was found that in dry times the pond would get so lowered, some 10 or 12 feet at one time, that while there would undoubtedly have been water enough to furnish Rockland and Camden and Rockport, and perhaps water enough for Thomaston except for fire purposes, yet it was found when the water got down to that degree that there was not sufficient water furnished for protection against fire in Thomaston, and especially to the State prison, whose buildings are situated at the highest point covered by this water company; and the water company in order to obviate that, and to furnish sufficient pressure to protect the State prison against fire, connected with the Oyster river pond another pond, Grassy pond, connecting the two at an expense of \$75,000. That expense was primarily required on account of the lack of pressure to protect the town of Thomaston and the State prison against fire. Incidentally, of course, Rockland and Camden and Rockport are benefitted by it; but it is an expense which never would have incurred unless Thomaston and the State prison had been affixed to the plant. So we can at least say that this company, taking all this expense, have expended in putting in and maintaining a supply of water into Thomaston the sum of \$150,000, undoubtedly a much larger sum than the company expected or that the Governor and Council expected at the time the contract was made. This company gets now I think \$5250, \$1000 from the town, putting in some 20 hydrants, \$1750 from the inhabitants of the town, and \$2500 from the State, making a gross income to this company of \$3250. From that is to be taken the expense of maintaining and operating the water plant, a considerable expense as everybody knows who has had anything to do with water supplies. If we should take the sum of \$1250, which is far below the actual cost of maintaining the plant in Thomaston, it would leave a net income of \$4000, which is the net income of at least, and I think, more than, \$150,000 expended in that plant. So that we say, if it was proper and right in 1887 for Governor Bodwell, a good business man, and his Council, men well-known all over this State—if they deemed it in the interests of the State to expend this money for the purpose of supplying the State prison and protecting it fully against fire, the necessity still exists, and to a greater degree, because the com-

pany have been obliged to expend this large sum of money in order to give a full supply, an adequate supply, and a continual supply of water for all purposes necessary for the State prison. It is a matter, it seems to me, of equity, of fair dealing between party and party. It was the understanding at the time that this company, if they incurred this expense, should have this compensation from the State not only for the 10 years, because that would be no inducement to spend \$70,000 or \$150,000 to have this contract to run for 10 years simply, but is was the understanding that it should continue, and that was one of the considerations which induced this company to put in these works and without that the works never would have been put in.

I know nothing about the contracts of other institutions with other water companies or about the State prison contract with an electric plant, nor do I care anything about it for the purpose of this hearing. Those are matters to be discussed when they come before the Legislature in a proper time. There is this fact that the State prison and the town of Thomaston have an absolutely pure water supply. No better water in the State is supplied to any community. As I said in the beginning I don't propose to make an argument, I propose to give you these facts and simply appeal to you whether it is not fair and just as between party and party, as between the State and this company, to continue this contract for another 10 years upon the same terms that are embraced in the contract made by Governor Bodwell and his Council.

Mr. Hamilton of Biddeford: I agree with my friend on the right (Mr. Guernsey) in his purpose and his object, but I do not agree with him in his method of obtaining it. I want, when I go away from here, to have one contract completed, and that we may know just how much it is going to cost to water the State prison. I have confidence, as he has, in the Governor and Council. I have confidence in their ability and in their integrity, but I do not forget the fact because they are elected to those high and honorable offices, that they are still men, and that they are subject to the same influences as we poor mortals are. And I do not forget that they are politicians or they never would have been there. And I believe if you leave this matter open, while it may be a little less than \$2500 the first year, the Lord knows where it will be the second year or in 10 years from now. Let us close it up. Let us understand precisely what we are to pay for 10 years. Let us give them the whole cheese and not have them nibbling at the cheese for the next 10 years, for as sure as Heaven, they will have it. Let us know precisely the size of that cheese that we are going to give them. I have investigated this matter and I believe that this is a fair and equitable contract as it now exists. Governor Bodwell entered into this contract and we all have confidence in whatever he did as a business man and as an honest man, and now they come and ask for the same contract,

and I believe it is for the interests of this State to grant that contract from this fact if from no other, that it is a contract made and entered into, and a contract when made and executed which must be executed by all of the parties, and then we know just what it is going to cost us over there at the State prison and we know that there can be no extras to come in. By the report of the State treasurer you will see that it is not so much what men are to receive, but it is what the extras are, what the contingent expenses are; and now let us have one place where there can be no further expense. So I am in favor of this bill, and I think the members of this House when they take it into consideration will be in favor of the bill as it is.

The question being on the adoption of the amendment adopted by Mr. Guernsey of Dover, the amendment was lost.

Mr. Guernsey doubted the vote and called for the yeas and nays on the adoption of the amendment, and asked for unanimous consent to address the House.

Mr. Guernsey: I believe if you will give the Governor and Council a chance that they will save the State of Maine \$10,000 on that contract. By the terms of the amendment they cannot enlarge the cheese that my friend, Mr. Hamilton, refers to, and expend any more than the former contract calls for. Now some of us are insane enough to believe in the suggestions that have been made by men connected with the State prison, that the water can be supplied for that prison at a much less rate by artesian wells or other methods, and it has been suggested, and I believe there is something in it, that the light can be produced by electricity by the State prison authorities at an expense not exceeding \$1000 per year; that \$4000 can be saved to the State of Maine and to the public treasury by giving the authorities a proper chance. Now all this amendment contemplates is to give the Governor and Council a chance to do something and not make them a mere set of clerks to execute this contract. You might as well appoint the clerk of this House to execute this contract as to order the Governor and Council to do so. I say it is fair and just to the taxpayers of this State that the Governor and Council be given a chance to meet this company on a fair and business basis and see what they can do. This contract ought not to be renewed for \$2500 a year; \$1500 is a sufficient sum, I believe; but I do not ask you to adopt my views, I simply ask you to give the Governor and Council a chance to examine into this matter and see what they can do. They cannot under this amendment go beyond the amount expressed in the existing contract, \$2500 a year, but they may be able to reduce the price and save the treasury \$10,000.

Mr. Fogler of Rockland: I desire to say that the scheme of boring through the limestone formation which underlies the town of Thomaston for artesian wells has been tried and without success. It is impossible to get a supply of water in that way.

A division being had on the call for yeas and nays, the call was not seconded. Mr. Guernsey called for a division upon the adoption of the amendment.

A division being had, the amendment was lost by a vote of 15 for to 57 against.

Mr. Furbush of Lewiston, moved that the bill pending its passage to be engrossed be laid on the table, on the ground that there was no statement of facts accompanying the bill.

Mr. Macomber of Augusta: This is a public measure, it has been all gone over carefully by the committee, it has been reported here and has been held on the table at the request of the gentleman from Dover (Mr. Guernsey) for 10 days, and it has been fully discussed in this House. I believe that at no time shall we be better prepared to vote on this matter and settle it, and I hope the House will not permit this bill to be laid further on the table.

The question being on the motion of Mr. Furbush of Lewiston, to lay the bill on the table, the motion was lost.

The bill was then passed to be engrossed.

On motion of Mr. Philbrook of Waterville, bill an act to extend and additional to the charter of the Oakland Water Co., was taken from the table.

Mr. Philbrook offered amendment "A." to strike out sections 4 and 5, and substitute new sections.

The amendment was adopted, the bill was read a third time and was then passed to be engrossed as amended.

On motion of Mr. Macomber of Augusta, bill an act relating to the duties of the bank examiner was taken from the table, and on further motion by the same gentleman, the bill was read a third time and was passed to be engrossed.

On motion of Mr. Burrill of Corinna, bill an act to incorporate the Nahmakanta Steamboat Co. was taken from the table, and on further motion by the same gentleman, it was re-committed to the committee on interior waters.

On motion of Mr. Walton of Skowhegan, bill an act to authorize the Madison Village Corporation to purchase the property and franchises of the Madison Water Co., was taken from the table.

Mr. Walton offered an amendment to the title so that it shall read as follows: "An act to authorize the Madison Water Co. to sell and convey its property and franchises to the Madison Village Corporation."

The amendment was adopted, and on further motion by Mr. Walton, the bill was read a third time and was passed to be engrossed as amended.

On motion of Mr. Dudley of Brookton, Adjourned.