

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**Sixty-Ninth Legislature**  
OF THE  
**STATE OF MAINE.**  
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**1899.**

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announced that he had delivered the message with which he was charged.

A message was received from the House, by its clerk, announcing the concurrence of that branch in the proposition for a joint convention.

The session of the Senate was then suspended and the Senate proceeded to the hall of the House of Representatives.

(For proceedings in joint convention see House report.)

On the return of the Senate to their chamber, on motion by Mr. Dudley of Washington,

Adjourned.

## HOUSE.

Tuesday, Feb. 7, 1899.

Prayer by Rev. Father Nelligan of Hallowell.

Papers from the Senate disposed of in concurrence.

The following Senate bill was read and assigned:

An act to amend section 18, of chapter 133, of the Revised Statutes, relating to satisfaction of prosecutions for assault and battery and other misdemeanors.

The following petitions, bills, etc., were presented and referred, matters of a private nature being introduced under suspension of the rule limiting the same to February 1:

### JUDICIARY.

By Mr. King of Caribou—Remonstrance of R. W. Pattee and others of Caribou, against the enactment of a law prohibiting the use of trading stamps.

### LEGAL AFFAIRS.

By Mr. Dunning of Winslow—Petition of Nathan Bracket and 35 others of Clinton, that the election of road commissioner may be optional with towns

Petition of S. H. Abbott and 84 others of Benton, for same.

Petition of A. G. Clifford and 8 others of Winslow, for same.

By Mr. Blackstone of Perham—Resolve of Aroostook Pomona Grange in favor of repeal of road commissioner law.

By Mr. Smith of Presque Isle—Resolutions of Aroostook County Pomona Grange No. 7, relating to repeal of the law relating to road commissioner.

By Mr. Dunning of Winslow—Remonstrance of Albert Fuller and 19 others of Winslow, against creating the office of State highway engineer.

By Mr. Fitz of Durham—Remonstrance of H. G. Jordan and 29 others of South Lewiston, against same.

By Mr. Bird of Rockland—Remonstrance of S. W. Porter and 19 others of Castle Hill, against same.

By Mr. Dunning of Winslow—Remonstrance of George E. Withee and 89 others of Benton, against same.

Remonstrance of D. Y. Sullivan and 29 others of Clinton, against same.

By Mr. Fuller of South Portland—Bill an act to provide for the rebuilding and maintenance of the Old Warehouse wharf in Portland lower harbor.

By Mr. Davis of Brownville—Bill an act amendatory of chapter 507, of the Private and Special Laws of 1889, entitled "An act to establish the Dover municipal court."

By Mr. Jellison of Surry—Bill an act to amend chapter 298, of the Public Laws of 1889, relating to hawkers and peddlers.

By Mr. Powers of Fort Fairfield—Bill an act to create a lien upon hay for the cutting and pressing thereof.

#### EDUCATION.

By Mr. Smith of Presque Isle—Resolve of the Aroostook Pomona Grange relating to the establishment of a Normal school in Aroostook county.

By Mr. Blackstone of Perham—Resolutions of Aroostook County Pomona Grange, No. 7, relating to same.

#### RAILROADS, TELEGRAPHS AND EXPRESSES.

By Mr. Chick of Clifton—Petition of Walter K. Spofford and 62 others of Holden, for the passage of a law requiring railroads to issue two cent mileage books good to bearer.

By Mr. Gordon of Readfield—Petition of F. S. King and 33 others of Readfield, for same.

By Mr. Chick of Clifton—Petition of Albion Oakes and 50 others of Milford, for same.

Petition of E. J. Penny and 19 others of Clifton, for same.

Petition of E. B. Corning and 18 others of Holden, for same.

By Mr. Leavitt of Eastport—Petition of George H. Hayes and 150 others of Eastport, for same.

By Mr. Blackstone of Perham—Petition of C. H. Weedon and 38 others of New Sweden, for same.

By Mr. Wilson of Minot—Petition of Gideon Bearce and 39 others of Minot, for same.

By Mr. Bryant of Knox—Petition of C. M. Giles and 78 others of Unity, for same.

By Mr. Smith of Presque Isle—Petition of Arthur C. Perry and 81 others of Presque Isle, for same.

By Mr. Murphy of Lewiston—Petition of H. A. Osgood and 79 others of Lewiston, for same.

Petition of C. P. Fiske and 60 others of Lewiston, for same.

By Mr. McFadden of Dresden—Petition of C. H. Siegars and 24 others of Dresden, for same.

By Mr. Forhan of Raymond—Petition of Andrew Chute and 40 others of Naples, for same.

Petition of E. A. Plummer and 27 others of Raymond, for same.

By Mr. Dunning of Winslow—Petition of Howard W. Dodge and 82 others of Clinton, for same.

By Mr. Parker of Glenburn—Petition of F. A. Simpson and 28 others of Carmel, for same.

By Mr. Pierce of Blaine—Petition of N. D. Smith and 50 others of Masardis, for same.

By Mr. Bryant of Knox—Petition of E. A. Carpenter and 78 others of Brooks, for same.

By Mr. McFadden of Dresden—Petition of Charles F. Achorn and 46 others of Whitefield, for same.

By Mr. Rankin of Wells—Petition of James A. Place and 33 others of Berwick, for same.

By Mr. Nickerson of Swanville—Petition of S. A. Randall and 55 others of Stockton Springs, for same.

By Mr. King of Caribou—Petition of C. G. Littlefield and 80 others of Caribou, for same.

By Mr. Craig of Island Falls—Petition of H. E. Trueworthy and 76 others of Island Falls, for same.

By Mr. Purinton of Woolwich—Petition of W. C. Todd and 28 others of Georgetown, for same.

By Mr. Nickerson of Swanville—Petition of Benjamin O. Sargent and 61 others of Searsport, for same.

By Mr. Purinton of Woolwich—Petition of A. K. Goud and 65 others of Topsham, for same.

By Mr. Powell of Solon—Petition of T. J. Young and 108 others for same.

By Mr. Virgin of Portland—Petition of Loring, Short & Harmon and 46 other business men and firms of Portland, in favor of the extension of charter of the Westbrook, Windham & Harrison Railroad.

By Mr. Chase of Portland—Petition of John P. Lovell's Arms Company and 46 other business firms of Portland, for same.

By Mr. Melcher of Portland—Petition of Rufus Deering Company and 39

other business firms of Portland, for same.

By Mr. Plummer of Portland—Petition of Charles McLaughton & Company and 42 other business firms of Portland, for same.

By Mr. Burns of Westbrook—Petition of C. C. Phelan and 36 others of Westbrook, for same.

Petition of W. G. Chute and 109 others of Naples, for same.

By Mr. Forhan of Raymond—Petition of Horace B. Harmon and 52 others of Casco, for same.

By Mr. Webb of Portland—Petition of Shaw, Hammond & Carney and 45 other business men of Portland, for same.

By Mr. Forhan of Raymond—Petition of Albert Strout and 26 others of Casco, for same.

By Mr. Hopkins of Deering—Petition of Milliken, Cousens & Short and 39 other business men of Portland, for same.

By Mr. Sargent of Portland—Petition of George C. Shaw and 40 others of Westbrook, in favor of same.

#### INTERIOR WATERS.

By Mr. Laliberte of Fort Kent—Petition of George V. Cunliff and others in favor of granting a charter to improve the Allagash river.

#### MILITARY AFFAIRS.

By Mr. Spofford of New Sharon—Petition of E. T. Faunce and 12 others in favor of a law for the better observance of Memorial day.

#### INLAND FISHERIES AND GAME.

By Mr. Chase of Portland—Petition of Silas B. Adams and others of Cumberland county for an amendment to the game laws relating to sale of ruffed grouse and woodcock.

#### SHORE FISHERIES.

By Mr. Wilson of Cherryfield—Petition of John McNamara and 20 others in favor of close time on lobsters in Milbridge bay.

By Mr. Fogg of Freeport—Petition of J. P. Kelsey and 39 others of Freeport, relating to close time on clams in Cumberland county.

#### PLACED ON FILE.

By Mr. Bird of Rockland—Remonstrance of E. A. Sidelinger and 9 others of Washington, against an increase of

salaries for justices of the supreme judicial court.

By Mr. Brown of Warren—Remonstrance of W. C. Norton and 43 others of Union, against same.

By Mr. Bird of Rockland—Remonstrance of D. M. Morton and 29 others of North Anson, against same.

Remonstrance of L. H. Appleby and 32 others of Palmyra, against same.

Remonstrance of W. B. Whittier and 109 others of Skowhegan, against same.

Remonstrance of E. W. Sprague and 31 others of Easton, against same.

Remonstrance of D. S. Moore and 38 others of Moscow, against same.

Remonstrance of E. J. Gilvery and 67 others of Strong, against same.

Remonstrance of F. A. Hubbard and 26 others of North Newport, against same.

Remonstrance of Howard Doane and 19 others of Nealy's Corner, against same.

Remonstrance of C. S. Adams and 7 others of Searsmont, against same.

Remonstrance of C. M. Howes and 17 others of South Montville, against same.

Remonstrance of E. G. Tilley and 20 others of Castle Hill, against same.

By Mr. Fitz of Durham—Remonstrance of Frank Martin and 133 others of Auburn, against same.

Remonstrance of Z. R. Doten and 40 others of South Lewiston, against same.

Remonstrance of J. B. Cole and 14 others of Winslow, against same.

Remonstrance of G. F. Tarbell and 87 others of Benton, against same.

By Mr. Fitz of Durham—Remonstrance of C. S. Hicks and five others of Auburn, against same.

By Mr. Craig of Island Falls—Remonstrance of C. A. Wren and 83 others against hunters' license.

#### ORDERS.

On motion of Mr. Guernsey of Dover, Ordered, That the committee on judiciary be instructed to inquire into the expediency of amending Chapter 318, Public Laws of 1885, in relation to disclosure on mesne process to correct an error and report by bill of otherwise.

On motion by Mr. Chick of Clifton, Ordered, That the Speaker of this House be required to transmit to the Hon. Wm. P. Frye the approbation of

this House for his loyal and manly course in supporting our noble President throughout the trying scenes of the past months. And that we have watched with pride his record in the United States Senate from the beginning of hostilities with Spain to the ratification of the peace treaty, yesterday afternoon. (Applause).

#### REPORTS OF COMMITTEES.

Mr. Burns from the committee on education reported ought to pass in new draft under the same title resolve, in favor of Leavitt Institute.

Same gentleman from same committee, reported ought to pass on resolve in favor of the Springfield Normal school.

Mr. Peaslee from same committee, reported same on resolve in favor of Patten Academy.

Same gentleman from same committee, reported same on resolve in favor of Calais Academy.

Mr. Ryerson from same committee, reported same on resolve in favor of Monmouth Academy.

Mr. Webster from same committee, reported ought to pass in new draft under same title in favor of Anson Academy.

Mr. Walker from same committee, reported ought to pass on resolve in favor of Cherryfield Academy.

Mr. Gardner from same committee, reported ought to pass in new draft under same title resolve in favor of East Corinth Academy.

Mr. Johonnett from the committee on State lands and State roads, reported ought to pass in new draft under same title resolve in favor of repairing the road between Patten and Grand Lake.

Mr. Peabody from the committee on Indian affairs, reported ought to pass in new draft under same title resolve making appropriation for the Passamaquoddy tribe of Indians.

The reports were accepted and resolves ordered printed under joint rules.

#### PASSED TO BE ENGROSSED.

Bill an act in relation to the school committee of the city of Portland.

Was reported from the committee on bills in the third reading, read the third time and passed to be engrossed as amended by Senate amendments A and B in concurrence.

Bill an act to amend Section 34, Chapter 11 of the Revised Statutes.

Was reported from the same committee, read the third time and passed to be engrossed as amended by Senate amendment A in concurrence.

Bill an act to amend Chapter 450, Private Laws of 1893, relating to the school board of Eastport.

Bill an act to amend Chapter 144 of the Revised Statutes relating to State pensions.

Bill an act to establish a municipal court in the town of Newport.

Pending third reading Mr. Sanborn of Newport, offered House amendment A which was adopted. The bill was then read the third time, passed to be engrossed as amended and was sent to the Senate.

A message was received from the Senate by Mr. Dunbar, secretary of the body, proposing a joint convention to be held in the hall of the House of Representatives this day, forthwith, for the purpose of electing a State treasurer, and asking the concurrence of the House.

On motion of Mr. Manley of August, the House concurred and the clerk was charged with and conveyed a message to the Senate informing that body of the concurrence of the House in the proposition for a joint convention for the purpose of electing a State treasurer.

The hour of the joint convention having arrived the Senate came in and a convention was formed. Hon. Oliver B. Clason, President of the Senate, presided.

#### IN CONVENTION.

On motion of Mr. Whitehouse of Sagadahoc, Messrs. Whitehouse, Pierce of Waldo, Sanborn of Newport, Libbey of South Berwick, Burns of Westbrook, Deering of Saco, Noyes of Pownal, were appointed a committee to receive, sort and count votes for State treasurer.

Mr. Whitehouse from the committee, subsequently reported:

|                             |     |
|-----------------------------|-----|
| Whole number of votes cast, | 148 |
| Necessary for a choice,     | 75  |
| F. M. Simpson had,          | 130 |
| E. W. Staples had,          | 18  |

The report was accepted and Hon. F. M. Simpson having received a majority of all the votes cast was declared duly elected State treasurer for the current political years 1899 and 1900.

On motion of Mr. Merrill of Somerset, the secretary of the convention was directed to notify the Honorable F. M. Simpson of his election, also the Governor and Council of the election of Honorable F. M. Simpson as State treasurer for the current political years 1899 and 1900, and he subsequently reported that he had delivered the message with which he was charged.

The purposes for which the convention was assembled having been accomplished, the convention was dissolved and the Senate retired.

#### IN HOUSE.

The House was called to order by the Speaker.

#### ORDERS OF THE DAY.

The special assignment at this time was House bill No. 42, an act to provide in part for the expenditures of government for the year 1899.

Mr. Manley of Augusta, said: Mr. Speaker, I have no desire to press this appropriation bill to a passage, today, if any member of the House, as I stated, yesterday, desires further time to investigate the matter. I do desire, however, to make this explanation. This bill was the bill that was drafted by the State treasurer, under the direction of the finance committee, and reported to the finance committee, and the State treasurer and his clerical force explained each and every item to the committee. The committee unanimously instructed me to report the bill to the House.

This bill, as it says in its first section, "in order to provide for the several acts and resolves of the Legislature requiring the payment of money from the treasury," is simply a bill which, under the form of law, it is necessary to pass before the State treasurer can pay out any money, or the Governor can issue any warrant upon him for the payment of any money, which you or other Legislatures have already appropriated. The State treasurer, in compiling the laws that were already in existence, which, today, have the force of law, has placed against each one the appropriation which the law requires. He had no knowledge, nor had the finance committee, that the House contemplated, or that the Legislature contemplated, the repealing of any law on the statute book, and until those laws are repealed we are compelled to make the appropriations called for in this bill.

I have no ambitions to gratify in the passage of this bill, no ambitions that will be disappointed or interfered with if it is defeated or delayed. I am simply the servant of the House. I desire to carry out the wishes of the House. The Honorable Speaker, who has presided over this body with such impartiality as to win the confidence of all, did one partial thing. He placed me as the chairman of that committee; and by the House accepting his action it is made my duty

to present this bill to you. I am ready, so far as I have the ability, to explain every appropriation in the bill. I am ready to do it now, or at any future time which the House desires. If the members of the House do not desire this bill to be taken up, today, and will indicate any time when they prefer to have it taken up, I will gladly consent to its postponement. I desire the House to take upon itself the responsibility of deciding when the bill shall be proceeded with. We are nearly half through our session. It is time we should make some progress. There is not a city or town in this State that is not, today, clamoring upon the State treasury for the payment of moneys due to the cities and towns which he cannot pay until this bill is passed. The very first item in it, of over half a million of dollars, is the repayment to the cities and towns of the school fund, and I will explain, when we proceed with the bill, how it is obtained. All the pauper cases cannot be settled. The town treasurers are trying to settle their taxes for the year 1898 with the State treasurer. No settlements can be made until this bill passes.

I have no interest in the bill other than that which every member of this House has; and I would like to have the House indicate whether it desires to proceed with it, today, or at some future day.

Mr. Guernsey of Dover: In accordance with the suggestion of the gentleman from Augusta, I move that the bill be laid on the table to be taken up at some future date for consideration. And I wish to explain to the House before the vote is taken on that question my reasons for making that motion.

Mr. Manley: I do not yield to the gentleman from Dover to make any such motion. The motion to lay on the table takes this thing out of the hands of the chairman of the finance committee. I have given it careful study and attention. I can answer, so far as I have the ability and so far as the treasury department knows, every question which can be raised about any proposition. I am willing to have it laid upon the table to any day which anybody will designate, but I do not propose to consent, unless the House so votes, that this bill shall be taken out of my hands and placed in the hands of the gentleman from Dover.

Mr. Guernsey: If I am allowed to explain, I wish to say that I have no disposition whatever to take this bill from the hands of the gentleman from Augusta, who is the chairman of the finance committee. I am perfectly willing that he should have full charge of it, but I would like to state to the House my reasons for making the motion, last evening, in regard to the laying of the matter on the table.

Mr. Manley: When does the gentleman want it taken up?

Mr. Guernsey: I asked as a matter of privilege to be allowed to explain my position, last night, if the gentleman will yield.

Mr. Manley: Certainly, I will yield.

Mr. Guernsey: I don't wish to cast any reflection whatever on the members of the finance committee who have reported

this measure. I have the utmost respect for the State treasurer, whose estimates were submitted, and the only object I had in making the motion, last evening, was simply to give the members of this House an opportunity to examine into the provisions of the act that contains more than 100 items and carries more than \$1,600,000. And there are a few items to which I would like to call the attention of the House, not for discussion now, but simply for their examination after the matter has been laid on the table by the gentleman from Augusta, as he has consented to do.

As I understand, the appropriations contained in this bill are largely fixed by law, but there are many that are not fixed by law, only as we fix them when we adopt this bill, when we pass it to be enacted. These estimates are based largely on the expenditures of 1898; and it is fair perhaps to go back to the expenditures of the government of 1888. I simply do this to call your attention to the items so you can intelligently examine it when you come to consider it.

Now the public officers of this State, in 1888, were paid \$86,000, in round numbers. The present year they are paid about \$124,000 by the provisions of this appropriation bill. The amount expended for fuel and lights in 1888 was \$1987. Fuel and lights under the appropriation of this bill are \$8000.

Mr. Manley: May I interrupt the gentleman to ask him where he finds that information?

Mr. Guernsey: I take it from the report of the treasurer of 1888.

Mr. Manley: That is not in this bill. There is no appropriation here for fuel or lights. I would ask where you get the authority for the statements you are making. They are not in this appropriation bill.

Mr. Guernsey: If the gentleman will permit me to go on I will explain before I close. Repairs on public buildings, expenditures in 1888, were \$3100. The appropriation contained in this bill, as I read it, is \$8000. Printing in 1888 was \$15,778. This bill provides for printing to the extent of \$35,000. For binding in 1888, \$7571 was paid out of the State treasury. By this bill \$18,000 is appropriated for that purpose. And so I might go on through the different items. I must admit that I have not had time to examine into it from the time this was placed on the table, last evening, and I may perhaps have taken some of my statements from the estimates that are contained in the State treasurer's report which has been laid here, and those estimates the gentleman from Augusta has explained were adopted by the finance committee.

Now this will carry a sum of money so large that, after its passage, we will be immediately met by the argument that there is no money in the State treasury, that is, not money enough to meet all the appropriations that are asked for, and many worthy measures will have to wait because the money has been expended. Now I simply ask that we take this under consideration and perhaps cull out of it a certain amount, and leave something to be appropriated for the purposes which are now pending before the Legis-

lature and which exceed the amount of money that we can possibly raise by some \$200,000. (Applause.)

For these reasons I ask that it be assigned for a later date.

Mr. Manley: The gentleman from Dover is entirely incorrect in many of the statements which he has made, undoubtedly misled by the treasurer's report. There is no appropriation in this bill whatever for repairs, for fuel or lights, or for any of the items to which he has referred, except printing and binding and salaries. Those items will be considered at the proper time. The items of printing and binding are larger than they were, but that is not the fault of this Legislature or the fault of the finance committee. Those items were increased by the laws of this State. A previous Legislature had fixed the price of printing, and the State printer prints whatever is sent to him to print under the law. But if this bill is to be discussed, under the rules, Mr. Speaker, it must be discussed, not in the House, but in a committee of the whole. If the gentleman from Dover desires that it shall be laid on the table for further investigation, and if he will indicate any day to which he desires to have it assigned, I will gladly consent to it.

Mr. Guernsey: I would suggest that it be laid on the table until next Tuesday.

Mr. Manley: I consent to that, and I move that the bill be laid on the table and that next Tuesday, at 11 o'clock, be assigned for its consideration.

The motion was agreed to.

On motion of Mr. Wilson of Gorham, the order instructing the trustees of the University of Maine to obtain for the benefit of the members of the Legislature, the salary and perquisites received by the president, professors and instructors, and all other attaches, including clerks, stenographers and typewriters, and all others drawing compensation at the University of Maine, and the duties of each, and report the same as soon as practicable to the Legislature, was taken from the table. The same gentleman offered the following amendment:

Amend said order by adding after the word "each" in the sixth line, the words "also, to accompany the same by a complete and thorough statement of the receipts and income of said institution, from all sources, including tuition, invested funds, and all funds received from the State of Maine and the United States, and a complete and itemized statement of the present resources and property of the same. The statement of receipts and expenditures to be in full for the years 1897 and 1898."

The amendment was adopted and the order received a passage as amended.

On motion of Mr. Merrill of Skowhegan, resolved in favor of Charles T. Powers, was taken from the table, read a second time and passed to be engrossed.

On motion of Mr. Chase of Portland, bill an act to amend section 1 of chapter 298 of the Public Laws of 1889, relating to hawkers and peddlers, was taken from the table, read twice and assigned for tomorrow morning.

On motion of Mr. Hopkins of Deering, Adjourned.