

MAINE STATE LEGISLATURE

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

1899.

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Resolve in favor of Leavitt institute.
 Resolve in favor of Sabatis Shay, representative of the Penobscot tribe of Indians.

Resolve in favor of the town of Madawaska.

Were reported from the committee on engrossed bills as truly and strictly engrossed, bills passed to be enacted, resolves finally passed, were severally signed by the president and sent to the Governor for his approval.

ORDERS OF THE DAY.

On motion by Mr. Weeks of Somerset, remonstrances of H. T. Williams and others against State road commissions were taken from the table and placed on file.

On motion by Mr. Hargraves of York,
 Adjourned.

HOUSE.

Tuesday, Feb. 28, 1899.

Prayer by Rev. Mr. Phillips of Augusta.

Papers from the Senate disposed of in concurrence.

The following Senate bills were read and assigned:

Bill an act to amend section 19 of chapter 242 of the Private and Special Laws of 1895, relating to the charter of the city of South Portland.

Bill an act to amend section 44 of chapter 2 of the Revised Statutes, relating to the distribution of printed copies of the Public Laws.

Bill an act amendatory of and additional to chapter 47 of the Revised Statutes, relating to savings banks.

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

JUDICIARY.

By Mr. Brown of Warren—Petition of W. H. Miller and 31 others of Waldoboro relating to the practice of law by others than attorneys.

By Mr. Daigle of Madawaska—Remonstrance of A. E. Hammond and others against the moving of the Northern Aroostook Registry of Deeds from Madawaska to Fort Kent.

Remonstrance of Amos Ouillette and others against same.

By Mr. Powers of Fort Fairfield—bill an act giving mortgages a lien for costs of foreclosure section 5 of chapter 90 of Revised Statutes.

LEGAL AFFAIRS.

By Mr. Chase of Portland—Bill an act to extend the charter of the Maine Live Stock Insurance Company.

By Mr. Gridel of Islesboro—Bill an act to make the prohibitory law more effective.

RAILROADS, TELEGRAPHS AND EXPRESSES.

By Mr. Forhan of Raymond—Petition of Frank J. Ham and 38 others of Belgrade, that railroads be required to issue two-cent mileage books, good to bearer.

FEDERAL RELATIONS.

By Mr. Macomber of Augusta—Memorial and resolve against an act of

the Legislature of the State of New York in the year of 1897.

BANKS AND BANKING.

By Mr. Hutchings of Brewer—Remonstrance of the Bangor Savings Bank and the Penobscot Savings Bank against amending section 100 of chapter 47, of the Revised Statutes relating to investments by Savings Banks.

AGRICULTURE.

By Mr. Libby of Albion—Remonstrance of Otis Meader and 32 others of Albion, against repeal of feeding stuffs inspection law.

By Mr. Farnsworth of Pembroke—Remonstrance of A. W. Fisher and 14 others of Charlotte, against same.

By Mr. Coffin of Harrington—Remonstrance of W. E. Ingersol and 30 others of Columbia, against same.

By Mr. Cleveland of Houlton—Remonstrance Ira J. Porter and 21 others of Houlton, against same.

By Mr. McFadden of Dresden—Remonstrance of W. F. Heminway and 10 others of Jefferson, against same.

Remonstrance of S. J. Knowlton and 20 others of Bremen, against same.

By Mr. Brown of Warren—Remonstrance of Erastus Lermond and 48 others of Thomaston, against same.

By Mr. Wilson of Brunswick—Remonstrance of L. E. Smith and 15 others of Brunswick, against same.

By Mr. Wilbur of Avon—Remonstrance of T. B. Hunter and 45 others of Strong, against same.

By Mr. Brown of Warren—Remonstrance of E. T. Benner and 14 others of Warren, against same.

By Mr. Hughes of Amity—Remonstrance of Jonathan Benn and 49 others of Hodgdon, against same.

By Mr. Berry of Denmark—Remonstrance of D. P. Charles and 24 others of Stow, against same.

By Mr. Beath of Kenduskeag—Remonstrance of O. L. Durand and 20 others of Charleston, against same.

By Mr. Noyes of Pownal—Remonstrance of S. W. Ayer and 19 others of New Gloucester, against same.

By Mr. Brimmer of Mariaville—Remonstrance of John C. Jordan and 47 others of Mariaville, against same.

By Mr. McFadden of Dresden—Remonstrance of L. E. Irish and 34 others of Peru, against same.

By Mr. DeCoster of Buckfield—Remonstrance of A. H. Andrews and 8

others of Paris, against same.

By Mr. Fuller of South Portland—Remonstrance of Walter B. Nutter and 9 others of Pleasantdale, against same.

By Mr. Coffin of Harrington—Remonstrance of J. E. White and 54 others of Columbia, against same.

TOWNS.

By Mr. Field of Oakland—Petition of A. G. Hill and 31 others of Oakfield, for the setting off of Ocean Park from the town of Old Orchard and annexing the same to the city of Saco.

By Mr. Maxwell of Richmond—Petition of Marshall White and 7 others of Bowdoinham, for same.

By Mr. Stetson of Monmouth—Petition of J. A. Chase and 11 others of Litchfield, for same.

By Mr. Rankin of Wells—Petition of George Goodwin and 19 others of Wells, for same.

By Mr. Colburn of Windsor—Petition of W. Seekins and 10 others of Windsor, for same.

By Mr. Carr of Old Town—Petition of T. M. Battie and 28 others of Old Town, for same.

By Mr. Manley of Augusta—Petition of C. F. Penney and 25 others of Augusta, for same.

By Mr. Wilson of Minot—Petition of M. T. Newton and 31 others of Webster, for same.

By Mr. Reed of Roxbury—Petition of Edwin Babb and 12 others of Dixfield, for same.

By Mr. Sutherland of Biddeford—Petition of L. W. Stone and 16 others of Biddeford, for same.

By Mr. Deering of Saco—Petition of L. H. Jordan and 12 others of Raymond, for same.

Petition of James Kendrie and 142 others, for same.

By Mr. Sutherland of Biddeford—Remonstrance of Daniel Campbell and 12 others of Old Orchard, against the setting off of Ocean Park from the town of Old Orchard.

By Mr. Fuller of South Portland—Remonstrance of M. R. Williams and 39 others of South Portland, against the setting off of the village of Willard either by annexing to Cape Elizabeth or the formation of a new town.

Remonstrance of W. B. Nutter and 24 others of South Portland, against same.

Remonstrance of W. B. Jordan and 55 others of South Portland, against same.

Remonstrance of E. S. Hamilton and 44 others of South Portland against same.

Remonstrance of C. P. Trickey and 17 others of South Portland against same.

Remonstrance of Robert Trickey and 75 others of South Portland against same.

Remonstrance of A. F. Hannaford and 78 others against any changes whatever in the present boundaries of the town of Cape Elizabeth.

Remonstrance of H. S. Jordan and 44 others against same.

MINES AND MINING.

By Mr. Kalloch of South Thomaston—Petition of citizens of Rockland relative to a gold mine in said city with accompanying papers.

PLACED ON FILE.

By Mr. Wood of Camden—Remonstrance of C. Fred Knight and 38 others of Rockport against the passage of any law that will further restrict the use of purse and drag seines in the waters of our State.

By Mr. Mosher of Rome—Remonstrance of E. L. Blaisdell and five others of Rome against the creation of any State road commission.

ORDER.

On motion of Mr. Wood of Camden, Ordered, That leave of absence be granted to Mr. Harmon of Machiasport for eight days from March 1st owing to town business.

REPORTS OF COMMITTEES.

Mr. Farrell from the committee on interior waters reported ought not to pass on bill an act to authorize the building of piers in Fish river.

Mr. Wood from the committee on shore fisheries reported leave to withdraw on petition of W. J. Pendleton and 221 others that the taking of mackerel and porgies in any of the waters or tributaries of Penobscot bay by purse nets of seines be prohibited.

Same gentleman from same committee reported same on petition of Frank Cole and 366 others that the taking of fish by purse seines in the Saco bay be prohibited.

The reports were accepted and sent to the Senate.

Mr. Philbrook from the committee on the judiciary reported ought to pass on bill an act to amend Chapter 135 of the Public Laws of 1895, and acts additional thereto, relating to the Bath municipal court.

Same gentleman from same committee reported same on bill an act to repeal a resolve in favor of F. E. Southard.

Same gentleman from same committee reported ought to pass in new draft under same title bill an act to incorporate the Kennebec Water District.

Same gentleman from same committee reported ought to pass in new draft under same title bill an act relating to the jurisdiction of the superior court for the county of Kennebec.

Mr. Berry from the committee on ways and bridges reported ought to pass on resolve to reimburse Daniel S. Chadbourne for repairs on breakwater at Mattawamkeag bridge.

Mr. Hill from the Waldo county delegation reported ought to pass on bill an act to fix the salary of the sheriff of the county of Waldo.

The reports were accepted and bills ordered printed under the joint rules.

Mr. Hill from the committee on claims on bill an act to amend Chapter 135 of the Public Acts of 1895, and acts additional thereto, reported that the bill needs to be amended in its title.

On motion of Mr. Maxwell of Richmond the bill was laid on the table pending amendment of title.

READ AND ASSIGNED.

Bill an act to amend chapter 11, of the Public Laws of 1887, authorizing cities and towns to accept legacies, devises and bequests, and to raise money.

Bill an act to amend section 1, of chapter 201, of the Private and Special Laws of 1854, relating to Bridgton Center Village Corporation.

Bill an act to establish a naval reserve as a part of the National Guard of the State of Maine.

Resolve in favor of the Augusta City Hospital.

PASSED TO BE ENGROSSED.

Bill an act amendatory of and additional to chapter 511, of the Private and Special Laws of 1889, entitled "An act to incorporate the Mechanic Falls Water and Electric Light and Power Company, as amended by chapter 494, of the Private and Special Laws of 1889."

Bill an act to incorporate the Portland, Me., Past Chancellors Association.

Bill an act to incorporate the Sebasticook Manufacturing and Power Company.

Bill an act to establish the salary of the judge of probate for the county of Hancock.

Bill an act to incorporate the Van Buren Water Company.

Bill an act relating to chapter 472, of the Private and Special Laws of 1897, entitled "An act to incorporate the Livermore Falls Light and Power Company."

Bill an act to extend the charter of the Orono Water Company.

Bill an act in reference to Boston Auction Company.

Bill an act to incorporate the Dixfield Fire Engine Company.

Bill an act to legalize the calling and holding of the annual town meeting of the town of Jefferson in the year A. D. 1897.

Bill an act to extend the charter and rights of the Sanford Mills.

Bill an act to amend section 1, of chapter 525, of the Private and Special Laws of the year 1885, relating to the Presque Isle Village Fire Department.

Bill an act to set off a part of the town of Trescott and annex the same to the town of Edmunds.

PASSED TO BE ENACTED.

An act to authorize the Pepperell Manufacturing Company and the Laconia Company to consolidate.

ORDERS OF THE DAY.

On motion by Mr. Maxwell of Richmond, Bill an act relative to salary of judge of municipal court of Bath, was taken from the table.

Mr. Maxwell offered amendment "A" which was adopted, and the bill was read the third time and was passed to be engrossed as amended.

Resolve in favor of the Maine Eye and Ear Infirmary, came up as a special assignment.

On motion by Mr. Field of Oakland, this resolve was reassigned to Thursday of this week.

Bill authorizing the city of Lewiston to take water for domestic purposes, came up as a special assignment.

Mr. HARRIS of Auburn: I did not ask to have this bill laid on the table to in-

terfere with the city of Lewiston in obtaining an act authorizing them to take water for domestic purposes. Lake Auburn is the probable source from which Lewiston will eventually take her water supply, and the citizens of Auburn will afford her every facility for taking water for this purpose. They are willing and will be glad for Lewiston to have the same rights in this great pond of water that Auburn itself has. But beyond that they object. Now the language of the act in line six is identical with the authority granted to the city of Auburn under the act of 1891. The word following, "and for running motors, elevators, dynamos, fans and all other mechanical contrivances that may now or hereafter become suitable or necessary for the convenience or comfort of the citizens"—that is what we especially object to for it seems to confer on the city of Lewiston the power to take water from Lake Auburn for manufacturing purposes, not for municipal or domestic purposes solely but for the purposes of manufacturing. We think that is an unusual request for a municipal corporation to make. We do not think that a charter granted to any municipality in this State allows them to go into the business of selling power and obtaining a revenue by the sale of power to the competition of its citizens in the city engaged in the manufacture and sale of power. We do not think that is in the province of a municipal corporation; and especially this right should not be granted to Lewiston in Lake Auburn, because of the rights and gifts and grants that the State has already made. Not but what there is water enough, plenty of water for domestic purposes for both Auburn and Lewiston. But in the first place the power company, the Franklin Company, was organized under the general law to build a dam and control the flowage of this lake. The rights of the Franklin Company are now enjoyed by the Union Water Power Company, and it is those rights that the city of Auburn ran up against when they obtained this act authorizing them to take water for domestic purposes. Inasmuch as those matters have been passed upon by the court, it would seem wise and proper for this Legislature to limit the city of Lewiston to the use enjoyed by the city of Auburn. The State also has es-

established a fish hatchery there upon which much money has been spent. Those rights are in operation there besides the right to use the water which Auburn already enjoys.

Now, of course, the right to take water carries with it the right to take land; and it is fair to assume that the pipes would necessarily be laid through the streets of Auburn. Those streets are already encumbered by our own water and gas pipes, by the Electric Road and by the paving, to say nothing of the electric wires and poles. It would be an additional servitude upon these streets, and ways to allow Lewiston to run her pipes through these streets, a servitude which we do not believe the State should grant, to allow them to run water through these streets into Lewiston for manufacturing purposes and compete with our citizens who are already engaged in the manufacture of power for mechanical purposes.

I have three amendments to offer. The first one cuts out the words to which I referred; the second one takes the substance of section four of the bill and inserts it in section three, using the language of the Auburn grant; and the third amendment strikes out section four.

Mr. MOREY of Lewiston: In 1878 the city of Lewiston purchased from the Union Water Power Company the right to take from the Androscoggin river 600 horse power of water daily for domestic, manufacturing and mechanical purposes, and for other purposes described in the contract, forever. At the time that this contract was made with this company the supply of water in the river was pure. Within the last seven years the great pulp industries on the head waters of the Androscoggin river have been established, and in the manufacture of their pulp they have thrown into the river their refuse matter until now the condition of the water of the Androscoggin river, according to the report of the State chemist which I have here, is of such a condition that it is detrimental to any one's health to use it, and the people of the city of Lewiston are now paying about \$35,000 a year for drinking water. Men peddle water in the streets the same as they do milk. The acids that enter into the construction of this

pulp find their way into the pipes and services of the city of Lewiston. During the last year we have placed 75 new services in the city of Lewiston that have become clogged and plugged up by the pulp. I hold in my hands a piece of three-fourths inch pipe which you will see is entirely plugged up, except a little hole in the center, by this pulp that has come down river and lodged in our service.

This has come now to be great question with Lewiston. Professor Robinson's report says that an analysis of the water shows it to be of the most injurious character, and he has here two samples showing the condition in which it is. There is one (showing) containing the sediment found in four quarts of water, deposited in that bottle. There is another that shows the particles of pulp floating all in and through it. Now it has come down to a question where public health and public necessity demand that we have a water supply. When we purchased the right to take water from the Androscoggin river we could not foresee these pulp mills along the Androscoggin river, but they have been built and here is the result. And now, what are we going to do? We come to this Legislature and ask to be permitted to take our water from Lake Auburn. It is all within the power of this Legislature. Until October 1897, the question was in doubt, and I can say that in the contract we made with the Union Water Power Company we did have the right to go to Lake Auburn, or Wilson's pond which is the same thing, and take water the same as from the Androscoggin river for the same purposes; but now it turns out from the decision of the court that they did not own that water, only they sold it to us, and now we come here and ask for the right to take it from Lake Auburn. The city of Auburn has this right to take for domestic purposes and the purposes enumerated, and it appears from the decision of the courts of the State that there are 15,000,000 gallons of water every day from pure springs that flow into Lake Auburn. Its supply is 15,000,000 gallons of pure water every day, and the city of Auburn only uses 500,000 gallons; the city of Auburn only uses one-thirtieth every day of the water that goes in there, and the city

of Lewiston uses 3,170,000 gallons of water, and has for the past year. This is about what we shall have to use. So you see they would use but one-fifth of the water that flows into Lake Auburn every day. It could not begin to affect the supply until these cities had grown larger by far than any city in all Maine.

The court says in the syllabus, defining the rights of Auburn in the 90th Maine, case of Auburn vs. Union Water Power Co. and every other municipality: "It is a rule of law peculiar to this State and Massachusetts, under the Colonial ordinance of 1641-7, that all great ponds—that is, ponds containing more than 10 acres—are owned by the State.

"The Legislature may permit towns and cities to take water from great public ponds and lakes, for the domestic use of their inhabitants, without being liable to pay damages to those who want the water for the use of mills.

"This right to the use of water for domestic purposes is primary, and the right to its use as a mechanical power is secondary.

"It is sometimes said that there must be no diversion of the waters of a stream; that the riparian proprietors above must allow the water to flow on in undiminished quantities to the riparian proprietors below; but this is not a correct statement of the law. The true rule is that there must be no unlawful or unreasonable diminution or diversion of the waters."

Now, then, with our right to the water, as we think, clearly established by this decision, with the supply unlimited, we come now to the amendment introduced by the gentleman from Auburn (Mr. Harris.) He wants us to stop with sprinkling streets. I say that we should have in addition to that the words which follow, "for motors." Nine of our church organs in Lewiston are run by these water motors. In our grocery stores these little coffee mills are all run by water motors. Every gentleman in every city knows that these things are necessary for the convenience and enjoyment of the public. Now why shouldn't it be granted? In the age in which we are living these things are necessary for the convenience of the people and the amount is

inconsequential. And as to elevators. The Lewiston Journal in its new block has three elevators, three hydraulic elevators. The B. Peck block has elevators, the Blake, the Atkinson House Furnishing Company and the Bradford & Conant Company have these elevators. Are we going to tell these gentlemen, "Take out your elevators?" The amount is not large, and with a supply 15 times as great as will ever be used, why should we be restricted?

The next amendment refers to the use of dynamos and fans. As far as fans are concerned we have a motor in our city building and we ventilate the building by means of fans. Our school houses are ventilated by these fans run by these little motors. Why shouldn't we have that? The amount is small. We do not ask for this water for manufacturing purposes. There isn't anything in this bill that gives us a right to go into the manufacturing business. The last clause in the bill is, "and all other mechanical contrivances that may now or hereafter become suitable or necessary for the convenience or comfort of the citizens." Not for the profit of the citizens. It is for these mechanical contrivances that we ask for. We don't say for manufacturing purposes. We have a right under the purchase from the Franklin Company or the Union Water Power Company, to 600 horse power for manufacturing purposes. That was included in our grant from the Union Water Power Company. We have had it since 1880; and can they show since that time that we have gone into the business of manufacturing anything for which we need this water? We do not ask this for manufacturing purposes. We simply ask for these little conveniences and comforts and necessities of life, and which we cannot foresee now and which we are trying to provide for. If it was doing anything to diminish the supply of pure water for Auburn, we would not ask it, but it is conceded by the gentleman from Auburn that there is more than enough for the two cities.

We have provided in this act that if we injure any man, if we injure his property in any way, that we are to make compensation. This compensation shall be determined, if they cannot agree, by the county commission-

ers. We do not want to go down through Court street in Auburn, I am able to state that, although it is impossible for me to stand here and mark out the route. We have got to come across from the lake three and a half miles in a straight line as near as we can. We would not go into the city of Auburn and go up an inclined plain of 40 feet and connect on with our pumping station—that would be absurd—we don't have any such intention; and I ask that the first amendment shall not pass this House. We ask only for those rights as citizens that we want to enjoy, that you enjoy, that every civilized community enjoys.

In regard to the second proposed amendment—as the act is drawn it is verbatim with the act passed by this Legislature in 1873, when it gave certain rights to the cities of Lewiston and Auburn. It seems to me that the additional right intended to be conferred here is that it shall pay damages to any corporation or person for the water taken, in the instances proposed, in which they do not own the water. Anything that the State owns we should not be obliged to pay for; and we ask that the bill pass as it is drawn. This bill, as drawn, provides, as I understand it, for anything that they own being paid for, and we should do it and we are willing to do it.

This bill does not impair any vested rights. This same case which is now before us, decided by the court in regard to this same company, held that water for purposes domestic and the extinguishing of fires, etc., belonged solely to the State, and this company cannot say that we are trying to injure them, because when we take the water from Wilson pond for our supply, it belongs to the State and not to them. Don't you see that we don't take it from the Androscoggin river? We have already the right by contract with this company, for which we have paid \$200,000, to take 600 horse power of water forever; and so instead of this water being diverted from the Androscoggin river, it would simply sweep into the channels and canals of this Union Water Power Company, and they would save every drop of this 3,000,000 gallons that we are now using, and the river water is just as good for their wheels as this water from Lake Au-

burn. They get the benefit of every drop of this 3,000,000 gallons which we have paid for but which we cannot use. Now can they say that they will be injured? By this bill they will reap the advantage because they will get all the 3,000,000 gallons that comes from the Androscoggin river, they will get that for running their own mills and wheels and get it for nothing at that. It seems to me that there should be no question about it. All that that great body of people over there ask for is water for the purposes we have described. We do not intend to go into the manufacturing business. The bill does not say for manufacturing purposes. It says for those mechanical contrivances that may be necessary for the convenience and comfort of the citizens, and not for their profit; and I sincerely hope that the House will pass the bill. It is something that the people want. The water is in such a condition, as you have seen here, as to be detrimental to health. Every citizen who is too poor to buy spring water must use it; and we ask, out of the generosity of your hearts, that these people here who represent the State of Maine, should give us that water when there is 15 times as much in Lake Auburn as will ever be used; we ask that you will give it to us for those purposes that have been named, for the use of the citizens of Lewiston, the 27,000 that use it every day, water that will cease to make those sick who use it and instead will be a source of health.

Mr. HARRIS of Auburn: I share in the sympathy of the members of this House for Lewiston in her desire and need for an improved water supply, and I am sorry that Lewiston can produce such good evidence of her needs for this supply of water for domestic purposes. I hope the House will bear in mind that the only defense I make and the only contest I raise is in regard to the use of the waters of Lake Auburn, a great lake wholly within this territory of the city of Auburn, which Auburn already uses and enjoys for domestic purposes—I object to Lewiston having the right to use the waters of that lake for manufacturing purposes. I want her to use the waters of that lake for domestic purposes and I hope she will come there and put her pipes into that lake and enjoy the use of pure water for domestic purposes. The gen-

tleman has referred to the act of 1873, in his allusion to amendment B. There is a section of that act which hits the case. The first section of that act, which is a joint act giving Lewiston and Auburn the right to take water from Wilson pond or Lake Auburn, "sufficient for domestic purposes in said cities of Lewiston and Auburn, including a sufficient quantity for extinguishing fires and the supply of hotels, livery stables and laundries within said cities. But nothing in this act shall authorize the use of water so taken for the purpose of propelling machinery for any manufacturing purposes." That is the point we make, today, that that same restriction should be placed in this act, or, in other words, that the language of this act and the privileges under the act should stop where Auburn stops. We do not care to deny to Lewiston the privilege of the use of the waters of that lake for running church organs, coffee mills or elevators. That we regard as a domestic use. It is a use enjoyed by every city that has a water supply with sufficient power. Auburn does it, and we expect Lewiston to do it, under this grant and with this limitation, as a domestic use of water.

Mr. MERRILL of Skowhegan: This is certainly a very important piece of legislation, so far as the cities of Lewiston and Auburn are concerned. The city of Lewiston comes here and asks, (and well she may, by the evidence produced here by the gentleman from Lewiston,) for the privilege of taking water from this great pond for municipal and domestic purposes in the city of Lewiston. When the city of Auburn purchased the water rights there for supplying water in that city, the county commissioners said that the city of Auburn should pay to the owners of this pond, or those who claimed to own it, having superior rights to the water company, \$24,000 from the right of taking water from the pond. The city of Auburn appealed from the finding of the county commissioners and the supreme court of this State decided that all great ponds were public property, that is, that they belonged to the State and that municipalities, for the purpose of taking water for domestic and municipal purposes, had a superior right to those who had the right to use that water for mechanical and manufacturing purposes. That is the law of the State of Maine, today.

Now what does this bill ask for, and what will the city of Lewiston be met with if we pass this law as originally drafted? What does it say? "The city

of Lewiston is hereby authorized and empowered to take water from Lake Auburn, or any pond in Androscoggin county, sufficient for domestic purposes in said city, including a sufficient quantity for extinguishing fires and the supply of hotels, livery stables and laundries, and for sprinkling streets within said city." Now for all those purposes there is no question that the city of Lewiston has the superior right over the Union Water Power Company, or over any manufacturing company that draws water from Lake Auburn, but the act goes on further and the city of Lewiston asks for the right to take water "for running motors, elevators, dynamos, fans, etc." Now what does that imply, running motors, elevators, dynamos, for any purposes so far as this bill applies? It is not limited by the language of the bill, as I read it, and when that charter is granted with that cause in it, the city of Lewiston will be met as Auburn was met when they undertook to take water from Lake Auburn, and the courts of this State, when that question is presented under this charter, will not decide that they have a right to take water, because they will say under this charter it is for mechanical and manufacturing purposes.

There is no question about that. Let us read it again—"for running motors, elevators, dynamos, fans." For instance, somebody wants to start an electric light plant in the city of Lewiston. I believe that the city of Lewiston owns her electric light plant, but suppose some corporation there wants to put in electric lights of its own. There is nothing in this bill that prevents the city of Lewiston from furnishing water to run that dynamo and to manufacture that electric current. I say that the court of the State of Maine never would maintain that the city of Lewiston under this charter had a right to take water from Lake Auburn for purposes mentioned in this proposed bill. We might as well look at it, gentlemen, right here. I do not believe that the members of this House will say that under the broad terms of this bill the city of Lewiston has the right to go into taking water from Lake Auburn for the purpose of furnishing manufacturers with power. I question further whether the city of Lewiston has a right to go into any such enterprise. I question further whether the city of Lewiston has a right under the constitution to provide power to manufacturers and to tax the inhabitants of the city of Lewiston to build that plant and take that water. It raises a very serious question in my mind whether they have any right to carry on a manufacturing business, and that is what it is—they are furnishing power for manufacturing.

Now, Mr. Speaker and gentlemen, I would suggest this amendment, which seems to me an addition to the amendment already presented to section I, that the city of Lewiston be empowered to take water from Lake Auburn, or any pond in Androscoggin county, sufficient for domestic purposes in said city, including a sufficient quantity for extinguishing fires, and the supply of hotels, livery stables and laundries, and for

sprinkling streets within said city, "and all other municipal purposes," adding after the word "city" in the sixth line, "and all other municipal purposes." I think then, Mr. Speaker and gentlemen of the House, that we shall have granted to the city of Lewiston all that she is entitled to under the law, and all that she is entitled to come here and ask at our hands.

Mr. HARRIS: I cannot quite see how the amendment offered by the gentleman from Skowhegan (Mr. Merrill) either restricts or enlarges amendment "A." The city of Lewiston would have a right to water for municipal purposes for their public buildings, schools, fire purposes, etc.

Mr. MOREY: Certainly there was no intention when this act was drawn of authorizing the city of Lewiston to go into any manufacturing business. I do not think, as it seems to me, that it would be construed that way, being only for mechanical investments; but I am willing to accept the amendment of the gentleman from Skowhegan.

The question being on the adoption of amendment "I" to amendment "A,"

The amendment was adopted.

The question being on the adoption of amendment "A" as amended by amendment "I,"

The amendment was adopted.

The question being on the adoption of amendment "B,"

Mr. Harris called for a division.

Mr. MACOMBER of Augusta: I confess that I do not quite understand what we are voting on, and I would like to ask the gentleman from Auburn to explain.

Mr. HARRIS: Amendment "C" strikes out section 4. Amendment "B," on which we are now voting, uses the language of the Auburn act.

Mr. CHASE: What is the object of amendments "B" and "C"?

Mr. HARRIS: It is my purpose simply to have the Legislature make a grant to Lewiston in the same language and the same terms as is made to Auburn of its water rights, and the first amendment "A" was offered for that purpose. The second amendment "B" is offered for the same purpose, that the grant of this Legislature may be as nearly uniform as may be in this matter. I feel, considering the situation of Lake Auburn and the many interests connected with it, that there should not be too much variety of language in describing the right which the State grants. It is better for all concerned to have the language uniform.

Mr. MANLEY of Augusta: I would like to ask the gentleman from Auburn a question. I have listened to this very carefully and I must confess that I cannot see what practical difference it makes whether his amendment passes or not. It seems to me that it is simply putting sections 3 and 4 into one section. Then it would be but little different, and I do not see what practical effect it has.

Mr. HARRIS: As I said, my object was to make the language uniform, and the question arose as to whether Lewiston in its act proposed here, in taking land acquires the right to the use of the streets of Auburn in laying pipes. The word "easement" was put in to make that certain.

Mr. MANLEY: May I ask the gentleman a question? Auburn would not object to that, if it was necessary, would it?

Mr. HARRIS: Not at all. We feel that the language of the act should be plain and distinct and uniform with the act of Auburn. Here is one city coming into a neighboring city to use the property of that city. We want them to do it, and we want their rights granted in such a way that there shall be no friction between the two cities.

Mr. MURPHY of Lewiston: The great trouble with Auburn is this, that no matter what may arise that appears for the benefit of Lewiston, Auburn at once becomes jealous, and on account of that jealousy we have had a great many quarrels up in that section. I do not think, Mr. Speaker, that it is necessary that the language of these two acts should be alike. In the first place, Lewiston is a great deal the larger city. The necessities of that city are a great deal more than they are in Auburn. It seems to me but right that the gentlemen having this matter in charge should frame just what they wanted. It seems to me that this passage from the Scriptures is applicable here, that "He who gives his brother a drink of cold water shall not in any way lose his reward," and I think, after this matter has had sufficient time to work itself out, that the conditions as we required them will be all right. The House will excuse me. I would like to say a few words more, but my voice is in such condition that I cannot do it.

Mr. HOPKINS of Deering: Mr. Speaker, it seems to me that the amendment should prevail. It is a benefit that the wording of the two grants should be identical in order that when questions of construction arise, it will apply to both. There is another reason why I think it should prevail. The wording of the amendment, although it accomplishes the same purpose as the original act, states it more clearly and better.

Mr. SMITH of Presque Isle: In common with the other members of this House I want to act intelligently upon this matter, because I can see that it is a matter of great importance to both the cities of Lewiston and Auburn. Now I confess that in the discussions that have arisen so far I am a good deal at sea in regard to these amendments, and I am going to suggest to the gentleman from Lewiston and the gentleman from Auburn that they have this matter laid on the table until tomorrow, and in the meantime they can agree, perhaps, on an amendment that will be satisfactory to both cities; and for the purpose of disposing of the matter, today, I move to lay it on the table until tomorrow.

Mr. HARRIS: Mr. Speaker, I presume that the motion to lay on the table is not debatable, but I would prefer that the same be recommitted. I know that there are quite a number of different interests that would be glad to appear and be heard before the committee, and it would have been satisfactory to us to have had the bill recommitted, without this discussion, that the matter might be considered and the Legislature act in full knowledge of the different claims that were made. If anything is to be done with it, I would prefer to have it recommitted.

Mr. JORDAN of Lisbon: In regard to this matter, I agree with the gentleman from Auburn. I think that this matter should be recommitted. The act reads at the present time that the city of Lewiston is "authorized and empowered to take water from Lake Auburn or any pond in Androscoggin county." Now I wish to state that the town of Lisbon and the town of Webster are interested in a pond called Sabattus pond, which is six miles from the town of Lisbon. On that pond are four mills, three of them woolen mills and one of them cotton. They represent \$1,500,000. They employ 1000 people, and it seems to me nothing more than just and right that these mill owners should have the privilege of coming before the committee to state the conditions. I notified the agents of the different corporations, Friday afternoon, in regard to this section and they were very much opposed to it, and said that they would like if possible to have the opportunity of appearing before the committee and stating their objections. Should the city of Lewiston decide to go to Sabattus pond, there is not sufficient water for the manufacturing purposes of the mills and to furnish the city of Lewiston. During July and August there is not nearly water enough for manufacturing purposes, and should the city of Lewiston go to Sabattus pond, they would draw from that pond from 1,000,000 to 5,000,000 gallons of water every day. This it seems would work to the detriment of the towns of Webster and Lisbon, and in justice to those manufacturing industries, I move that it be recommitted.

Mr. SMITH: I will withdraw my motion if the matter is to be recommitted to the committee on interior waters.

The question being that, pending the adoption of the amendments, the bill and pending amendments be recommitted to the committee.

The motion was agreed to.

On motion by Mr. Beal of Bangor, the vote was reconsidered whereby bill an act to prevent the fraudulent sale and use of railroad tickets was referred to the committee on railroads, telegraphs and expresses. On further motion by the same gentleman, the bill was tabled and ordered printed pending reference.

On motion of Mr. Philbrook of Waterville, bill an act to amend chapter 72, Special Laws of 1887, in relation to the taking of fish in Nequasset lake, was taken from the table. On motion of same gentleman, rules were suspended, bill read the third time, passed to be engrossed and sent to the Senate.

On motion of Mr. Plummer of Portland, bill an act to repeal the provision of chapter 215 of the Resolves of 1897 appropriating \$20,000 a year for 10 years for the University of Maine, so far as the same relates to the years subsequent to 1898, was taken from the table, and on motion of same gentleman, referred to the committee on legal affairs. Subsequently Mr. Gardiner of Patten, moved to reconsider the vote whereby the House referred the bill to the committee on legal affairs. A viva voce vote being doubted, a division was called for. Mr. Chase of Portland,

moved that the motion to reconsider made by the gentleman from Patten be laid on the table and tomorrow assigned for its consideration. The motion prevailed.

On motion of Mr. Sawyer of Limington, Adjourned.